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STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

SC Court of Appeals

Appeal from Saluda County

Honorable Walton J. McLeod, IV, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

AARON SINCERE HOOD,

APPELLANT

APPELLATE CASE NO. 2023-001512

RECORD ON APPEAL

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1 (The following proceedings were held September 11,
2 2023, beginning at 11:47 AM.)

3 BAILIFF: All rise. Come to order.

4 THE COURT: All right. Thank you. Please be seated.

5 All right. Ladies and gentlemen, we're prepared to
6 begin to select the jury for our case for the week.

7 Is the State ready to call the case?

8 MR. FENDER: Yes, Your Honor.

9 THE COURT: All right. You may proceed.

10 MR. FENDER: May it please the Court, Your Honor?

11 THE COURT: Yes, sir.

12 MR. FENDER: The State calls for trial true billed
13 indictment 2021-GS-41-00120, State v. Aaron Sincere Hood
14 on the charge of murder. 2021-GS-41-00132, State v. Aaron
15 Sincere Hood, assault and battery of a high and aggravated
16 nature.

17 THE COURT: Very well.

18 MR. FENDER: Thank you, Judge.

19 THE COURT: All right. Ladies and gentlemen, the
20 indictments here on State versus Aaron Hood provide that
21 on or about March 16, 2021, the defendant, Mr. Hood, did
22 unlawfully kill Xavier Cancer with malice aforethought,
23 shooting the victim resulting in death, in violation of
24 South Carolina law.

25 Also an indictment for assault and battery of a high

1 and aggravated nature states on the same date March 16,
2 2021, that he did strike Lavoris Hill in the head with a
3 weapon in violation of South Carolina law.

4 Now the indictments charge the defendant with murder
5 and assault and battery of a high and aggravated nature.
6 I remind you the fact that the defendant was arrested,
7 charged and indicted in this case is not evidence in this
8 case and cannot be considered by you as evidence of guilt
9 in this case nor does it create any presumption or
10 inference of guilt. This document -- these documents are
11 simply the formal written instruments which contain the
12 charges made against the defendant. It is the formal
13 document by which this case is brought into this court.

14 Now the defendant has pled not guilty to these
15 indictments and that plea puts the burden on the State
16 to prove the defendant guilty. A person charged with
17 committing a criminal offense in South Carolina is never
18 required to prove himself innocent. No matter what the
19 seriousness of the charge may be, a defendant will always
20 be presumed to be innocent of the crime for which the
21 indictment was issued unless guilt has been proven by
22 evidence satisfying you of that guilt beyond a reasonable
23 doubt.

24 Now, ladies and gentlemen, I've got some questions
25 I'm gonna need to go through with you as a part of the

1 jury selection process, but before I begin asking those
2 questions, I'll allow the parties -- the attorneys to
3 stand up and introduce themselves at this time.

4 Mr. Solicitor.

5 MR. FENDER: Thank you, Judge.

6 My name is Doug Fender. I'm here for the State.
7 Also here at the table is Sutania Fuller and Robbie
8 McNair, Jesse Quattlebaum, Taylor Gillette and Chris
9 Hartless from the Saluda County Sheriff's Office.

10 MR. STANCIL: Thank you, Your Honor. May it please
11 the Court?

12 THE COURT: Yes, sir.

13 MR. STANCIL: Ladies and gentlemen, good morning.
14 My name is Colie Stancil of the Greenwood County bar.
15 I'm here representing Mr. Aaron Hood of Saluda County.

16 THE COURT: All right. Ladies and gentlemen, is any
17 member of this jury panel related by blood or marriage or
18 have a close personal, business or social relation with
19 the defendant in this case, Mr. Aaron Sincere Hood? If
20 so, please stand.

21 Does any member of this jury panel have a close --
22 is related by blood or marriage or have a close personal,
23 social or business relationship with either of the
24 victims in this case, Xavier Cancer and Lavoris Hill?
25 If so, please stand.

1 Now the following is a list of possible witnesses
2 in this case, so please listen closely. From the Saluda
3 County Sheriff's Department, Dave Rodgers, Gary Hitt,
4 Christopher Hartless, Lee Morris, Austin Colson, Stephen,
5 Byrd, Scott Wilson, Rodney Coleman, Quinten Anderson,
6 John Coon, Leason Horne.

7 From the Saluda Police Department, Chief Kess Holmes,
8 Charles Padgett, James Shorter, Brett Long, Beth Robertson.

9 From Ridge Spring Police Department, Chief Gerald
10 Griener, Scott Ware.

11 Additional witnesses, Lavis Hill, Miracle Pridgen,
12 Tyvon Leaphart, Dameon Springs, Karla Gonzalez, Ricardo
13 Gonzalez, Reosha Lott, Cerika Springs, Elijah Smith,
14 Delores Gantt, Nivea Hill, Sammy Matthews, Wayne Bryan,
15 Brantley Price, Techia Clarke.

16 From the South Carolina Law Enforcement Division,
17 Dalila Cirencione, Melinda Worley, Phillip Turner, Jamie
18 Green, Sarah Zapata, Olivia Cartwright, Russell Vernali,
19 Stephen Curtis, Megan Fletcher, Stephanie Carnes, Rachel
20 Nguyen, Bailey Hayes.

21 Additional witnesses, Angie Rita, Saluda County
22 Coroner's Office, Keith Turner from the Saluda County
23 Coroner's Office. From Saluda County EMS, Jennifer
24 Browne, Laura Lopez, James Dunovant.

25 From Newberry Pathology, Kelly Rose. Lynn Wertz

1 and Cody Burns of Saluda County Communications. Matthew
2 Womack, Greenwood County Sheriff's Office. Brenda
3 Snelgrove, Lexington County Sheriff's Department.
4 Tyraneshia Lomax from McCormick County Sheriff's
5 Department. Brady Branham from South Carolina Depth of
6 Natural Resources.

7 Is anyone related by blood or marriage or have a
8 close business, personal or social relationship to any
9 of the potential witnesses that I just read off? If so,
10 please stand.

11 (Potential jurors stand.)

12 THE COURT: Okay. And your juror number?

13 POTENTIAL JUROR: 191.

14 THE COURT: And who do you know from that witness
15 list?

16 POTENTIAL JUROR: My uncle, Stephen Byrd.

17 THE COURT: Okay. He's from the Saluda County
18 Sheriff's Office. The fact that you have an uncle who
19 works for the sheriff's department, would that affect
20 your ability to be fair and impartial?

21 POTENTIAL JUROR: Yes, it would.

22 THE COURT: Have a seat.

23 POTENTIAL JUROR: 73.

24 THE COURT: And who do you know on this list?

25 POTENTIAL JUROR: Stephen Byrd and several of the

1 officers within the school district.

2 THE COURT: Okay. The fact that you know Mr. Byrd
3 from your employment through the school district, would
4 that affect your ability to be fair and impartial hearing
5 this case?

6 POTENTIAL JUROR: Yes.

7 THE COURT: Your number?

8 POTENTIAL JUROR 86.

9 THE COURT: Yes, ma'am.

10 Dr. Kelly Rose I work with part-time.

11 THE COURT: Okay. The fact that you work there
12 part-time, would that affect your ability to be fair and
13 impartial hearing the evidence in the case?

14 POTENTIAL JUROR: No, sir.

15 THE COURT: I asked earlier about if anyone's
16 related by blood or marriage or have a close personal,
17 business or social relationship with the defendant.
18 Does anyone know or have any sort of friendship or
19 relationship with any of the defendant's family members,
20 Mr. Hood's family members? If so, please stand.

21 Has anyone on this jury panel been represented by
22 or otherwise know the defendant's attorney, Mr. Colie
23 Stancil, or has worked with the defense attorney in the
24 past? If so, please stand.

25 Anyone have any relationship, a close personal,

1 business or otherwise, with any of the attorneys for the
2 State? That would be Sutania Fuller, Robbie McNair and
3 Doug Fender. If so, please stand.

4 All right. Has any juror or immediate family
5 member or close personal friend ever been investigated
6 for or charged with an offense involving an assault or a
7 shooting? If so, please stand.

8 Has any member of this jury panel had any kind of
9 experience with a law enforcement agency that might affect
10 your ability to be fair and impartial?

11 Does any member of this jury panel have any religious
12 or moral beliefs which would prevent them from passing
13 judgment upon another person as a member of a jury?

14 (Potential juror stands.)

15 THE COURT: And you are juror number?

16 POTENTIAL JUROR: 144.

17 THE COURT: 144?

18 POTENTIAL JUROR: Yes, sir.

19 THE COURT: And you have -- well, I know we spoke
20 earlier. You have a religious issue?

21 POTENTIAL JUROR: Yes, sir. I'm a Jehovah's
22 witness.

23 THE COURT: Okay. And that would affect your
24 ability to be fair and impartial?

25 POTENTIAL JUROR: Yes, sir. Because I --

1 THE COURT: Thank you. I appreciate it.

2 Has any member of this jury panel formed or
3 expressed any opinion about any issue involved in this
4 case thus far?

5 Is any member of this jury panel aware of any bias
6 or prejudice toward either the State or the defendant in
7 this case?

8 Is there any member of this jury panel that was a
9 member of the grand jury which issued the indictment in
10 this case?

11 Is there any member of this jury panel who's a
12 member of or a contributor to any group which has as
13 its primary concern the promotion of law enforcement
14 or victims rights? These groups would include, but
15 certainly not be limited to MADD, SADD or CAV, Citizens
16 Against Violent Crime? If so, please stand.

17 Finally, does any member of this jury panel know of
18 any reason whatsoever why he or she should not serve as
19 a juror in this case with particularly emphasis being
20 placed on your ability to be fair and impartial to both
21 the State and the defendant?

22 Okay. If I could speak to counsel real quick.

23 (Proceedings held at the bench; not reported.)

24 THE COURT: All right.

25 Okay. We will commence here very shortly. The

1 clerk is printing out a list of potential jurors.

2 And strikes will be five and ten and two alternates,
3 correct?

4 MR. McNAIR: Correct, Your Honor.

5 (Pause in proceedings.)

6 THE COURT: All right. Is the State ready to
7 proceed?

8 MR. FENDER: Yes, Your Honor.

9 THE COURT: Defense ready?

10 MR. STANCIL: Yes, Your Honor.

11 THE COURT: All right.

12 THE CLERK: So just when I call your name, if you'll
13 stand in front of me and face the State and the defense.
14 And if you're seated you will take a seat over here in
15 the jury box. If they excuse you, you go back to your
16 seat where you were sitting now, okay? And make sure,
17 like especially women, bring everything with you because
18 it might be your last stop.

19 All right. Juror Number 108, Mary J. Jones.

20 (Whereupon, Mary J. Jones, a white female, was called
21 forward.)

22 THE CLERK: What say the State?

23 MR. FENDER: Please present the juror.

24 THE CLERK: What say the defense?

25 MR. STANCIL: Please excuse this juror.

1 THE CLERK: Return to your seat.

2 Juror Number 116, Jamareyon D. Long.

3 (Whereupon, Jamareyon D. Long, a black male, was
4 called forward.)

5 MS. FULLER: Your Honor, may we approach?

6 THE COURT: Yes.

7 (Proceedings held at the bench; not reported.)

8 THE COURT: Sir, come on back up.

9 I just spoke with counsel. We'll do three alternates
10 for trial. Three alternates.

11 THE CLERK: What say the State?

12 MR. FENDER: Please present the juror.

13 THE CLERK: What say the defense?

14 MR. STANCIL: Please seat the juror.

15 THE CLERK: You may take a seat in the jury box.

16 Juror Number 79, Jacob T. Guiton.

17 (Whereupon, Jacob T. Guiton, a white male, was
18 called forward.)

19 THE CLERK: What say the State?

20 MR. FENDER: Please present the juror.

21 THE CLERK: What say the defense?

22 MR. STANCIL: Please seat the juror.

23 THE CLERK: Take a seat in the jury box.

24 Juror Number 109, Kody R. Keister.

25 (Whereupon, Kody R. Keister, a white male, was

1 called forward.)

2 THE CLERK: What say the State?

3 MR. FENDER: Please present the juror.

4 THE CLERK: What say the defense?

5 MR. STANCIL: Please excuse this juror.

6 THE CLERK: You may return to your seat.

7 Juror Number 181, Jason E. Tucker.

8 (Whereupon, Jason E. Tucker, a white male, was
9 called forward.)

10 THE CLERK: What say the State?

11 MR. FENDER: Please present the juror.

12 THE CLERK: What say the defense?

13 MR. STANCIL: Please excuse this juror.

14 THE CLERK: You may return to your seat.

15 Juror Number 148, Susan A. Prickett.

16 (Whereupon, Susan A. Prickett, a white female, was
17 called forward.)

18 THE CLERK: What say the State?

19 MR. FENDER: Please present the juror.

20 THE CLERK: What say the defense?

21 MR. STANCIL: Please seat this juror.

22 THE CLERK: You may take a seat in the jury box.

23 Juror Number 20, Dayna Y. Bledsoe.

24 (Whereupon, Dayna Y. Bledsoe, a white female, was
25 called forward.)

1 THE CLERK: What say the State?

2 MR. FENDER: Please present the juror.

3 THE CLERK: What say the defense?

4 MR. STANCIL: Please excuse this juror.

5 THE CLERK: You may return to your seat.

6 Juror Number 117, Jason M. Long.

7 (Whereupon, Jason M. Long, a white male, was called
8 forward.)

9 THE CLERK: What say the State?

10 MR. FENDER: Please present the juror.

11 THE CLERK: What say the defense?

12 MR. STANCIL: Please seat this jury.

13 THE CLERK: You may have a seat.

14 Juror Number 41, Rudolph C. Cooper.

15 (Whereupon, Rudolph C. Cooper, a white male, was
16 called forward.)

17 THE CLERK: What say the State?

18 MR. FENDER: Please present the juror.

19 THE CLERK: What say the defense?

20 MR. STANCIL: Please excuse this juror.

21 THE CLERK: You may return to your seat.

22 Juror Number 47, Monica M. Curcio.

23 (Whereupon, Monica M. Curcio, a white female, was
24 called forward.)

25 THE CLERK: What say the State?

1 MR. FENDER: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. STANCIL: Please seat this juror.

4 THE CLERK: You may take a place in the jury box.

5 Juror Number 137, Michael P. Owens.

6 (Whereupon, Michael P. Owens, a white male, was
7 called forward.)

8 THE CLERK: What say the State?

9 MR. FENDER: Please present the juror.

10 THE CLERK: What say the defense?

11 MR. STANCIL: Please excuse this juror.

12 THE CLERK: You may return to your seat.

13 Juror Number 21, Ashley Boozer.

14 (Whereupon, Ashley Boozer, a white female, was
15 called forward.)

16 THE CLERK: What say the State?

17 MR. FENDER: Please present the juror.

18 THE CLERK: What say the defense?

19 MR. STANCIL: Please seat this juror.

20 THE CLERK: You may have a seat in the jury box.

21 Juror Number 126, Laura L. Merchant.

22 (Whereupon, Laura L. Merchant, a white female, was
23 called forward.)

24 THE CLERK: What say the State?

25 MR. FENDER: Please excuse the juror.

1 THE CLERK: You may return to your seat.

2 Juror Number 147, Corey O. Price.

3 (Whereupon, Corey O. Price, a white male, was
4 called forward.)

5 THE CLERK: What say the State?

6 MR. FENDER: Please seat the juror.

7 THE CLERK: What say the defense?

8 MR. STANCIL: Please excuse this juror.

9 THE CLERK: You may return to your seat.

10 Juror Number 141, Gregory A Phillips.

11 (Whereupon, Gregory A. Phillips, a white male, was
12 called forward.)

13 THE CLERK: What say the State?

14 MS. FULLER: I beg the Court's indulgence.

15 MR. FENDER: Please excuse the juror.

16 THE CLERK: You may return to your seat.

17 Juror Number 118, Pamela H. Long.

18 (Whereupon, Pamela H. Long, a white female, was
19 called forward.)

20 THE CLERK: What say the State?

21 MR. FENDER: Please excuse this juror.

22 THE CLERK: You may return to your seat.

23 THE CLERK: Juror Number 90, Joseph D. Harris, Jr.

24 (Whereupon, Joseph D. Harris, Jr., a black male,
25 was called forward.)

1 THE CLERK: What say the State?

2 MS. FULLER: I beg the Court's indulgence.

3 MR. FENDER: Please excuse this juror.

4 THE CLERK: You may return to your seat.

5 Juror Number 175, Trenton M. Starnes.

6 (Whereupon, Trenton M. Starnes, a white male, was
7 called forward.)

8 THE CLERK: What say the State?

9 MR. FENDER: Please present this juror.

10 THE CLERK: What say the defense?

11 MR. STANCIL: Please seat this juror.

12 THE CLERK: Juror Number 86, Blair C. Harmon.

13 (Whereupon, Blair C. Harmon, a white female, was
14 called forward.)

15 THE CLERK: What say the State?

16 MR. FENDER: Please present this juror.

17 THE CLERK: What say the defense?

18 MR. STANCIL: Please excuse this juror.

19 THE CLERK: You may return to your seat.

20 Juror Number 102, Savannah A. Jackson.

21 (Whereupon, Savannah A. Jackson, a white female,
22 was called forward.)

23 THE CLERK: What say the State?

24 MR. FENDER: Please present the juror.

25 THE CLERK: What say the defense?

1 MR. STANCIL: Please seat the juror.

2 THE CLERK: Have a seat in the jury box.

3 Juror Number 14, Wesley L. Baughcome.

4 (Whereupon, Wesley L. Baughcome, a white male, was
5 called forward.)

6 THE CLERK: What say the State?

7 MR. FENDER: Please present the juror.

8 THE CLERK: What say the defense?

9 MR. STANCIL: Please seat this juror.

10 THE CLERK: Have a seat in the jury box.

11 Juror Number 142, Emily S. Polatty.

12 (Whereupon, Emily S. Polatty, a white female, was
13 called forward.)

14 THE CLERK: What say the State?

15 MR. FENDER: Please present the juror.

16 THE CLERK: What say the defense?

17 MR. STANCIL: Please seat this juror.

18 THE CLERK: Please take a seat in the jury box.

19 Juror Number 147, Samuel C. Price.

20 (Whereupon, Samuel C. Price, a white male, was
21 called forward.)

22 THE CLERK: What say the State?

23 MR. FENDER: Please present the juror.

24 THE CLERK: What say the defense?

25 MR. STANCIL: Please excuse juror.

1 THE CLERK: You may return to your seat.

2 Juror Number 54, Horacio Delapaz, Jr.

3 (Whereupon, Horacio Delapaz, Jr., a Hispanic male,
4 was called forward.)

5 THE CLERK: What say the State?

6 MR. FENDER: Please present the juror.

7 THE CLERK: What say the defense?

8 MR. STANCIL: Please seat this juror.

9 THE CLERK: Take a seat in the jury box, please.

10 Juror Number 110, Terry A. Kelley.

11 (Whereupon, Terry A. Kelley, a white male, was
12 called forward.)

13 THE CLERK: What say the State?

14 MR. FENDER: Please present the juror.

15 THE CLERK: What say the defense?

16 MR. STANCIL: Please excuse this juror.

17 THE CLERK: You may return to your seat.

18 Juror Number 138, Charles D. Parker, Jr.

19 (Whereupon, Charles D. Parker, Jr., a black male,
20 was called forward.)

21 THE CLERK: What say the State?

22 MR. FENDER: Please seat the juror.

23 THE CLERK: What say the defense?

24 MR. STANCIL: Please seat this juror.

25 THE COURT: Take a seat in the jury box, please.

1 Juror Number 40, Brandon K. Cockrell.

2 (Whereupon, Brandon K. Cockrell, a white male, was
3 called forward.)

4 THE CLERK: What say the State?

5 MR. FENDER: Please present the juror.

6 THE CLERK: What say the defense?

7 MR. STANCIL: Please seat the juror.

8 THE CLERK: Shawn J. Howard, Jr.

9 (Whereupon, Shawn J. Howard, Jr., a white male, was
10 called forward.)

11 THE CLERK: What say the State?

12 MR. FENDER: Please excuse the juror.

13 THE CLERK: Return to your seat.

14 Juror Number 165, Pamela R. Sample.

15 (Whereupon, Pamela R. Sample, a white female, was
16 called forward.)

17 THE CLERK: What say the State?

18 MR. FENDER: Please present the juror.

19 THE CLERK: What say the defense?

20 MR. STANCIL: Please seat this juror.

21 THE CLERK: You may take a seat in the jury box.

22 Juror Number 91, Judith L. Harvey.

23 (Whereupon, Judith L. Harvey, a white female, was
24 called forward.)

25 THE CLERK: What say the State?

1 MR. FENDER: Please present the juror.

2 THE CLERK: What say the defense?

3 MR. STANCIL: Please seat this juror.

4 THE CLERK: Have take a seat in the jury box.

5 THE COURT: Counsel, any issues with selection?

6 MR. STANCIL: None from the defendant.

7 MR. FENDER: None from the State, Your Honor.

8 THE COURT: Very well.

9 All right. Ladies and gentlemen, you've been chosen
10 as the jury for our trial this week. The first thing I'm
11 gonna have you do is actually go back to the jury room and
12 sit down and choose a foreperson, someone who will serve
13 as a foreman or forelady for the jury this week.

14 Please understand that -- do not discuss the case.
15 All you've heard at this point is the indictment in this
16 case, which isn't evidence of anything, but I'd like you
17 to head into the jury room, choose a foreperson and let
18 the bailiff known when you have done so and I'll get you
19 back in here for further instructions and then we'll take
20 a lunch break. Obviously, the foreperson cannot be an
21 alternate.

22 So head on back to the jury room. Don't discuss the
23 case. Don't do any independent research on the case or
24 any of the parties involved in the case.

25 Thank you.

1 (Whereupon, the jury retires to the jury room at
2 12:27 PM.)

3 THE COURT: Okay. Ladies and gentlemen, you were
4 not chosen.

5 Madam Clerk, we have no other trials this week, so
6 at this time you are free to go. Thank you for being
7 here today.

8 Anything else they need to know?

9 THE CLERK: (Shakes head.)

10 THE COURT: And the bailiff to my left at the door
11 have the corrected excuse letters. If you need one, grab
12 one on the way out.

13 You-all have a nice week and thank you for being
14 here.

15 (Whereupon, the jury panel was excused at 12:28 PM.)

16 THE COURT: All right. Let's bring them back in,
17 please.

18 (Whereupon, the jury return to the courtroom at
19 12:36 PM.)

20 All right. I assume you're the foreperson.

21 FOREPERSON: (Standing.)

22 THE COURT: What's your juror number?

23 FOREPERSON: 47.

24 THE COURT: Thank you for serving in this role.

25 Let the record reflect that Juror Number 47 is our

1 forelady.

2 Ladies and gentlemen, I've got some matters to take
3 up with the attorneys, but we do expect to start the trial
4 this afternoon. So I'm just gonna give you a long lunch
5 break here.

6 I'd like you to back in the jury room about 2:50 and
7 we will commence the trial at 3:00 this afternoon.

8 While you're out at lunch, please don't discuss this
9 case with anyone. Please don't do any independent research
10 of any of the names you've heard today or the case itself.
11 Don't do any cell phone research about the law. It's
12 important that everything you hear in this room will be the
13 presentation of the attorneys and the testimony from this
14 witness stand, okay? You don't need to do any sort of
15 preparation yourself. Just come on back with open minds
16 and we'll talk to you this afternoon and we'll start the
17 trial.

18 Otherwise, have a nice lunch. Please don't discuss
19 the case. We'll see you in two and a half hours
20 approximately, all right?

21 Thank you.

22 MR. FENDER: May we approach, Your Honor?

23 (Proceedings held at the bench; not reported.)

24 THE COURT: All right. We'll recess for an hour,
25 until 1:45, and then we'll kick off the pre-trial hearing,

1 all right?

2 MR. STANCIL: Sounds good, Your Honor.

3 THE COURT: Are you good for lunch for him?

4 MR. STANCIL: I'll pull something together.

5 THE COURT: Okay. Well, whatever you need.

6 Anything else for the record before we recess?

7 MS. FULLER: Nothing, Your Honor.

8 THE COURT: All right. We'll see you after lunch.

9 (Whereupon, a luncheon recess was taken at 12:39 PM.)

10 (Back on the record at 1:56 PM.)

11 BAILIFF: Come to order, please.

12 THE COURT: Good afternoon.

13 All right. Prior to breaking for lunch we picked our
14 jury and picked our forelady and the jury is supposed to
15 return by 3 PM.

16 As far as pre-trial matters, for starters -- I want
17 you-all to tell me, but I think there are a few matters if
18 you'd just summarize them for me.

19 MR. STANCIL: All right. Your Honor, the defense
20 would have a motion to dismiss based on a due process
21 violation and a motion to sequester witnesses.

22 THE COURT: Okay.

23 The State has a Jackson v. Denno hearing?

24 MS. FULLER: That's correct, Your Honor, and a short
25 motion in limine.

1 THE COURT: Any objection from any of the parties on
2 the motion to sequester?

3 MS. FULLER: No, Your Honor. Just for the record --
4 it's not even my case. I'm so sorry.

5 MR. McNAIR: Your Honor, we'd ask as a standard
6 practice that we'd be allowed to keep Chief Deputy
7 Quattlebaum from the sheriff's department with us and we
8 have our investigator, Paul Taylor, who will be in here
9 from time to time.

10 MR. STANCIL: No objection to that, Your Honor.

11 THE COURT: All right. So noted.

12 All right. So the motion to sequester is granted
13 with consent of both sides.

14 Mr. Stancil, do you want to start with your motion to
15 dismiss, sir?

16 MR. STANCIL: Thank you, Your Honor. May it please
17 the Court?

18 THE COURT: Do you have a copy of the motion?

19 MR. STANCIL: I do, Your Honor.

20 May I approach?

21 THE COURT: Yes, sir.

22 MR. STANCIL: May it please the Court, Your Honor?

23 THE COURT: Yes, sir.

24 MR. STANCIL: This is a motion to dismiss based on a
25 due process violation set out in the U.S. Supreme Court

1 cases of Trombetta and Youngblood. It's a three factor
2 test based on destruction of evidence.

3 Your Honor, the three factors set forth in those two
4 U.S. Supreme Court cases -- I beg the Court's indulgence.
5 It is California versus Trombetta, 467 U.S. 497, and
6 Arizona versus Larry Youngblood, which is 488 U.S. 51.

7 Your Honor, the three prong test they set out for
8 destruction of evidence to be a due process violation is
9 that an exculpatory value is apparent before the evidence
10 was destroyed that the defendant would be unable to obtain
11 comparable evidence by reasonably available means and a
12 bad faith destruction by the Government.

13 Your Honor, on October 11, 2022, I got an e-mail from
14 Solicitor McNair stating that the body cam interviews on
15 the day of -- or on this incident of Dameon Springs,
16 Cerika Springs, Nivea Hill and Lavoris Hill were not
17 downloaded to their server, taped over and effectively
18 destroyed.

19 Your Honor, I'd like to mark this e-mail as Court's
20 Exhibit 1 to this motion.

21 THE COURT: Very well.

22 (Court's Exhibit Number 1 was marked for
23 identification.)

24 MR. STANCIL: May I approach, Your Honor?

25 THE COURT: Yes, sir.

1 MR. STANCIL: Your Honor, if we go to the prongs of
2 the test, the first is the exculpatory value apparent
3 before the evidence was destroyed. When looking through
4 the incident report on this case, I'll focus mainly on
5 Lavioris Hill's since he is the alleged victim of the ABHAN
6 and also one of the witnesses. In his first interview
7 according to the incident report he stated that he never
8 saw who shot the gun. In fact, he said he jumped up and
9 began running while still holding the magazine. He said
10 he heard a gunshot, but kept on running. He was then
11 re-interviewed a few days later and it says Mr. Hill's
12 second interview did not change from the first time he was
13 interviewed. This interview was captured on body cam.

14 Your Honor, after that date he has changed his story
15 completely saying that he saw Mr. Hood shooting the gun.
16 So not only is all impeachment evidence of that first
17 statement to be used against him been destroyed by the
18 State's action, I would also argue that an apparent
19 exculpatory value is there because him saying he never
20 saw who shot anything would be massive to the defense's
21 case and really help Mr. Hood, which I believe fits the
22 definition of exculpatory.

23 Your Honor, also when it comes to the second prong,
24 that the defendant would be unable to obtain comparable
25 evidence by other reasonably available means, this was

1 body cam from the Saluda County Sheriff's Office. There
2 is no other means that Mr. Hood or myself could have
3 obtained that because since it was destroyed by them and
4 with everyone's testimony not -- not always completely
5 changing, but Mr. Hill's has changed, the others just
6 gave more details, and so all impeachment evidence that
7 we could have and should have had available has been
8 destroyed by the actions of the Saluda County Sheriff's
9 Office.

10 Your Honor, I know the third -- the third prong is
11 probably the hardest, the bad faith by the Government.

12 I'd like to mark this as Court's Exhibit 2.

13 (Court's Exhibit Number 2 was marked for
14 identification.)

15 MR. STANCIL: May I approach, Your Honor?

16 THE COURT: Yes, sir.

17 MR. STANCIL: Your Honor, this is a copy of the
18 Saluda County Sheriff's Office body cam policy and it
19 states in relevant part on page 4 under data storage,
20 unless circumstances arise reasonably preventing a deputy
21 from doing so, it shall be each deputy's responsibility
22 to download the recorded data from the cameras at the end
23 of his or her tour of duty. In situations where a deputy
24 is not able to download his own camera, a supervisor shall
25 take custody of the device and responsibility to ensure

1 proper camera download is completed.

2 If you go down to Number 2, right below it, any
3 recording conducted during an incident that resulted in
4 an arrest, use of force, confrontational encounter with
5 the public or a deputy otherwise concludes it has
6 evidentiary value, shall be classified as evidence and
7 retained according to the rules of evidence, SC Code
8 17-28-320.

9 On the next page under Number 7, Your Honor, apart
10 from administrative purging and management for record
11 retention purposes, no personnel shall erase, edit, delete,
12 destroy or otherwise alter any original recordings or
13 portion thereof unless specifically granted administrative
14 rights.

15 Your Honor, there is a case, United States versus
16 Douglas Elliott, 83 F.Supp.2d 637. It's from the United
17 States District Court Eastern Division of Virginia. This
18 case states -- and I believe I put this language in my
19 motion as well, Your Honor, and I believe that it applies
20 to this case specifically, that where, as here, there is
21 no evidence from established practice which was relied
22 upon to effectuate the destruction where the applicable
23 documents teach that a destruction should not have occurred
24 and where the law enforcement officer acted in a manner
25 which was either contrary to applicable policies and the

1 common sense assessments of evidence reasonably to be
2 expected of law enforcement officers or was so unmindful
3 of both as to constitute a reckless disregard of both
4 there is a showing of objective bad faith sufficient to
5 establish the bad faith requirement of the Trombetta
6 Youngblood test. A contrary holding would permit law
7 enforcement officials to ignore the clear text of the
8 governing regulations on which they say their policy is
9 predicated and to act inconsistently with it.

10 Your Honor, I believe that is what we have here.
11 Mr. Hood is guaranteed the right to a fair trial. I
12 believe due to these three elements being met, that
13 evidence being destroyed, that that is no longer possible
14 for Mr. Hood. Not only is all the impeachment evidence
15 gone, but clearly exculpatory evidence of a completely
16 different story that we're now hearing is no longer
17 available to us.

18 And, quite frankly, Your Honor, if the destruction
19 in this case isn't bad faith, it's the intentional or
20 reckless or just completely negligent destruction of
21 evidence, flaunting and completely going against
22 established policies that every officer has to follow
23 for the sheriff's office, I'm not sure what would be
24 found as bad faith.

25 And I also believe there to be an issue with any

1 charge that Mr. Hood was charged with, but in murder,
2 which is the most serious criminal charge you can be
3 charged with, we have officers destroying evidence which
4 is -- would be paramount to Mr. Hood's defense; therefore,
5 we would move for dismissal based on that due process
6 violation.

7 THE COURT: Any response from the State?

8 MR. McNAIR: Your Honor, first in regard to what's
9 missing in this case, there were several -- three different
10 interviews of Lavoris Hill. The first one was on the
11 incident date, which was March 16th. That was recorded.
12 That is still in existence. There was a second interview
13 on March 17th. There was no body cam of that, but there
14 was a supplemental report written of what he said in that
15 interview. A third interview on March 23rd was recorded
16 and that is the body cam of Lavoris Hill that was lost.
17 So this -- there's more evidence of what Lavoris Hill said
18 than this one body cam he's referring to. And since --
19 during trial prep, we've met with Lavoris two or three
20 times. We have written up what he's told us and we've
21 turned that over to the defense. So this one body cam is
22 not the only evidence of what Lavoris Hill has said in the
23 past or is going to say.

24 Regarding the other interviews, Nivea Hill and Cerika
25 Springs, those were body cams from the incident date on

1 3-16. My e-mail to Mr. Stancil is incorrect. There was
2 no -- there never was a body cam of Dameon Springs, but
3 there was body cam of the interviews of Nivea Hill and
4 Cerika Springs on March 16th. However, even though those
5 body cams were lost, there were supplements in the report
6 of what those witnesses said, so the body cam was not the
7 only evidence of what these witnesses said on the incident
8 date. We've also met with them several times since and we
9 have turned over write-ups of our meetings with them since
10 then, so that is not the only evidence.

11 THE COURT: Just to be clear, Nivea Hill and
12 Ms. Springs, while the body cams are not present, the
13 substance of those body cam interviews were reduced to
14 writing?

15 MR. McNAIR: Correct. Correct, and the same thing
16 -- yes, sir. And the same thing with Lavoris Hill's
17 interview on 3-23.

18 THE COURT: So even the missing body cam of Mr. Hill
19 was reduced to writing contemporaneously with the body
20 cam?

21 MR. McNAIR: Yes, sir. Yes, sir.

22 Now, Judge, he has a very high standard or burden
23 to show here. He essentially has to show that law
24 enforcement destroyed this evidence knowing its
25 exculpatory value in bad faith. I don't think he -- he

1 can't show that. What he said maybe is negligence because
2 what happened is they were downloaded to the server, but
3 they were not saved and, therefore, after thirty days
4 they're purged from the system, okay? That's negligence.
5 That's not intentional bad faith.

6 State v. Reeves is a South Carolina Supreme Court
7 that interprets Arizona v. Youngblood that he just cited,
8 and the cite on State v. Reeves is 301 SC 191. But in
9 that case it was a murder case, there was a second
10 unidentified shooter, the victim was shot five times by
11 two different guns, there were numerous items of evidence
12 and written statements were lost. Reeves made a motion to
13 dismiss the indictment claiming that the evidence lost by
14 police deprived him of a fair trial. He tried to make the
15 argument that the police's negligent and reckless conduct
16 amounted to bad faith, which is what Mr. Stancil's doing
17 here today. The Reeves court rejected that. They said
18 they could only find one Federal District Court case in
19 the country to support that proposition. They said the
20 way the Federal authority has adopted the view that the
21 extraordinary remedy of dismissal should only be granted
22 when the authorities act intentionally and in bad faith,
23 and it cites another case that says it requires evidence
24 that the officer acted in bad faith by deliberately
25 destroying evidence to deprive the defendant of access to

1 relevant evidence. He can't show that here. He hasn't
2 shown that here.

3 The Court said that even if the police were reckless
4 in not preserving evidence in that case, there was no
5 indication -- and even if the police investigation was
6 deeply flawed, there was no indication these flaws were
7 the product of more than mere negligence. To the extent
8 that Reeves was disadvantaged, the Court said the attorney
9 was allowed to cross-examine the police officers on the
10 deficiencies in their investigation. Errors made by the
11 police do not indicate bad faith as required to dismiss
12 an indictment.

13 So, once again, that's a very high standard. He has
14 to show intentional bad faith to destroy what they knew
15 to be exculpatory evidence and he hasn't shown that in
16 this case.

17 THE COURT: Mr. Stancil.

18 MR. STANCIL: Thank you, Your Honor.

19 Just to clarify for the record, I believe Solicitor
20 McNair said that the videos were downloaded to the server.
21 I would just like some clarification because in his e-mail
22 he said that they weren't even downloaded to the server,
23 so I'm trying to figure out what exactly happened to this
24 body cam.

25 And, Your Honor, it's not just one body cam footage

1 that's gone, it's three, so all impeachment evidence which
2 I believe is obviously exculpatory if I can, you know,
3 catch someone with their inconsistent statement. And not
4 only that, the alleged victim of the ABHAN, the one video
5 of his that's missing is apparently the one where he
6 stated, you know, I didn't see who shot, I ran away.
7 Because in the incident report it said that his interview
8 was the same as his first one and that's what he said in
9 the first. So, I mean, the exculpatory value I don't
10 think is up for argument because that is him saying that
11 he did not see anyone shoot and now that story has changed.

12 And, Your Honor, for the bad faith, I guess my
13 question would be if not following established policy
14 isn't bad faith, then I don't believe anything is bad
15 faith. The reason they have these policies is to make
16 sure that evidence is preserved and in this one case the
17 officer decided not to follow it and it has, I would
18 argue, irreparably damaged Mr. Hood's defense because
19 that is a statement that would be key to his defense. So
20 I'm not sure what would be bad faith if not following the
21 procedure that you agreed to follow isn't bad faith.

22 THE COURT: Anything else from the State?

23 MR. McNAIR: I just -- real quickly, bad faith is
24 defined as you intentionally destroy and that's -- he
25 cannot show that. He has not shown that again.

1 MR. STANCIL: Your Honor, to follow up, I know
2 Solicitor McNair brought up that there was one Federal
3 case on this point, but that Federal case is the one I
4 cited and in that it said, you know, what is bad faith
5 if not following the policies and if that's not bad faith
6 it's basically letting officers have free rein to say oh,
7 I didn't know I did it, so.

8 THE COURT: I mean, is he correct in stating that
9 even the missing cams were reduced to writing?

10 MR. STANCIL: Correct, Your Honor, but I would argue
11 with that that it's not inherent on me to take what's
12 written in the incident report as truth. In fact, I mean,
13 I can point out blatant falsities in the incident report
14 already, so I can't just say that what they wrote is
15 inherently true.

16 THE COURT: So just so I'm clear, Lavoris Hill has
17 one body cam that's in existence and then a supplemental
18 report on the second one?

19 MR. STANCIL: It's my understanding that the body
20 cam where he made the statement that would be paramount
21 to Mr. Hood's case has been deleted, but then I believe
22 there was another interview recorded in the interview
23 room.

24 MR. McNAIR: Judge, I'm gonna tell you --

25 THE COURT: I wasn't trying to get in the merits.

1 I just wanted to know exactly what was --

2 MR. STANCIL: Understood.

3 THE COURT: So he was recorded and that is still in
4 existence?

5 MR. McNAIR: There's three interviews by law
6 enforcement of Lavioris Hill. The first one recorded, the
7 second one was just a write-up in the incident reported,
8 third one was recorded and lost.

9 MR. FENDER: Your Honor, if I may, too, just for
10 clarification it's my understanding that the system purged
11 the video. It was not an intentional act. They didn't
12 go in and delete it. It was a system that's set up to
13 retain information for a certain period of time and as a
14 result of that default system that is how the video is no
15 longer in existence. Not an intentional deletion by the
16 officer.

17 THE COURT: And I think -- if I understood
18 Mr. Stancil's argument, it would be that it was just so
19 reckless that whether it was intentional or not --

20 MR. STANCIL: Right. If we allow that, then what's
21 to stop officers in all cases of saying it wasn't
22 intentional, so.

23 MR. FENDER: Well, the case law requires intentional,
24 so it doesn't apply.

25 THE COURT: All right.

1 All right. Under the circumstances I'll deny the
2 defendant's motion to dismiss. Based on what I've heard,
3 I don't find that the bad faith element showing is met.
4 I don't believe from what I've been told by the attorneys
5 there's some intentional act by law enforcement to destroy
6 or remove that evidence that would otherwise be available
7 to the defendant.

8 I think -- you know, obviously you-all are both
9 more aware of the evidence than I am, but it appears
10 that there's still evidence that covers each one of
11 these purported interviews with witnesses and victims
12 and based on that I'll deny the motion to dismiss based
13 on due process violation, okay?

14 Now we can -- we'll talk --

15 MR. STANCIL: For the record, Your Honor, I was just
16 -- is there any kind of curative instruction? I'm not
17 even sure I can cross-examine them on what was said in
18 the middle of this.

19 THE COURT: No, no, no. I think -- that was
20 actually the next thing, I believe. The fact that it
21 happened, I think is -- we'll have to discuss what's the
22 appropriate way if that comes up and when, but let's get
23 through the next pre-trial hearing. That may be something
24 we'll discuss when we recess for the day.

25 MR. STANCIL: Thank you, Your Honor.

1 MR. McNAIR: Do you want to move onto Jackson v.
2 Denno, Your Honor?

3 THE COURT: Very well.

4 MR. McNAIR: Your Honor, the State calls Dave
5 Rodgers.

6 (Whereupon, Dave Rodgers was duly sworn by the Clerk
7 of Court.)

8 DAVE RODGERS,

9 having been duly sworn, testified as follows:

10 DIRECT EXAMINATION (In-Camera)

11 BY MR. McNAIR:

12 Q. Investigator Rodgers, would you please state your name
13 and spell your last name for the record?

14 A. Dave Rodgers. Last name's spelled R-O-D-G-E-R-S.

15 Q. All right. And where are you working now?

16 A. I work at City of Laurens Police Department.

17 Q. How long have you been there?

18 A. I started in January.

19 Q. And prior to that where were you?

20 A. I worked here in Saluda.

21 Q. How long were you with Saluda?

22 A. I started with Saluda in 2016 and retired 2021.

23 Q. All right. And back on March 16th of 2021, did you
24 become involved in this case?

25 A. Yes, sir, I did.

1 Q. And what was your position at that time?

2 A. Was a lieutenant over narcotics. I was coming to work
3 and I heard it go out over the 9-1-1 dispatch.

4 Q. All right. And on that date did a 9-1-1 call come in
5 in reference to a shooting on Keisha Avenue here in Saluda
6 County?

7 A. It did.

8 Q. Do you know what time that initial call came in? Was
9 it approximately 1:51 PM?

10 A. Yeah, it was close because I worked two to two.

11 Q. All right. And after that call came in, were you
12 involved in the investigation of this case?

13 A. I was.

14 Q. And did you develop suspects in this case?

15 A. I did.

16 Q. And who were they?

17 A. Aaron Hood and Shawn Pridgen.

18 Q. Okay. And they're the ones ultimately charged with
19 murder in this case?

20 A. Correct.

21 Q. Now did you have the opportunity on March 16th of 2021
22 to speak to the defendant, Aaron Hood?

23 A. I did.

24 Q. And where was that?

25 A. At the investigator's trailer at the sheriff's office

1 in the interview room.

2 Q. Okay. Now was he in custody at that time?

3 A. He was being detained.

4 Q. He was being detained?

5 A. Yes, sir.

6 Q. He had handcuffs on?

7 A. He did.

8 Q. Okay. Prior to meeting Mr. Hood, what information did
9 you have regarding his involvement in this incident?

10 A. At the traffic stop I had spoke with Chief Holmes,
11 who's the chief of police at the police department here,
12 and he was speaking with witnesses on the scene and he
13 asked me to give him a description and I did and he said
14 that matches what the witnesses have told me.

15 Q. Okay. So just to be clear, it was your understanding
16 that he matched the description of the person involved in
17 the shooting?

18 A. That's correct.

19 Q. That witnesses had relayed to other law enforcement on
20 the scene?

21 A. Correct.

22 Q. Okay. Did you observe anything else about Mr. Hood
23 that made him a suspect in your mind?

24 A. I did observe on -- his hand was cut and he had blood
25 on all of his shirt and pants.

1 Q. Okay. And was it your understanding that he had fled
2 the scene?

3 A. Yes, sir.

4 Q. Okay. So do you remember about what time you spoke
5 to him at the sheriff's department? If 9-1-1 came in at
6 1:51 PM.

7 A. About thirty minutes later.

8 Q. Was it that quick?

9 A. If I can look at my notes here. I'm not sure what
10 time it was exactly.

11 Q. Sometime that afternoon?

12 A. Yes, sir.

13 Q. Okay. Now did you -- prior to speaking to Mr. Hood,
14 did you advise him of his Miranda rights?

15 A. I did.

16 Q. And how did you do that?

17 A. I read them to him.

18 Q. Do you have a card you read?

19 A. I had it on my phone. I downloaded it to my phone.

20 Q. Okay. Now this whole interview was recorded by video;
21 is that correct?

22 A. Yes, that's correct.

23 Q. Have you previously watched that video?

24 A. Yes, I have.

25 Q. All right. And did that capture your -- your whole

1 interaction with Mr. Hood that day?

2 A. Yes.

3 Q. And you verbally read him Miranda?

4 A. Yes.

5 Q. And after you read him those Miranda rights, did he
6 indicate that he still wished to talk to you?

7 A. He did.

8 Q. When you spoke to him, did he appear to be -- have any
9 trouble understanding his rights?

10 A. Yes, I'd say he did.

11 Q. In what way?

12 A. After a little while -- I mean, at first he did. Once
13 I explained them to him, he understood what I was telling
14 him.

15 Q. Now let's distinguish. Did he have trouble
16 understanding his rights or did he ask you just some
17 follow-up questions about his rights?

18 A. Follow-up questions.

19 Q. And did you answer those questions?

20 A. I did.

21 Q. And did that appear to satisfy him?

22 A. It did.

23 Q. Did he appear to understand his rights?

24 A. Yes, sir.

25 Q. Did he appear to be under the influence of anything?

1 A. No, he did not.

2 Q. After you clarified his rights, did he have any issues
3 talking to you?

4 A. He did not.

5 Q. At any point did you threaten or promise him anything
6 in exchange for speaking to you?

7 A. No, sir.

8 Q. And during the time you spoke to him, did he ever tell
9 you he didn't want to talk to you?

10 A. No.

11 Q. Or did he ever ask for a lawyer?

12 A. No.

13 Q. Okay. Was he ever deprived of food, water or bathroom
14 breaks?

15 A. No, sir.

16 MR. McNAIR: Can we mark this as a Court's exhibit?

17 (Court's Exhibit Number 3 was marked for
18 identification.)

19 BY MR. McNAIR:

20 Q. I'm gonna show you what's been marked as Court's 3.
21 Do you recognize this disk?

22 A. Yes, sir.

23 Q. Are those your initials on the disk?

24 A. Yes, it is.

25 Q. And is this a complete recording of your interaction

1 with Mr. Hood on March 16th of 2021?

2 A. Yes, it is.

3 MR. McNAIR: Your Honor, we just marked this as a
4 Court's exhibit at this time.

5 THE COURT: Very well.

6 BY MR. McNAIR:

7 Q. Now during the course of this interview, were there
8 times when Mr. Hood expressed a willingness to keep talking
9 to you?

10 A. Yes, he did.

11 Q. And did he want you to come back in the room so he
12 could continue -- to finish his story to you?

13 A. Not that I recall.

14 Q. Okay. Was there a period of time when you stepped out
15 of the room?

16 A. Yes, there was.

17 Q. Okay. And who stepped in at that time?

18 A. Investigator Chris Hartless.

19 MR. McNAIR: Your Honor, I think -- obviously the
20 video kind of speaks for itself, so that's all I have on
21 Denno with this witness at this time.

22 THE COURT: All right. Mr. Stancil, any questions
23 for this witness?

24 MR. STANCIL: I beg the Court's indulgence one
25 second.

1 MR. STANCIL: May it please the Court?

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION (In-Camera)

4 BY MR. STANCIL:

5 Q. Officer Rodgers, when you read him his Miranda rights
6 -- well, let me ask you this. How well do you remember the
7 interview with Mr. Hood?

8 A. How well do I remember it? Pretty well.

9 Q. How recently -- when was the last time you re-watched
10 the interview?

11 A. Last night.

12 Q. Okay. Isn't it true that when you started and stated
13 that he had the right to an attorney he immediately asked
14 "You mean I can have an attorney here"?

15 A. He did.

16 Q. Okay. And then when he tried to ask that question,
17 isn't it correct that you stated just let me get through
18 this?

19 A. It is.

20 Q. Okay. So instead of answering his questions and
21 helping him understand his rights, you just wanted to get
22 through it so you could start talking to him?

23 A. I just wanted to finish what I was reading to him.

24 Q. So -- and even you answered Solicitor McNair's
25 question on the stand that you don't think Mr. Hood

1 understood his rights?

2 A. At first. I said at first I didn't think he did, but
3 once I explained them to him -- by the time I got through
4 reading them to him, he understood.

5 Q. Now you interviewed other suspects. I believe a Tyvon
6 Leaphart, Miracle Hill {sic} and Shawn Pridgen?

7 A. Correct.

8 Q. And all three of them actually signed waivers stating
9 that they understood their rights, correct?

10 A. To my knowledge, yes, sir.

11 Q. So why didn't you get Mr. Hood to do the same?

12 A. I wasn't aware he didn't.

13 Q. I mean, how could you not be aware? You didn't get
14 him to sign it, did you?

15 A. Not that I can remember.

16 Q. Okay. And in your incident report you stated that
17 all four, including Mr. Hood, signed a written waiver of
18 Miranda. So that's not true, correct?

19 A. Correct.

20 Q. Okay. Now when Hartless entered the room, did you
21 and Hartless have any discussion before he sat down with
22 Mr. Hood?

23 A. Not that I can recall.

24 Q. So he would have had no idea that you even attempted
25 to read Miranda?

1 A. It's our policy that when we take somebody in to
2 interview them that we always read them Miranda.

3 Q. Right, but -- I mean, not to beat a dead horse, it's
4 also your policy to retain body cam, so policy's not always
5 followed, correct?

6 A. (No verbal response.)

7 MR. STANCIL: Your Honor, I have no more questions.
8 I don't believe Mr. Hood understood his rights.

9 THE COURT: All right. Any redirect, Mr. McNair?

10 MR. McNAIR: Yes, sir.

11 REDIRECT EXAMINATION (In-Camera)

12 BY MR. McNAIR:

13 Q. Investigator Rodgers, you watched the video of your
14 interview with him; is that correct?

15 A. That's correct.

16 Q. And wasn't his question to you when you told him you
17 have the right to talk to a lawyer and to have him present
18 with you, his question to you was "So I can call a lawyer"
19 question mark; is that correct?

20 A. That's correct.

21 Q. And did you inform him at that time that you have the
22 right to talk to a lawyer and to have him present with you
23 while you are being questioned?

24 A. Correct.

25 Q. And you told him if he could not afford to hire a

1 lawyer one will be appointed to represent you before any
2 questions if he wishes. Do you recall that?

3 A. Yes, sir.

4 Q. And do you recall him asking you at that point "So
5 wait, what? So they say -- so I don't have to answer
6 nothing"?

7 A. Right.

8 Q. And your response to him was if you don't want to do.
9 You recall that?

10 A. (Nods head.)

11 Q. And then he asks "And then what happens?", and your
12 response, you don't have to answer no questions?

13 A. Correct.

14 Q. Did he understand that?

15 A. He did.

16 Q. Then he asks "So if I don't answer any questions,
17 you're gonna walk me out the door?", and you responded
18 negative?

19 A. That's correct.

20 Q. And then said -- do you remember saying let me finish
21 this, okay?

22 A. (Nods head.)

23 Q. All right. With this being said, you understand each
24 of these rights that I have explained to you. Having these
25 rights in mind, do you wish to talk to me question mark"?

1 A. Yes, sir.

2 Q. Do you remember asking him that?

3 A. Yes, sir.

4 Q. So the reason -- are you asking him just to stop to
5 allow you just to finish reading the rights?

6 A. Yes. I just wanted -- just wanted to finish Miranda.

7 Q. Is he interjecting things as you're trying to read the
8 rights?

9 A. No.

10 Q. Is he saying stuff as you're trying to read the rights
11 and not letting you finish reading his rights?

12 A. Yeah, he -- he tried to interrupt here and there.

13 Q. So when you said that, that's what you wanted do, just
14 to complete reading Miranda rights?

15 A. Right. Not deny him of anything.

16 Q. And was his response to you at that point "I'm saying
17 I don't have no problem talking to you, that just sounds
18 crazy"?

19 A. Correct.

20 Q. And you asked him if he -- if you want me to read it
21 -- read it to you again and he said "No, sir"; is that
22 correct?

23 A. It is.

24 Q. And then, again, you asked him you understand them
25 all, referring to his rights, and he said "Yes, sir"?

1 A. Correct.

2 MR. McNAIR: That's all I have, Your Honor.

3 THE COURT: Any recross?

4 MR. STANCIL: Briefly, Your Honor.

5 RECROSS-EXAMINATION (In-Camera)

6 BY MR. STANCIL:

7 Q. The reason you get people to fill out the written
8 Miranda forms is to make sure and have documentation that
9 they understand their rights, correct?

10 A. Correct.

11 Q. Why wasn't that done in Mr. Hood's case?

12 A. Just overlooked.

13 MR. STANCIL: No more questions, Your Honor.

14 THE COURT: All right.

15 (Witness excused.)

16 MR. McNAIR: Nothing further, Your Honor.

17 THE COURT: All right.

18 MR. STANCIL: Your Honor, I would just argue that

19 Mr. Hood was not in full understanding of his rights.

20 This was -- his nerves were shot. He was just trying to
21 talk. When he did ask questions, some were answered, but
22 then he was told just let me get through this.

23 And, Your Honor, I think that the most glaring thing
24 here is everyone else gets a written waiver of rights.

25 He's told to hey, let me get through this and you don't

1 need to sign anything, waiver of rights, just start
2 talking. And then when Hartless came in, there's no --
3 absolutely no evidence that Hartless had any idea that
4 Miranda was ever read. He just started talking to
5 Mr. Hood.

6 THE COURT: Okay. No other witnesses, right?

7 MR. McNAIR: I can call Investigator Hartless.

8 I guess my response to what he just said --

9 THE COURT: I'm sorry. We're finished with you.
10 You can step down.

11 (Witness excused.)

12 THE COURT: All right. Next witness.

13 MR. McNAIR: Your Honor, the State calls Investigator
14 Chris Hartless.

15 THE COURT: All right.

16 (Whereupon, Christopher Hartless was duly sworn by
17 the Clerk of Court.)

18 CHRISTOPHER HARTLESS,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION (In-Camera)

21 BY MR. McNAIR:

22 Q. Investigator Hartless, will you state your full name
23 and spell your last name for the record?

24 A. Yes, sir. Christopher Hartless. Last name is spelled
25 H-A-R-T-L-E-S-S.

1 Q. Now we just heard from Investigator Rodgers talk about
2 an interview of Aaron Hood on March 16th of 2021. Were
3 you present at the outset of that interview?

4 A. Yes.

5 Q. And where were you?

6 A. There's in our training -- well, in our investigative
7 office at the time, there was a conference room just
8 outside the interview room where Mr. Hood and Investigator
9 Rodgers were.

10 Q. Okay. And this interview was recorded, right?

11 A. That's correct.

12 Q. Are you able to watch it live as it's happening?

13 A. Yes.

14 Q. Okay. So were you watching Investigator Rodgers
15 interview with Aaron Hood?

16 A. Yes.

17 Q. And was it your understanding that he had already been
18 Mirandized before you stepped in the room to speak to him?

19 A. Yes.

20 Q. And how did you come about to even end up in the room
21 in the first place?

22 A. As well as I can recall that day, Investigator Rodgers
23 had stepped out to answer a phone call and as he was taking
24 the phone call I was standing right there in the threshold
25 of the door where Mr. Hood was and at that time Mr. Hood

1 was calling out to myself, which he did not know my name
2 so he didn't call me by name, but he said hey, can you
3 step in here so I can tell you my side of the story.

4 Q. And do you recall him after Investigator Rodgers left
5 the room saying can somebody please come in here?

6 A. Yes.

7 Q. And at that point is that when you went in and you
8 said --

9 A. Yes, sir.

10 Q. Do you recall saying "yeah, what you need"?

11 A. Yes, sir.

12 Q. And his response to you was "I want to finish talking,
13 man"; is that correct?

14 A. That's correct.

15 Q. During the time you spoke to him, did he ever say he
16 wanted to stop talking?

17 A. No, sir.

18 Q. Did he appear to understand what he was doing?

19 A. Yes.

20 Q. Were his responses to you rational and in line with
21 what you were asking?

22 A. Yes.

23 Q. Did you ever threaten or promise him anything in
24 exchange for talking to you?

25 A. No, sir.

1 Q. And at some point do you recall Investigator Rodgers
2 coming in to talk to him about giving consent for gunshot
3 residue?

4 A. That's correct.

5 Q. And when he popped in to ask the defendant that, do
6 you recall Aaron Hood telling you just -- or telling
7 Investigator Rodgers to "Please let me tell him first
8 before me and you get into this"?

9 A. That's correct.

10 Q. So he still wanted -- he wanted to continue finish
11 telling you his story; is that correct?

12 A. Yes, sir.

13 Q. And have you previously watched Court's 3, which is
14 a copy of the recorded interview with Aaron Hood?

15 A. I have.

16 Q. And is that a complete and accurate copy of your
17 interview with him that day on March 16, 2021?

18 A. It is.

19 Q. That's your initials on there?

20 A. Yes, sir.

21 MR. McNAIR: That's all I have, Your Honor.

22 THE COURT: Cross.

23 MR. STANCIL: Briefly, Your Honor.

24 CROSS-EXAMINATION (In-Camera)

25 BY MR. STANCIL:

1 Q. Investigator Hartless, when suspects are interviewed,
2 is it policy to have them sign that written waiver that
3 they understand they're giving up their rights?

4 A. If it's readily available at that moment.

5 Q. Okay. But if it's readily available for the three
6 other people who were interviewed right before him, it
7 would have been readily available to the fourth?

8 A. I can't testify to that.

9 Q. Okay. Would it have been prudent to get the defendant
10 to sign that written waiver showing that he understood and
11 waived his rights?

12 A. Under normal circumstances, yes, sir.

13 MR. STANCIL: No more questions, Your Honor.

14 THE COURT: Any redirect?

15 REDIRECT EXAMINATION (In-Camera)

16 BY MR. McNAIR:

17 Q. The verbal advisement of rights and waiver is on the
18 video, right?

19 A. That's correct.

20 MR. McNAIR: Okay.

21 THE COURT: Any recross?

22 MR. STANCIL: None, Your Honor.

23 THE COURT: All right. The witness may step down.

24 (Witness excused.)

25 THE COURT: Any other witnesses?

1 MR. McNAIR: That's all from the State, Your Honor.

2 THE COURT: All right. It's your motion. Anything
3 in -- any summation?

4 MR. McNAIR: Judge, I mean, whether -- his state of
5 mind at the time, obviously I can't dissect his brain and
6 what he was thinking, but he appeared to understand his
7 rights and waived his rights on the video.

8 MR. STANCIL: Your Honor, I would just argue that
9 with the statements of "Let me just get through this"
10 and that's how he answered his questions, even though
11 Mr. Hood verbally said he talked to him, I find it very
12 strange that written waivers were given to everyone else
13 except the suspect in this case.

14 THE COURT: Okay. Well, I watched the video myself.
15 I think it speaks for itself. He appeared to have been
16 properly Mirandized to me and he had questions in the
17 middle of his rights, but certainly I think any person
18 in law enforcement has to finish reading the rights before
19 they can start answering questions. And as I recall, he
20 said I have no problem talking to you if I remember
21 correctly, so.

22 I find the recorded statement was voluntary and --
23 by a preponderance of the evidence it was a voluntary
24 statement and I find it admissible to be submitted to
25 the jury. Obviously the jury will make the ultimate

1 decision of whether they think it was a voluntary
2 statement or give it the weight they think it deserves,
3 but I don't find anything to run afoul of Jackson v. Denno
4 to exclude the statement from my review of the video and
5 from hearing the testimony here today, and that's the
6 ruling.

7 All right. Motion in limine. What's that about?

8 MR. McNAIR: I beg the Court's indulgence for one
9 second.

10 Your Honor, I think that's all we have at this time.
11 We'll clarify this last issue, but I don't think it's a
12 major issue. I'll talk to Mr. Stancil about it, but I
13 think we can probably clarify it between ourselves.

14 THE COURT: All right. Can I speak to you-all in
15 there?

16 MR. McNAIR: Yes, sir.

17 THE COURT: I think we've finished with pre-trial.

18 (Recess taken at 2:39 PM.)

19 (Back on the record at 3:12 PM.)

20 BAILIFF: Come to order, please.

21 THE COURT: All right. Please be seated.

22 (Court's Exhibit Number 4 was marked for
23 identification.)

24 THE COURT: We picked three alternates for a
25 specific reason. You-all were in the other room. One

1 of the alternates has --

2 MR. McNAIR: I can't hear you.

3 THE COURT: You-all come up here.

4 (Proceedings held at the bench; not reported.)

5 THE COURT: All right. So that was Juror Number
6 116. Juror Number 116 will be dismissed and Alternate
7 Number 1 will be Juror Number 40.

8 And, Counsel, I'm just gonna let him go just from
9 the jury room. We don't even need to bring them in here,
10 okay?

11 MR. McNAIR: All right.

12 THE COURT: So Number 116 will be released.
13 Number 40 is activated.

14 MS. FULLER: That's the word.

15 THE COURT: Thank you.

16 All right. Is defense counsel ready to proceed?

17 MR. STANCIL: We're ready, Your Honor.

18 THE COURT: Is the State ready to proceed?

19 MR. FENDER: Yes, Your Honor.

20 THE COURT: All right. We've got the jury back.
21 You can bring them on in, please.

22 (State's Exhibit Number 1 through 45 were marked
23 for identification.)

24 (Whereupon, the jury return to the courtroom at
25 3:16 PM.)

1 THE COURT: All right. Madam Forelady, ladies and
2 gentlemen of the jury, welcome back. I hope you-all had
3 a nice lunch.

4 The first order of the business, Juror Number 40?

5 JUROR NUMBER 40: Yes, sir.

6 THE COURT: You are the first alternate. You are
7 now on the jury, okay? That's why we have alternates.
8 In case something comes up and somebody has to fill in.

9 We're about to begin the trial of the case of State
10 versus Aaron Hood. I've got some remarks I need to give
11 you about the outline of our trial, but before I do that
12 I'll ask the Clerk of Court to now swear you in.

13 THE CLERK: If you'll please stand and raise your
14 right hand.

15 (Whereupon, the jury was duly sworn by the Clerk of
16 Court.)

17 THE CLERK: Is there any member of this panel that
18 couldn't take the oath?

19 No one stood.

20 THE COURT: All right. Thank you.

21 All right. Ladies and gentlemen, before we begin the
22 actual trial of the case, I thought it might be helpful if
23 I explained to you basically how a trial proceeds.

24 First, the State will make an opening statement. The
25 opening statement is not evidence. It's simply an outline

1 to help you understand what that party expects the evidence
2 will show. The defendant may, if he wishes, present an
3 opening statement, but does not have to for reasons that
4 I will explain.

5 Following the opening statements, you will hear
6 testimony and evidence in this case. This will consist of
7 testimony from State's witnesses, as well as any physical
8 exhibits which will be introduced into evidence.

9 Following the completion of the testimony, the
10 attorneys will, again, have an opportunity to make what
11 are called a closing argument or a summation to you. This
12 is an opportunity for the attorneys to summarize the case
13 from their respective points of view. Again, now these
14 attorney arguments are not evidence.

15 Now following the closing arguments of the attorneys,
16 I will instruct you on the law of South Carolina as
17 pertains to the issues that have arisen in this case.
18 When I have completed my instructions to you, you will
19 then be permitted to begin your deliberations in order to
20 reach a verdict.

21 Now you are the jury in this case and I want to take
22 a moment to tell you about your duties as jurors. At the
23 end of the trial, I'll give you more detailed instructions
24 and those instructions will control your deliberations.
25 It will be your duty to decide from the evidence what

1 the facts are. You, and you alone, are the judges of
2 the facts. You will hear the evidence, decide what the
3 facts are and then apply those facts to the law that I
4 will give to you. That is how you will reach your verdict.
5 In doing so, you must follow the law whether you agree
6 with it or not.

7 The evidence will consist of the testimony of
8 witnesses, documents and other things received into
9 evidence as exhibits, and any facts on which the lawyers
10 have agreed and which I may instruct you to accept. You
11 should not take anything I may say or do during the trial
12 as indicating what I think of the evidence or what your
13 verdict should be.

14 This is a criminal case brought by the State of
15 South Carolina. The State charges the defendant with
16 murder and assault and battery of a high and aggravated
17 nature. The charges against the defendant are contained
18 in the indictments. The indictments are not evidence of
19 anything. They're simply the description of the charges
20 made by the State against the defendant.

21 The defendant has pled not guilty to the charges
22 and is presumed innocent unless and until proven guilty
23 beyond a reasonable doubt. Proof beyond a reasonable
24 doubt is proof that leaves you firmly convinced of the
25 defendant's guilt. A defendant has the right not to

1 testify and never has to prove innocence or present any
2 evidence. The burden of proof is always upon the State
3 of South Carolina.

4 The following things are not evidence and you must
5 not consider them as evidence in deciding the facts of
6 the case. One, statements and arguments of the attorneys.
7 Two, questions and objections of the attorneys. And,
8 three, any testimony that I instruct you to disregard.

9 Evidence may be direct or circumstantial. Direct
10 evidence is testimony by a witness about what that witness
11 personally saw, heard or did. Circumstantial evidence is
12 indirect evidence; that is, it is proof of one or more
13 facts from which one can find another fact. You are to
14 consider both direct evidence and circumstantial evidence.
15 The law permits you to give equal weight to both, but it
16 is up to you to decide how much weight to give any
17 evidence.

18 The rules of evidence control which -- there are
19 rules of evidence which control what can be received into
20 evidence. When a lawyer asks a question or offers an
21 exhibit into evidence and the lawyer on the other side
22 thinks that it is not permitted by the rules of evidence,
23 that lawyer may object. If I overrule the objection,
24 the question may be answered or the exhibit may be
25 received. If I sustain the objection, the question

1 cannot be answered or the exhibit cannot be received.
2 Whenever I sustain an objection to a question or deny a
3 motion to admit an exhibit into evidence, you must ignore
4 the question or the existence of the exhibit and you must
5 not guess what the answer would have been or what the
6 exhibit would have shown.

7 Sometimes it may be necessary for me to request that
8 you leave the courtroom while I discuss the attorneys'
9 legal questions that come up during the trial. If this
10 occurs, you should not speculate about our discussions or
11 the reason that you were asked to leave the room. This
12 is simply a procedure that the law requires when certain
13 legal issues arise. There also may be occasions where I
14 ask the attorneys to approach the bench so I can discuss
15 a legal issue with them in private. I will do this as
16 often as possible so that you will not be required to
17 leave the courtroom more than is absolutely necessary.
18 Again, if I ask the attorneys to step up to the bench
19 or if I ask you to leave the courtroom, please don't
20 think that anybody is trying to hide anything or keep any
21 evidence from you. This is simply a procedure used by
22 all lawyers and by all courts to determine and decide
23 legal questions.

24 In deciding the facts of the case, you may have to
25 decide which witnesses to believe and which witnesses not

1 to believe. You may believe everything a witness says or
2 only part or none of it.

3 In deciding what to believe, you may consider a
4 number of factors, including the following. The witness's
5 ability to see, hear or know the things testified to,
6 the quality of the witness's memory, the witness's manner
7 while testifying, whether the witness has an interest in
8 the outcome of the case or any motive, bias or prejudice,
9 whether the witness was contradicted by anything the
10 witness said or wrote before the trial or by other
11 evidence or how reasonable the witness's testimony -- was
12 the witness's testimony when considered in the light of
13 other evidence which you believe.

14 Now until I advise you to begin your deliberations,
15 you must not discuss this case with anyone, including
16 your fellow jurors, friends, family members, and anyone
17 involved in this case. This includes discussions whether
18 they be face-to-face, by telephone, e-mail, text message,
19 social media or the like. While you are here, you're
20 certainly -- when you do have access to your phones,
21 you're not to use those phones to do any sort of
22 independent research of the parties. As I said earlier
23 today, everything that you need to know to fulfill your
24 service of jury duty will come from this witness stand,
25 okay? So there's no need for anyone to do any sort of

1 independent research on the law or the parties involved
2 in the case.

3 During the trial if you happen to see any news
4 articles or anything pertaining to this case, please
5 don't read it, and if you come in contact with it, let me
6 know. I would also say that you may see the attorneys
7 or the parties moving about the courtroom or through the
8 courthouse when you come and go through the courthouse.
9 Please understand if they don't speak to you, they're not
10 being rude. I'm gonna ask that they not speak to you and
11 I'll also ask that you don't speak with them when you're
12 coming back and forth between breaks in the courtroom or
13 in the morning or back from lunch breaks. The bailiffs
14 are here to help you and shepherd you through the building
15 while you're here, but understand that they're not here
16 to discuss the case with you either. Like I said before,
17 everything you need to hear about this case will happen in
18 the courtroom and you shouldn't get any information from
19 anyone about the case outside the courtroom.

20 It's important to keep an open mind and not decide
21 any issue until all the evidence has been presented, the
22 parties have made their closing arguments and I've
23 instructed you on the law in this case.

24 It's your solemn responsibility to determine the
25 guilt or innocence of the defendant and your verdict must

1 be based solely on the evidence as it is presented to you
2 in this trial and on the law as I instruct you during and
3 at the close of the trial.

4 I don't see anyone with any notepads or anything,
5 but if you happen to have one, please do not take any
6 notes during the trial. I just want you to stay focussed
7 on the witness stand as you concentrate on the testimony
8 of the witnesses from the witness stand.

9 If during the course of witness testimony someone
10 needs to take a break, try to get my attention. If I
11 happen to be looking down, the bailiff or someone will
12 get my attention, but don't hesitate to ask if something
13 comes up and you-all need a break, okay?

14 With all of that being said, at this time I'd like
15 you to give your complete and undivided attention to the
16 attorneys as they make opening statements.

17 MR. FENDER: Thank you, Judge.

18 Good afternoon. I want to thank you-all for being
19 here today. I know that this is not fun and exciting
20 like what you would see on TV or in the movies. When
21 this trial is over, you're probably not gonna get to
22 write a book or go on Good Morning, America, but what
23 you're doing here today, what you're doing here this
24 week, is so important. This is real life Saluda County
25 and what you're doing is for this community.

1 This case that you're gonna hear about this week, it
2 happened not far from where we're sitting here today. A
3 little neighborhood, a little community. It's tucked in
4 behind the post office kind of across from the Country
5 Peddler gas station. If you go out 378 as much as I do
6 towards the Food Lion, you've probably driven past it a
7 thousand times. You may never have been there, you may
8 not think about it much, but right there behind our post
9 office is a little neighborhood of homes. It's a place
10 where there's little kids' bicycles sitting out in the
11 front yards, toys. There's picnic tables and barbecue
12 grills set out there for picnics. The mailboxes and the
13 front steps are decorated for the holidays.

14 It's a place where people live, a place where people
15 call home, right here in the town of Saluda, and that's
16 where this case happened on Keisha Avenue where Xavier
17 Cancer's life was taken from him, where he breathed his
18 last breath in this world, where he was shot, where he was
19 killed, where he died as his friend Lavoris desperately
20 gave him CPR.

21 Xavier Cancer, he was twenty-nine years old when his
22 life was taken, when he was taken from his friends, taken
23 from his family. His father Shawn, his mother India, the
24 people who loved him. His friends, his family, the people
25 who loved him, they called him Zay. That's what he went

1 by. During this trial you're gonna get to hear from some
2 of the people who were there on Zay's last day on this
3 Earth. The people who witnessed Aaron Hood come into
4 their community and take his life. He was shot. He was
5 killed.

6 Aaron, Aaron Hood is his real name, he's from New
7 Jersey. On Facebook, in the community, he's known as Ron.
8 That's where this case started. On social media. The
9 defendant was sending messages to a girl named Cerika
10 Springs, trying to get her attention. There was some
11 flirting, some back and forth, you know how it goes, and
12 you'll hear more specifically about that during this
13 trial, but that's where this case started. It started
14 on social media.

15 And I just want to take just a couple of minutes to
16 kind of tell you a little bit about the folks, you know,
17 the names that you're gonna be hearing during this trial.
18 A little bit of a who's who of who these people are.

19 I want to start with the home at [REDACTED] Keisha Avenue.
20 I mentioned earlier that that's over by the post office,
21 so let's talk about that house just for a minute. Cerika
22 Springs, she lived there with her brother Dameon Springs.
23 So you have Cerika and Dameon. They're brother and sister.
24 They're living there at the house, Cerika and Dameon, and
25 there were two other adults that also lived there. Dameon

1 -- excuse me -- Cerika Springs and Dameon Springs and
2 Lavoris Hill and Nivea Hill. So Lavoris and his sister
3 Nivea and you have Cerika and Dameon living there. Cerika
4 and Lavoris, they were boyfriend and girlfriend. They
5 had a child together and that child was six days old when
6 this happened. So at [REDACTED] Keisha Avenue you have two sets
7 of brothers and sisters and you have a 6-day-old. And
8 that's who was living there on the day that Ron came to
9 their home. That he came to [REDACTED] Keisha on March 16, 2021.

10 Now Zay, he didn't live at [REDACTED] Keisha, but he was
11 friends with all these people. He was friends with Cerika,
12 friends with Dameon, friends with Lavoris, friends with
13 Nivea, and he was there on the day that this happened.

14 Like I said earlier, this case all started on social
15 media. The defendant sending those messages to Cerika.
16 There was taunting, there was flirting. You'll get to
17 hear about it. And on the day this happened the defendant
18 came to where Cerika lived, [REDACTED] Keisha Avenue, here in
19 the town of Saluda.

20 Cerika and Lavoris were there, the 6-day-old baby,
21 he was there, Dameon and Nivea were home also. Zay was
22 there. As you'll hear during this trial, on March 16,
23 2021, Aaron Hood came to Keisha Avenue looking for a
24 fight. He was challenging people. He was threatening
25 people, stirring things up. He had a gun. He waved it

1 in the air, waved it in the air at [REDACTED] Keisha, claiming
2 that he was gonna kill people. He came there looking for
3 a fight.

4 Listen closely to what these witnesses have to say
5 as they describe how he acted that day, what he had with
6 him, the gun. You'll hear fear in their voices. Fear as
7 they describe what happened. Fear for the child. Fear
8 for their friends. Fear for their family. Fear on the
9 day that Aaron Hood came into their neighborhood armed
10 with that gun looking for a fight with malice in his heart
11 and violence on his mind waving a gun outside their home,
12 a place where everybody has a right to feel safe.

13 Now remember Zay was there, too, that day. He didn't
14 live there, but these were his friends. He cared about
15 everybody that lived at [REDACTED] Keisha. He stood up for them.
16 When the defendant was threatening those people, waving
17 that gun around, Zay stood up. He said okay, I'll fight
18 you, but not here, not in front of this house, not in
19 front of this child, and no guns. So the men, they agreed
20 to fight. They went about fifty yards down the road from
21 the home to the cul de sac where they were gonna fight.
22 Right or wrong, this is a place that sometimes people use
23 to fight here in town. And I don't condone it, I don't
24 agree with it, it's not right, but it's place where people
25 do fistfight. Fight like men they say. They go there to

1 settle their differences is what they say.

2 But what Zay didn't know when he went down to that
3 cul de sac was that he was gonna use a gun. That Aaron
4 Hood was gonna take his life. Zay was shot and Zay was
5 killed. The defendant, he hit Lavoris on the head. The
6 defendant hit him on the head and he ran away. He ran
7 through the woods. He tried to get away.

8 The evidence will show that he was wearing a jacket,
9 that he hid that jacket in the woods. Law enforcement
10 found it. You'll hear about that. They found the DNA on
11 the jacket. Social media posts will further prove during
12 this trial that the defendant was wearing that jacket
13 that was found hidden in the woods right before the
14 murder. He ran through the woods after -- after the
15 murder was committed to the Country Peddler gas station.
16 He got into a car and he tried to get away. He was
17 heading towards Newberry County.

18 I want to talk a minute about Wayne Bryan, a witness
19 you'll hear from in this case. He was a concerned citizen.
20 He saw the defendant running that day. He wasn't on
21 Keisha Avenue. He didn't know anybody involved in this
22 case, didn't know anything about it. He was just out at
23 the post office that afternoon and he saw the defendant
24 running trying to get away. Something in Wayne Bryan's
25 mind, something in his common sense, told him that what

1 he saw wasn't right. He didn't know anything about any
2 shooting or anything like that, but he decided to call
3 law enforcement just based on what he saw, and our Saluda
4 County Sheriff's Office, they responded almost immediately.

5 Dave Rodgers, who you'll hear from in this case,
6 twenty-five years experience, he responded. He was able
7 to catch the defendant within minutes. The defendant,
8 his hands were tested, and he had gunshot residue on his
9 hands. You'll hear from a SLED expert in this case. The
10 expert will tell you all about gunshot residue, those tiny
11 particles where a gun was fired.

12 Think about that for a minute. The man who was
13 waving a gun around earlier that day, the man who was
14 running away from the crime scene, his jacket hidden in
15 the woods, his hands were covered with gunshot residue.
16 Wayne Bryan used his common sense. What does your common
17 sense tell you about what happened that day?

18 I want to talk a little more about another concerned
19 citizen who did the right thing, somebody who also used
20 their common sense. Karla Gonzalez. She didn't live on
21 Keisha Avenue. She wasn't there that day. Didn't know
22 anything about it, but she saw something on social media,
23 something that concerned her. Something that her common
24 sense told her was not right. It was a video of the
25 defendant that was posted. Karla was so concerned about

1 what she saw in that video of the defendant that she, too,
2 also reached out to law enforcement, told the police about
3 that video. Something in her common sense told her that
4 something wasn't right, so she told the police about that
5 video. You're gonna get to hear from Karla during this
6 trial. I'd ask you to please pay close attention to what
7 she has to say. You'll get to see that video. Watch it
8 closely. Watch that video. Pay close attention to what's
9 going on. The defendant, what he's wearing, that jacket.

10 You'll get to hear from the people who are at
11 [REDACTED] Keisha Avenue. These witnesses, these are real people
12 who perceived a traumatic event. You'll hear from law
13 enforcement. You'll hear from Wayne. You'll hear from
14 Karla. Their testimony will come together like links in
15 a chain and lead to one conclusion about what happened
16 that day. Aaron Hood killed Xavier Cancer. You'll hear
17 from law enforcement. You'll get to see what the defendant
18 looked like that day, the day he was caught. You'll hear
19 from experts about gunshot residue, about DNA, about the
20 DNA that was found on that jacket that was hidden in the
21 woods. Think about that. Think about what you see in
22 the Snapchat video. Why would someone get rid of their
23 jacket on a cold winter's day? What's your common sense
24 tell you? So pay close attention to all that, what you
25 see, but also think about what you don't see.

1 When he was caught, he didn't have a black eye or a
2 bloody nose. This isn't a case where he was getting beat
3 up and pulled out a gun to defend himself. He didn't have
4 any cuts on his hand that indicated he'd been in a fight.
5 I'll tell you what he did have on his hands. Gunshot
6 residue. This wasn't a fight gone wrong. This was a
7 shooting. This was a killing. The evidence will show
8 that he came to [REDACTED] Keisha that day armed with a gun with
9 malice in his heart and violence on his mind.

10 We, the State, we have the burden of proving murder.
11 The unlawful killing of another person with malice
12 aforethought. The judge will tell you about malice.
13 The killing of another with malice. Malice, it can be
14 hostility, hatred, ill will, evil. That is what will
15 be proven in this case. The facts of this case are
16 undeniable. That is what will be proven to you from the
17 witnesses that you'll hear from. There's no time limit
18 for malice. It doesn't have to be two hours or two
19 minutes. All the State must prove is at the time he
20 killed Zay that he had malice.

21 Malice can be words, malice can be actions, but
22 there's no greater intent or evidence of intent than the
23 defendant saying that he's gonna do something and then
24 doing it. Coming to their home, saying that he's gonna
25 kill someone and then someone being killed. That's

1 malice. That's murder.

2 The evidence will show that the defendant is
3 guilty of murder for the shooting of Xavier Cancer.
4 The evidence will show that the defendant is guilty of
5 assault and battery of a high and aggravated nature for
6 his actions when he hit Lavoris Hill and then ran away
7 and hid his jacket in woods.

8 Ladies and gentlemen of the jury, I appreciate you
9 listening to me. I hope that you'll take time this week
10 to listen carefully to each and every witness that you'll
11 see upon that witness stand. I want you to thank you
12 again for being here, for doing the right thing, for
13 doing the right thing for your community. I don't know
14 if any of you have ever served on a jury before, but I'll
15 tell you there's really only one thing that you need.
16 The witnesses used it in this case and you brought it with
17 you to court this morning, and I'm talking about your
18 common sense. All you're gonna need is your common sense
19 to listen to these witnesses. All you're gonna need is
20 your common sense to see who is telling you the truth and
21 all you're gonna need is your common sense to find the
22 defendant guilty.

23 Thank you.

24 MR. STANCIL: May it please the Court?

25 THE COURT: Yes, sir.

1 MR. STANCIL: Good afternoon, ladies and gentlemen.
2 As previously stated, my name is Colie Stancil. I'm an
3 attorney out of Greenwood County, and I represent
4 Mr. Aaron Hood on these charges today. And I can tell
5 you one thing for a fact. That myself and Mr. Hood do
6 agree with Solicitor Fender in the fact that we thank you
7 for your service and that this is of the most paramount
8 importance not only to Mr. Hood, but to the judicial
9 system in this state and the country.

10 I'm gonna keep this brief because you're gonna hear
11 a lot of testimony that you need to focus on instead of
12 what I'm saying right now because we'll talk again at
13 the end of the trial, we'll go over everything that was
14 presented, and that will be a much longer conversation.

15 So for now I just want to tell you what you're gonna
16 hear. You're gonna hear changing stories. You're gonna
17 hear witnesses saying different things all throughout
18 this from -- since March 16, 2021. You're gonna hear how
19 evidence was destroyed in this case that's no longer
20 available. The sheriff's department destroyed evidence
21 in this case. You're gonna hear of an incomplete
22 investigation. There were other people who were never
23 tested, never even really subjects. They were focussed
24 on Mr. Hood from the beginning, and they stayed on that.

25 I'm also glad that Solicitor Fender brought up the

1 GSR because you will hear from SLED experts talking about
2 gunshot residue. If gunshot residue is on you, it means
3 nothing other than you were near a weapon that was fired.
4 That's it. Because you have it on you doesn't mean you
5 had the gun in your gun, doesn't mean you touched the
6 gun, doesn't mean the gun was in your possession when it
7 was fired. It just means that you were near and some of
8 the particulate got on you.

9 I'm also glad that Solicitor Fender brought up
10 common sense because when you were summoned for jury duty,
11 you weren't told to bring anything with you, but you did.
12 You brought your common sense. So I want you to listen
13 to what you hear, to what you don't hear, to what you see
14 and what you don't see. I want you to pay attention to
15 the alleged witnesses' stories changing drastically since
16 March 16th of 2021 and I want you to think why would they
17 change their stories. Why would it be so different from
18 the day of the incident until now?

19 Ladies and gentlemen, I'm not taking away anything
20 from the passing of Xavier Cancer. The taking of -- the
21 passing of anyone so young is a tragedy. I don't think
22 anyone would dispute that. I wouldn't dispute it. I
23 don't believe Mr. Hood would dispute it. But we're not
24 here today to argue if that's a tragedy or not. We're
25 here today to argue if the State can prove that Aaron

1 Sincere Hood committed murder and committed assault and
2 battery of a high and aggravated nature.

3 Ladies and gentlemen, I submit that they will not be
4 able to, but I'm not gonna take up any more of your time
5 right now because you have testimony you need to focus.

6 So, again, I'm gonna thank you for your service and
7 I'll speak to you again at the end of the trial.

8 Thank you, Your Honor.

9 THE COURT: You may call your first witness.

10 MR. McNAIR: Your Honor, the State calls Dameon
11 Springs.

12 (Whereupon, Dameon Springs was duly sworn by the
13 Clerk of Court.)

14 DAMEON SPRINGS,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. McNAIR:

18 Q. Dameon, will you state your full name and spell your
19 last name for the record.

20 A. Dameon Springs.

21 Q. Spell your last name, please.

22 A. S-P-R-I-N-G-S.

23 Q. Now, Dameon, let's tell the jury a little bit about
24 yourself. Where did you grow up?

25 A. Saluda.

1 Q. Did you go to high school here?

2 A. Yeah.

3 Q. Are you currently living in Saluda?

4 A. Yeah.

5 Q. And where do you live?

6 A. [REDACTED]

7 Q. [REDACTED] Keisha Avenue?

8 A. Yeah.

9 Q. Pull that microphone down just a little bit and keep

10 your voice up, okay?

11 A. All right.

12 Q. All right. [REDACTED] Keisha Avenue. And who do you live

13 there with?

14 A. My girlfriend.

15 Q. And what's her name?

16 A. Nivea Hill.

17 Q. Okay. Are you working now?

18 A. Yeah, I do.

19 Q. Where do you work?

20 A. Samsung.

21 Q. All right. How long have you been working there?

22 A. About four or five months.

23 Q. All right. And does Nivea work?

24 A. Yes, she do.

25 Q. Where does she work?

1 A. A nursing home. Long's.

2 Q. Now were you living back at [REDACTED] Keisha Avenue on
3 March 16th of 2021?

4 A. Yes.

5 Q. All right. Who all was living with you at that time?

6 A. Lavoris Hill and Cerika Springs and her kids and
7 Nivea.

8 Q. Okay. And what's your relationship to these
9 individuals? Who is Lavoris Hill?

10 A. To me?

11 Q. Yes.

12 A. He's my girlfriend's brother.

13 Q. Okay. Your girlfriend's brother?

14 A. Uh-huh.

15 Q. And who is Cerika Springs?

16 A. My cousin.

17 Q. She's your cousin?

18 A. Yeah.

19 Q. And she had kids living there as well?

20 A. Four kids.

21 Q. Four kids. Did that include a newborn?

22 A. Yeah.

23 Q. Okay. Tell us how you knew Xavier Cancer.

24 A. He's a friend.

25 Q. He's a friend?

1 A. Yeah.

2 Q. Had you-all been friends for a long time?

3 A. Yeah.

4 Q. Did he live there with you?

5 A. No.

6 Q. Would he come over a lot?

7 A. All the time.

8 Q. Okay. Now on March 16th of 2021, were you present
9 when Xavier Cancer was shot and killed on Keisha Avenue?

10 A. Yes.

11 Q. Let's talk about how that day started, okay? Who was
12 at your house to begin that day?

13 A. Cerika, Lavoris and Nivea and me.

14 Q. And you and the kids?

15 A. The kids.

16 Q. All right. Now at some point were you aware that
17 Lavoris Hill began talking to someone over social media?

18 A. Yes.

19 Q. Do you know who he was talking to?

20 A. Yeah.

21 Q. Who is that?

22 A. Aaron Hood.

23 Q. Aaron Hood?

24 A. Yeah.

25 Q. And did you know his name as Aaron Hood at the time?

1 A. Not at the time.

2 Q. What did you know him as?

3 A. Ron or something like that.

4 Q. All right. Ron. Had you -- had you met this guy
5 before or had you seen him before?

6 A. Yeah, one time.

7 Q. Where was that?

8 A. He was with a friend. He was with this friend one
9 time before.

10 Q. Okay. Do you know what Lavoris and Ron were talking
11 about?

12 A. Fighting.

13 Q. Do you know what the topic of their conversation was?

14 A. Yeah, talking about a gun.

15 Q. Okay. Well, let me ask you this. At some point did
16 Lavoris show you a picture of something?

17 A. Yeah.

18 Q. And what was that?

19 A. A picture of him and a gun.

20 Q. A picture of who with a gun?

21 A. Aaron Hood.

22 Q. Was it a video or a picture or what was it?

23 A. A picture.

24 Q. Okay. Now did you know where Aaron Hood was at that
25 time when he sent the picture?

1 A. I don't at that time.

2 Q. At some point did he come to where -- or I guess the
3 area where you lived?

4 A. Yes.

5 Q. How did you know he got there?

6 A. I seen him in a car with a girl.

7 Q. You seen him in a car with a girl?

8 A. (Nods head.)

9 Q. Pull up?

10 A. On the next street.

11 Q. On the next street? Not Keisha. What's the next
12 street?

13 A. Myranda.

14 Q. Myranda?

15 A. Yes.

16 Q. All right. And did he pull up to a house in
17 particular or did he just --

18 A. A trailer.

19 Q. To a --

20 A. To a trailer.

21 Q. Okay. And do you know who lived at that trailer?

22 A. SK.

23 Q. Is SK also -- is that Shawn Pridgen?

24 A. I guess. I just know him as SK.

25 Q. Okay. But that's who lived at the trailer that you

1 saw Aaron Hood pull up to?

2 A. Yes.

3 Q. What did you do at that point?

4 A. After he pulled up?

5 Q. Yes.

6 A. I was gonna tell them not to bring it to my house, but
7 I walked off I went to my cousin's house.

8 Q. So you walked outside of your trailer and you were
9 walking over there to tell them don't bring that stuff to
10 your house?

11 A. Yes.

12 Q. And did you end up -- did you make it over to where he
13 was?

14 A. No, I changed my mind. He showed a gun, so I changed
15 my mind.

16 Q. All right. You decided not to go over there?

17 A. Right.

18 Q. So where did you go next?

19 A. To my cousin's house.

20 Q. Where does she live?

21 A. On the same road but on further down.

22 Q. She's on Keisha, too?

23 A. No, she's on Myranda.

24 Q. She's on Myranda.

25 All right. So you end up going to your cousin's

1 house?

2 A. Right.

3 Q. How long did you stay there for?

4 A. About five, six minutes at the most.

5 Q. And what did you do after that?

6 A. Walked back home.

7 Q. You walked back home?

8 A. (Nods head.)

9 Q. And tell the jury what you saw when you walked back --
10 when you got back home.

11 A. I seen Aaron Hood in between two trees. I said
12 something to him and he did have a gun on him. When I said
13 something, he pulled a gun out on me.

14 Q. Okay. Is he standing in your yard at this point?

15 A. Like it's close to my yard.

16 Q. On the edge of your yard?

17 A. Yeah.

18 Q. All right. And you said something to him?

19 A. Yeah.

20 Q. What did you say?

21 A. I told him -- I said don't come over here with that.

22 Q. Okay. And what did he -- what did he do at that
23 point?

24 A. He said -- he pulled the gun and I said I saw that.

25 Q. Okay. When he pulled the gun out, what did he do with

1 it?

2 A. Pointed it at me.

3 Q. He pointed it at you?

4 A. Yeah.

5 Q. And he said what?

6 A. He'll kill all of us.

7 Q. Kill all of us?

8 A. (Nods head.)

9 Q. Who else was out there at the time?

10 A. We had Lavoris, Zay and Nivea.

11 Q. Okay. Is he doing -- after he pointed the gun at you,
12 what did he do with the gun?

13 A. I walked off.

14 Q. Okay. Where did you walk off to?

15 A. In the house.

16 Q. You went in the house?

17 A. Well, first I went to the back. I walked like to the
18 back of the house and I seen like Lavoris and Zay. After
19 that, I walked in the house.

20 Q. Okay. Now I'm just gonna back up and let's just go
21 through this. When you first got there and saw Aaron Hood,
22 did you see -- did you know Lavoris Hill and Xavier Cancer
23 were out there?

24 A. No.

25 Q. Okay. And you said -- how did you get back in your

1 house?

2 A. I went around back, but I ended up going back in the
3 front door.

4 Q. Okay. And that is when you saw Xavier Cancer and
5 Lavoris Hill?

6 A. Right.

7 Q. Okay. Now can you describe the way Ron looked at that
8 time?

9 A. He had dreads, tall.

10 Q. Dreads and tall?

11 A. Yeah.

12 Q. Do you recall anything about what he was wearing?

13 A. Pants with some stripes on them.

14 Q. Pants with stripes like Adidas pants?

15 A. Adidas pants, yeah.

16 Q. Do you recall what he was wearing on top?

17 A. A hoodie.

18 Q. A hoodie?

19 A. (Nods head.)

20 Q. Do you recall anything about the gun that you saw?

21 A. I just know it was black with a long clip.

22 Q. Black with a long clip?

23 A. (Nods head.)

24 Q. Now was anybody with Ron at the time that you saw?

25 A. SK was in the road that I seen.

1 Q. Which road?

2 A. Myranda.

3 Q. Would that be kind of standing behind Mr. Hood?

4 A. Yeah.

5 Q. Before you went back into your trailer, did you talk

6 -- I guess what was the last thing you heard Mr. Hood say

7 prior to you going back into the trailer?

8 A. Say again?

9 Q. What was the last thing you heard Mr. Hood say prior

10 to going back inside your trailer?

11 A. He said they was gonna fight.

12 Q. What was Xavier Cancer's response to Mr. Hood wanting

13 to fight?

14 A. He want to fight.

15 Q. Fight how?

16 A. Hands.

17 Q. Did Mr. Cancer express how he felt about fighting with

18 -- with a gun?

19 A. He didn't want no gun. He said hands.

20 Q. Okay. He expressed that he was willing to fight with

21 hands?

22 A. Right.

23 Q. And not a gun?

24 A. No gun.

25 Q. What's the last thing you saw them do prior to going

1 back inside your house?

2 A. Walking down on Keisha Street to Ms. Andrena's house.

3 Q. Walking down Keisha?

4 A. (Nods head.)

5 Q. And who did you see walking down Keisha?

6 A. Lavoris and Zay and I seen the two other ones, SK

7 and --

8 Q. Lavoris and --

9 A. Lavoris and Zay went -- walked down Keisha.

10 Q. Okay.

11 A. Aaron Hood and SK went on the next road and walked

12 to --

13 Q. They walked back --

14 A. -- to get on Keisha Street, yeah.

15 Q. Okay. So they walked back towards Myranda?

16 A. Yeah.

17 Q. Did you -- did you ever see them come back around to

18 Keisha?

19 A. No.

20 Q. Okay. You had gone inside at that point?

21 A. (Nods head.)

22 Q. What is the next thing you remember seeing or hearing

23 after you went inside?

24 A. A gunshot.

25 Q. How many?

1 A. One.

2 Q. How long did it take you -- what did you do after you
3 heard the gunshot?

4 A. I ran outside.

5 Q. Okay. How long did it take you to get outside after
6 you heard the gunshot?

7 A. It didn't take a second.

8 Q. A second?

9 A. Not even a second if that.

10 Q. And what did you see after that gunshot when you came
11 back outside?

12 A. I seen Lavoris on top of SK beating him and Aaron Hood
13 hit Lavoris across the head with the gun.

14 Q. At the time you saw that, did you see anybody else out
15 there with a gun other than Aaron Hood?

16 A. That's it. That's the only one I seen there.

17 Q. Okay. And you saw him hit Lavoris Hill over the head
18 with the gun?

19 A. I did.

20 Q. Did you hear him say anything to Lavoris Hill?

21 A. Yeah.

22 Q. What he did say?

23 A. Give me my clip.

24 Q. Did you see the clip?

25 A. Yeah, I did. It was a long one.

1 Q. Where was the clip? When he said give me the clip,
2 where was the clip?

3 A. In Lavoris's hand.

4 Q. It was in Lavoris's hand?

5 A. (Nods head.)

6 Q. Did you see where Xavier Cancer was at that point?

7 A. I didn't see him at all.

8 Q. Did you ever see Xavier Cancer after that shot?

9 A. After that Lavoris ran back and picked him up. That
10 was it.

11 Q. Lavoris picked him up?

12 A. Yeah.

13 Q. And did what?

14 A. Brought him up the road.

15 Q. Up the road back to where you lived?

16 A. Yeah, on -- on top of his car.

17 Q. And put him on top of his car?

18 A. (Nods head.)

19 Q. Okay. Now after that -- after you saw Aaron Hood hit
20 Lavoris Hill over the head with a gun, what did they do --
21 what did he do?

22 A. What you mean?

23 Q. After you saw Aaron Hood hit Lavoris Hill over the
24 head with the gun, where did he go? Where did Aaron Hood
25 go?

1 A. He ran through Ms. Andrena's yard.

2 Q. Back to where he had come on Myranda?

3 A. Yeah.

4 Q. Okay. Did you see SK as well?

5 A. I did.

6 Q. Were they running together?

7 A. Yeah.

8 Q. Did you see anybody else with him?

9 A. I seen the two.

10 Q. Prior to them going down the street to fight, did you
11 ever see Xavier Cancer or Lavoris with a gun?

12 A. No.

13 Q. Did you ever hear them threaten Mr. Hood?

14 A. No.

15 Q. They just wanted to fight with their fists?

16 A. That's it.

17 Q. Now go back to when I asked you whether or not you
18 could see or knew where Zay was.

19 A. (Nods head.)

20 Q. How did you-all end up -- or how did that come about?
21 How did you end up discovering where Zay was?

22 A. Lavoris had got up after getting hit in the head and I
23 went and asked him where Zay was and he ran back down there
24 and picked Zay up off the ground.

25 Q. Okay. I'm gonna show you State's Exhibit 41 and do

1 you recognize this aerial photo? Does that fairly and
2 accurately represent where your house was and where Myranda
3 Avenue was and all that back in March of 2021?

4 A. (Nods head.)

5 Q. You've got to speak up.

6 A. Yes.

7 MR. McNAIR: Your Honor, at this time we'd offer
8 State's 41 into evidence.

9 MR. STANCIL: Without objection, Your Honor.

10 THE COURT: State's Exhibit 41 is admitted into
11 evidence.

12 (State's Exhibit Number 41, an aerial photograph,
13 was admitted into evidence.)

14 MR. McNAIR: Let's see the best way to do this.

15 Dameon, I think probably the best thing is for you
16 to step down from the stand.

17 THE COURT: Mr. Springs, while you're down off the
18 witness stand, make sure you speak up so the court
19 reporter can hear you.

20 MR. McNAIR: Can everybody see that?

21 BY MR. McNAIR:

22 Q. All right. Show us -- show the jury where your house
23 is.

24 A. Right here.

25 Q. [REDACTED] Keisha?

1 THE COURT: Speak up.

2 THE WITNESS: Yes.

3 BY MR. McNAIR:

4 Q. And where's the house where you saw Aaron Hood pull up
5 to, [REDACTED] Myranda?

6 A. That's on the back.

7 Q. Is that the trailer?

8 A. Yeah, the second one.

9 Q. Okay.

10 A. Ms. Andrena's house is there. She stay right behind
11 me.

12 Q. So this house on the map, that's Shawn Pridgen's house
13 where you saw Aaron Hood pull up to?

14 A. Right.

15 Q. Okay. And show the jury -- it's hard to see, but
16 show the jury where you were when you first saw Aaron Hood.

17 A. This is my house right here.

18 Q. Speak up real -- real loud.

19 A. Right here. I saw him coming from between them two
20 houses right here.

21 Q. Okay. That's where your cousin's house was?

22 A. Pridgen's house is here.

23 Q. Okay. Now your initial testimony is that you started
24 walking over this way to Myranda, correct?

25 A. Right.

1 Q. But you didn't end up going there?

2 A. No.

3 Q. You turned to your cousin's house?

4 A. Right here.

5 Q. This is your cousin's house?

6 A. Yeah.

7 Q. All right. And then how long did you say you were?

8 A. Five, six minutes.

9 Q. And when you came back to your house, that's when you

10 saw Aaron Hood?

11 A. Right.

12 Q. And where was he in relation to where your house is?

13 A. My house is here. He was in between these trees.

14 Like about two trees right here. Somewhere up there.

15 Q. Okay. And where was Shawn Pridgen?

16 A. He was like on the road here.

17 Q. He was still back here kind of on the edge of Myranda?

18 A. Yeah, he was on Cedar.

19 Q. And you described, you know, him pulling the gun out

20 and what did he say again?

21 A. He say he'll kill all of us.

22 Q. You have to talk as loud as you possibly can.

23 A. He say he'll kill all of us.

24 Q. All right. And then you said you went around back of

25 your house to go -- where's your front door?

1 A. On this side of the house.

2 Q. It's on this side facing --

3 A. Right, the back door. Here's the front door, back
4 door.

5 Q. Okay. And how did you go into your house?

6 A. I walked around and went up the steps.

7 Q. And you go in the back here?

8 A. I was at this part. This is the end -- the end of the
9 trailer.

10 THE COURT: Mr. McNair, I tell you what. Why don't
11 you-all move back so he can talk into the mic. Pull that
12 mic up closer.

13 THE WITNESS: (Witness complies.)

14 THE COURT: There you go.

15 THE WITNESS: This is the end of the -- this is the
16 end of the trailer right here. The back part.

17 BY MR. McNAIR:

18 Q. Okay.

19 A. So I'm coming from there. That's my trailer. I seen
20 him like standing up here.

21 Q. Okay.

22 A. So I said something to him and once I said something
23 to him, he said I'll kill all of you-all. This is when he
24 pulled the gun out.

25 Q. Okay. And then where -- where was Xavier Cancer and

1 Lavioris Hill?

2 A. In the back of the house in the backyard.

3 Q. Okay. And then when you said you saw them walk down
4 the street to fight, where was that?

5 A. Keisha Street.

6 Q. Okay. Can you see kind of on here where they were,
7 especially when you saw Aaron Hood hit Lavioris over the
8 head?

9 A. It was like on down some, somewhere over there.

10 Q. All right. 120 Keisha Avenue. Who lives there?

11 A. Andrena.

12 Q. That's Andrena's house?

13 A. Right.

14 Q. All right. And approximately where was Lavioris and
15 Aaron Hood when you saw him hit him over the head?

16 A. In the middle of the road.

17 Q. Close to Andrena's house?

18 A. Yeah.

19 Q. And where did you see Aaron Hood and Shawn Pridgen run
20 after that?

21 A. They went through like her yard through the driveway.

22 Q. Can you point it out on the map?

23 A. It's like right up there.

24 Q. All right. Through the yard?

25 A. Through the yard.

1 Q. And where were they heading towards?

2 A. His house right there on Myranda Street.

3 Q. Back to [REDACTED] Myranda?

4 A. Uh-huh.

5 Q. All right.

6 (Whereupon, the witness returns to the witness
7 stand.)

8 Q. Do you recall anything about the way Mr. Hood talked,
9 his voice?

10 A. It sounded like from up north.

11 Q. Okay. Do you see Mr. Hood in the courtroom today?

12 A. Yes.

13 Q. Can you point him out for us?

14 A. Right there.

15 Q. Sitting by his attorney at the defense table?

16 A. Yes.

17 Q. All right. Is anything different about him today than
18 back then?

19 A. No hair.

20 Q. No hair?

21 A. (Nods head.)

22 Q. Okay.

23 MR. McNAIR: That's all the questions I have at
24 this time. Please answer any questions the defense
25 attorney has.

1 THE COURT: Cross-examination.

2 MR. STANCIL: May it please the Court?

3 THE COURT: Yes, sir.

4 CROSS-EXAMINATION

5 BY MR. STANCIL:

6 Q. Good afternoon, Mr. Springs. You stated that Mr. Hill
7 showed you a picture of Mr. Hood with a gun?

8 A. He did.

9 Q. Where? Where did he show you this picture from?

10 A. His phone.

11 Q. Okay. And can you describe the picture?

12 A. It was a black gun.

13 Q. And you have no idea when that picture was taken?

14 A. No.

15 Q. Okay. You said you saw Aaron Hood pull up in a car on
16 Myranda?

17 A. Yes, I did.

18 Q. Okay. With a girl?

19 A. Yes.

20 Q. What kind of car was it?

21 A. I can't remember the car. It was a white girl.

22 Q. It was a white girl?

23 A. It was.

24 Q. So you stated that at one point Mr. Hood was between
25 -- looking at State's 41, you stated that at one point

1 Mr. Hood was between Keisha Avenue and Myranda Avenue,
2 correct?

3 A. Across the street.

4 Q. And Mr. Pridgen or SK was still on Myranda Avenue?

5 A. Yeah, same thing. Myranda.

6 Q. And you said at this point after Mr. Hood allegedly
7 showed a gun that you went into your cousin's house for
8 about five to six minutes?

9 A. No, I didn't say that.

10 Q. Okay. Then when did you go into your cousin's house?

11 A. Before.

12 Q. Before for about five or six minutes?

13 A. I did.

14 Q. Can you describe the gun you saw?

15 A. It was a black gun.

16 Q. Okay. Anything particular about it?

17 A. A long clip.

18 Q. How long?

19 A. About this long.

20 Q. Now you stated that Mr. Hood pointed a gun at you and
21 threatened you?

22 A. He did.

23 Q. Why did you never tell law enforcement that?

24 A. I did.

25 Q. Are you aware of that law enforcement does not have

1 that statement anywhere?

2 A. (Shrugs.)

3 Q. Do you remember what everyone else was wearing that
4 day?

5 A. Say again.

6 Q. Do you remember what everyone else was wearing that
7 day?

8 A. Not really.

9 Q. Okay. So you only remember what Mr. Hood was wearing?

10 A. Yeah.

11 Q. Now you said when they walked down the street that
12 Mr. Cancer and Mr. Hill walked down Keisha Avenue and
13 Mr. Hood and Mr. Pridgen walked down Myranda. So two
14 totally different streets?

15 A. Right, that meet up.

16 Q. Can you show me where they meet up?

17 A. (Indicating.)

18 Q. This is Myranda Avenue right here, correct?

19 A. Yeah.

20 Q. And this is Keisha right here?

21 A. Right.

22 Q. And they don't intersect?

23 A. Right next door.

24 Q. Right, but they don't -- so they were walking down two
25 completely different streets?

1 A. All you have to do is go -- they went that way and all
2 you have to do is go up there and you can see.

3 Q. Right. But you didn't see that part. You just saw
4 Mr. Hood and Mr. Pridgen walk down Miranda Street and
5 Mr. Cancer and Mr. Hill walk down Keisha?

6 A. Right.

7 Q. Now you state -- or your testimony was that you saw
8 Aaron hit Lavoris on the back of the head?

9 A. Yeah, with a gun.

10 Q. Again, why did you not tell law enforcement this?

11 A. I did.

12 Q. Okay. So they just forgot that important information?

13 A. I don't know.

14 Q. How far away -- when you came out and allegedly saw
15 this, how far away were they?

16 A. They weren't too far. From here to that door on down.

17 Q. Okay. So you're saying the distance from you to that
18 door is the same as three houses distance?

19 A. It ain't far. The road is small.

20 Q. So they were three houses down when you allegedly saw
21 this?

22 A. That's two houses.

23 MR. STANCIL: I beg the Court's indulgence.

24 BY MR. STANCIL:

25 Q. You said you heard a shot, but didn't see anything?

1 A. Right.

2 Q. Do you know what happened with this alleged clip after
3 the fight?

4 A. No, I don't. I know Lavoris had it in his hand.

5 Q. Okay. So the last you saw it Lavoris had it?

6 A. Right.

7 Q. When Mr. Hood was allegedly threatening everybody, why
8 did you not call law enforcement?

9 A. (Shrugs.)

10 Q. So a man points a gun at you and your loved ones and
11 you don't do anything?

12 A. My neighbor called.

13 Q. But that was after the shot, correct?

14 A. Before I think.

15 Q. Okay.

16 MR. STANCIL: No more questions, Your Honor.

17 THE COURT: Any redirect?

18 REDIRECT EXAMINATION

19 BY MR. MCNAIR:

20 Q. Dameon, how long a time gap was it between the time
21 that Mr. Hood was making all those threats and you heard
22 the gunshot? Was there a lot of time in between there or
23 did it happen quickly?

24 A. Say it again. Say it one more time.

25 Q. Between the time that you saw Mr. Hood making the

1 threats and waving the gun around and you heard the
2 gunshot, was there a lot of time in between there?

3 A. Not really.

4 Q. All right. And what was your understanding of what
5 they were gonna do when they started walking down Keisha
6 Avenue?

7 A. Fight. That's it.

8 Q. A fistfight?

9 A. That's it.

10 Q. Did you see any reason to call the cops for a
11 fistfight?

12 A. No.

13 Q. Now this looks a lot bigger on this map than it is in
14 person, doesn't it?

15 A. Uh-huh.

16 Q. These trailers are pretty close together, aren't they?

17 A. They really are.

18 Q. And can you easily see [REDACTED] Myranda from your house?

19 A. Yeah.

20 Q. And can you easily see two trailers down Keisha
21 Avenue?

22 A. Yeah.

23 Q. How close were you to Xavier Cancer?

24 A. Say again.

25 Q. How close were you to Xavier Cancer?

1 A. What you mean how close?

2 Q. As friends, how close were you?

3 A. We're good friends. Cool. Good friends.

4 Q. And do you remember that day very well?

5 A. I do.

6 Q. Do you have any doubt about who had the gun?

7 A. Yeah.

8 Q. Do you have any doubt who had the gun that day?

9 A. Oh, no. No, I don't.

10 Q. Now do you recall telling law enforcement that the
11 subject had a gun with a long clip and told him to shut up
12 or he would shoot him?

13 A. Right.

14 Q. What's saying -- what's he doing when he says he's
15 gonna shoot you?

16 A. He was waving the gun.

17 MR. McNAIR: Thank you.

18 THE COURT: Recross.

19 MR. STANCIL: Very briefly, Your Honor.

20 RECROSS EXAMINATION

21 BY MR. STANCIL:

22 Q. Mr. Springs, how much time passed from when you saw
23 Mr. Hood pull up in this car until when you allegedly saw
24 him strike Mr. Hill?

25 A. You say how long?

1 Q. Uh-huh.

2 A. That I seen him in the car?

3 Q. You said you saw him pull up in a car, so how long
4 between that and you seeing him allegedly strike Mr. Hill
5 with the gun?

6 A. He pulled up the car on the next street on Myranda.
7 I walked over there to say something to him, but changed
8 my mind so I went to my cousin's house. I come back from
9 my cousin's house and they're in between the trees and I
10 say something to him. After that he said -- he pulled the
11 gun out and said he'd kill all of us.

12 Q. Okay. So how much time elapsed?

13 A. Not too long.

14 Q. Could you give me a guess? Ten minutes?

15 A. Maybe five.

16 Q. Okay. And just for the record, you didn't see any
17 shot or any altercation before the shot?

18 A. No, I didn't.

19 MR. STANCIL: No more questions, Your Honor.

20 THE COURT: All right. The witness may step down.

21 (Witness excused.)

22 THE COURT: Counsel, if you could approach.

23 (Proceedings held at the bench; not reported.)

24 THE COURT: All right. Ladies and gentlemen, we're
25 gonna go ahead and break for the day. There's no more

1 witnesses today, so I'm gonna let you go home. However,
2 I want to ask everyone to be back here in the jury room
3 at 9:15 tomorrow morning and we'll look to start the
4 testimony by 9:30, okay?

5 As I told you earlier, and I'll tell you every time
6 I send you out of the courtroom, please don't discuss the
7 case with anyone, please don't do any independent research
8 of the case. Anything you need to know to serve as jurors
9 you'll get from the witness stand continuing tomorrow.

10 Otherwise, have a pleasant evening and we'll see
11 you tomorrow morning at 9:15, all right?

12 Thank you.

13 (Whereupon, the jury was excused for the day at
14 4:12 PM.)

15 THE COURT: All right. Counsel, anything before we
16 recess for the day?

17 MR. STANCIL: Nothing from the defense, Your Honor.

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

19 THE COURT: All right. I'll see you-all tomorrow
20 morning, folks, at 9:15. You-all have a nice evening.

21 (Whereupon, the proceedings were concluded for
22 September 11, 2023, at 4:17 PM.)

23 (The following proceedings were held September 12,
24 2023, beginning at 9:30 AM.)

25 BAILIFF: All rise.

1 THE COURT: Thank you, ladies and gentlemen. Please
2 be seated.

3 Are we ready to call your next witness?

4 MR. McNAIR: Can we have five minutes? We're trying
5 to get an exhibit printed real quick.

6 THE COURT: Getting an exhibit ready. Okay.

7 (Pause in proceedings.)

8 MR. McNAIR: Your Honor, we're ready.

9 THE COURT: All right. Call our jury in.

10 Is the defense ready to proceed as well?

11 MR. STANCIL: We're ready to proceed, Your Honor.

12 THE COURT: All right. Please bring the jury in.

13 MS. FULLER: Thank you for your patience.

14 (Whereupon, the jury enter the courtroom at
15 9:42 AM.)

16 THE COURT: All right. Madam Forelady and ladies
17 and gentlemen of the jury, welcome back. I hope you had
18 a nice evening. We're gonna pick up where we left off
19 with yesterday. I would ask at any point during the
20 testimony if any one of you cannot hear the testimony,
21 please let me know. Please let us know. Don't hesitate
22 to wave your hand if you can't hear. Give us a signal,
23 all right?

24 But we'll go ahead and proceed with the next witness
25 in the State's case in chief.

1 MR. McNAIR: Thank you, Your Honor.

2 The State calls Lavoris Hill.

3 (Whereupon, Lavoris Hill was duly sworn by the Clerk
4 of Court.)

5 LAVORIS HILL,

6 having been duly sworn, testified as follows:

7 DIRECT EXAMINATION

8 BY MR. McNAIR:

9 Q. Lavoris, good morning.

10 A. Good morning.

11 Q. Would you state your full name and spell your last
12 name for the record?

13 A. Lavoris Senteal Hill. Last name H-I-L-L.

14 Q. Lavoris, tell the jury little bit about yourself.
15 Where did you grow up?

16 A. I grew up on Waters Avenue in Saluda. I'm
17 thirty-eight years old. I've got three kids.

18 Q. Did you go to high school here?

19 A. Yes, sir. I went to high school. I didn't graduate,
20 but I did go to school eleven years.

21 Q. Are you married?

22 A. No.

23 Q. But you have three kids?

24 A. Yes, sir.

25 Q. Are you working?

- 1 A. Yes, sir.
- 2 Q. Where are you working right now?
- 3 A. I work in Aiken at Bo Jangles and I-Hop.
- 4 Q. Now back on March 16th of 2021, where were you living
- 5 at that time?
- 6 A. I was staying in a trailer park in Saluda.
- 7 Q. Okay. Do you remember the address?
- 8 A. It was on [REDACTED] Keisha Street.
- 9 Q. Keisha Street? Is it [REDACTED] or was it [REDACTED]?
- 10 A. I mean [REDACTED]. Sorry.
- 11 Q. All right. Now who lived there with you at that time?
- 12 A. It was my sister, brother-in-law, my girlfriend and
- 13 two kids.
- 14 Q. And who's your brother-in-law?
- 15 A. Dameon Springs.
- 16 Q. And who's your sister?
- 17 A. Nivea Hill.
- 18 Q. And who's your girlfriend?
- 19 A. Cerika Springs.
- 20 Q. Okay. And she had two children?
- 21 A. She's got four, but she just had two at the time.
- 22 Q. Okay. And was one of those children yours?
- 23 A. Yes, sir. Kyson, the baby.
- 24 Q. How old was he back on March 16th of 2021?
- 25 A. He was eight days.

1 Q. Okay. So Cerika had just gotten out of the hospital?

2 A. Yes, sir.

3 Q. What about Xavier Cancer? Tell the jury how you knew
4 him.

5 A. Well, really he was just like hanging out with like my
6 cousins and stuff, but we just started getting to know each
7 other and he was cool. He was my friend.

8 Q. He didn't -- he didn't live there with you-all; is
9 that right?

10 A. No, he didn't stay there with us.

11 Q. Would he come over and hang out a good bit?

12 A. Yes, sir.

13 Q. All right. Let's talk about that day, the day that he
14 was killed on Keisha Avenue and the day that you got hit on
15 the head and were transported to the hospital. Let's start
16 with just the beginning of that day and how it started.
17 Who was there to start that day?

18 A. It started about a message that I got -- well, my
19 girlfriend got and she told me about it and I said
20 something to him and we just went on from there.

21 Q. Okay. So your girlfriend being Cerika?

22 A. Yes, sir.

23 Q. Got a message from somebody?

24 A. Yes, sir.

25 Q. Do you know who the message was from?

1 A. Yes, it was from Aaron. Aaron Hood.

2 Q. Did you know -- did you know him by the name Aaron
3 Hood at that time?

4 A. No, I ain't know him like. I just seen him around,
5 but I didn't know who he was.

6 Q. All right. What name did you know him by, I guess, on
7 social media?

8 A. Ron.

9 Q. As Ron?

10 A. (Nods head.)

11 Q. So he sent Cerika a message?

12 A. Yes, sir.

13 Q. And what did you do in response to him sending your
14 girlfriend a message?

15 A. I just told him to stay out of my girl's inbox and he
16 was like don't nobody want your dusty ass girl and stuff
17 like that, so we just went back and forth and it ended up
18 him coming out at times to the trailer park or whatever.

19 Q. Okay. Slow down one second. How were you-all
20 communicating?

21 A. We was communicating on Facebook.

22 Q. Facebook Messenger?

23 A. Yes, sir.

24 Q. All right. You told him to stay out of your girl's
25 inbox?

1 A. Yes, sir.

2 Q. He made a comment about your girlfriend Cerika?

3 A. Yes, sir.

4 Q. Now did you-all continue to talk over Facebook
5 Messenger?

6 A. We like stopped for about -- like about an hour
7 because he told me he was gonna come downtown or whatever
8 and he started back and said he was in the trailer park and
9 I was like me, too, and messages went on and stuff.

10 Q. Okay. And what are these messages about?

11 A. About fighting and stuff like that.

12 Q. Okay. Now at one point did he send you a video or a
13 picture of something?

14 A. Yeah, he sent me a video with like saying that --
15 holding a gun and waving it like I've got this for people
16 like you and stuff like that.

17 Q. Okay. And then you said he then messaged you that he
18 was you said in the trailer park?

19 A. Yeah.

20 Q. Did you see him in the trailer park?

21 A. I ain't seen him until like probably about ten,
22 fifteen minutes later after my brother-in-law went over
23 there. He said he was going over there to try to stop it
24 because he knew who he was or whatever.

25 Q. Your brother-in-law being Dameon Springs?

1 A. Yes, sir.

2 Q. And was Dameon with you when you-all were having these
3 -- exchanging these messages?

4 A. Yeah, I was showing -- I was showing Dameon the
5 messages that he texted me and Dameon was like don't worry
6 about it. I'm gonna go over there and holler at him or
7 whatever.

8 Q. Okay. And you showed Dameon the picture of Aaron Hood
9 with the gun?

10 A. Yes, sir.

11 Q. And then Dameon said he would go over there and try
12 and diffuse the situation?

13 A. Yeah, that's what he told him.

14 Q. Did you walk outside with Dameon at that time?

15 A. No, I ain't walk out because he told me don't worry
16 about it right now. He said he was gonna go see what's
17 going on.

18 Q. Do you know if Dameon actually went over there?

19 A. No, I don't really know because he came back too fast.
20 I don't even know if he went over there or not, but he
21 tell me he was on the way over there, but when he came he
22 already had seen them going to that side.

23 Q. Okay. When Dameon got back to your house where you
24 were, where were you at that time?

25 A. We was standing in the front yard.

1 Q. Who was with you?

2 A. Me and a couple more people. I don't know. I can't
3 remember now who all was out there, but I know it was me
4 and Dameon and Elijah. We call him PP or whatever.

5 Q. And when Dameon got back, who else did you see?

6 A. I saw Dameon telling him that Ron and his cousin
7 Shawn was on the way back across the yard, too, so we
8 walked around the back of the trailer and when we got
9 around there they was -- they was standing right between
10 these two tress like right there.

11 Q. Okay. Ron and his cousin Shawn?

12 A. Yes, sir.

13 Q. Did you know his real name at the time?

14 A. I ain't no either one of them.

15 Q. Okay. Shawn, you now know that to be Shawn Pridgen?

16 A. Yes, sir.

17 Q. And were you familiar with him?

18 A. No, I ain't even know him. I just seen him around and
19 stuff, at the store or something.

20 Q. Okay. Did you know where he lived?

21 A. No, I didn't know at the time, but I know now. I just
22 thought he was just going over there to chill, but now I
23 know that he -- he was staying there.

24 Q. All right. So tell us what you saw Ron doing and
25 saying when you first saw him come over to where you were.

1 A. I seen him pointing and waving the gun at all of us
2 standing on -- he was waving the gun at me, my sister,
3 Nivea, Dameon, PP or Elijah. He said I'll fire all five
4 of you-all up right now.

5 Q. I'll fire all five of you up right now?

6 A. Yes, sir. Fire meaning like shooting or whatever.

7 Q. What did you-all say to him at that point?

8 A. I don't remember what we was talking about, but I'd
9 say probably like thirty seconds after that happened Xavier
10 pulled up and it just stopped for me. All the attention
11 was on -- dumped on him.

12 Q. All right. Let's talk about that. Why was Zay even
13 coming over that day?

14 A. Because I had called him earlier to come and pull up
15 on me probably about 8:00, 9:00 that morning, just come
16 chill, and he was like I'll pull up on you later. I'm
17 doing some business.

18 Q. So you invited him to come up prior to all these
19 messages between you and Mr. Hood?

20 A. Yes, sir.

21 Q. Did Zay even know there was a fight about to go on?

22 A. No, he ain't know nothing that was going on out there.

23 Q. And you didn't invite him over there to help fight or
24 anything like that?

25 A. No.

1 Q. He just showed up?

2 A. He just pulled up.

3 Q. To hang out?

4 A. (Nods head.)

5 Q. What happened when he pulled up?

6 A. When he pulled up, he just -- everything just stopped,
7 and Hood, he was just like oh, yeah, I ain't even worrying
8 about you, I've been on him. So I guess they had problems
9 already or something. I don't know. I don't know what the
10 problem was. He say it was about a girl or whatever, but I
11 don't know.

12 Q. All right. So he's pulled up. He's no longer
13 focussed on you. He's now focussed on Zay. He said I want
14 -- he wanted Zay now?

15 A. Yeah, he said I don't even want you no more. I've got
16 a problem with him. So Zay was like what's up.

17 Q. What did -- what was Zay's response to Mr. Hood?

18 A. He was like what's up, let's go. He was like yeah,
19 let's walk down to the end of the road. Dameon was telling
20 him to get out of his yard because he didn't want any
21 trouble in his yard. Shawn -- Shawn and Ron, they went
22 like towards the other road.

23 Q. Let me stop you there and back up. When Zay said
24 what's up, let's go, what was he talking about doing?

25 A. They was going down the road and doing -- and fight or

1 whatever.

2 Q. Fight how?

3 A. I guess hands. Fistfight.

4 Q. Did he give any indication he was willing to fight
5 with guns?

6 A. No, there hadn't been none of that.

7 Q. So he agreed to go have a fistfight?

8 A. Yeah, said let's go handle this or whatever, so they
9 walked down the road.

10 Q. All right. And what did -- what did Aaron Hood and
11 Shawn do at that point?

12 A. They turned around and walked on the other street and
13 we was -- we was looking over there at them just to make
14 sure everything was right because I knew he had -- I knew
15 he had a gun because he was already pointing, so. I seen
16 -- well, we seen him give a gun to Shawn. We seen Ron pass
17 a gun to Shawn. He got down to the end of the road and
18 told him -- I said you see that, he was like yeah, I seen
19 that. So they walked and we got to the -- because we were
20 on different roads. We got to the end and they just went
21 straight to each other and started fighting.

22 Q. All right. So you were on -- your house on is on
23 Keisha?

24 A. Yeah.

25 Q. And then they walked back towards Myranda?

1 A. Yes, sir.

2 Q. And that's when you saw Hood give Shawn the gun?

3 A. Yes, sir.

4 Q. Okay. And then they came around Myranda to the other
5 side of the -- onto Keisha?

6 A. Yes, sir. At the end of the road. It's like a dead
7 end. All the roads was on a dead end.

8 Q. Is that where you-all met up with them again?

9 A. Yes, sir.

10 Q. And so who was with you at that point?

11 A. Me, Zay and Elijah. PP.

12 Q. Elijah Smith, is that his full name?

13 A. Yes, sir.

14 Q. He goes by PP?

15 A. (Nods head.)

16 Q. It's you and Zay and Elijah and then you see Mr. Hood
17 and Shawn again?

18 A. Yes, sir. And there was some other dude with them,
19 but I don't -- he didn't come all the way over there. He
20 just stayed in the road. He didn't even walk all the way
21 over.

22 Q. Okay. What road did he stay on?

23 A. He stayed on Myranda Street.

24 Q. Okay. So he wasn't really a part of it, he was just
25 kind of staying in the background?

1 A. Yeah.

2 Q. So just walk us through what you remember once you-all
3 got to the end of Keisha. What happened?

4 A. We got down there and them boys was like they ran into
5 each other. They both of them had their hands up and so
6 they just started fighting. So I wasn't even worried about
7 them fighting no more, I was more worried about the boy
8 that had the gun, and I guess Zay was getting the best of
9 him or whatever and he was like get my gun, so when I seen
10 him like going for the gun, I hit him and we fell on the
11 ground and we just started tussling and stuff and some way
12 I had the clip in my hand that come out the gun, the gun
13 slipped and like went somewhere else, and the next thing I
14 know I heard -- I seen him pick the gun up and shoot the
15 gun, but I didn't see him shoot -- I didn't see who he
16 shot. I seen him shoot the gun and when he shot, he come
17 over there and I guess he seen us fighting and he hit me
18 in the head with the gun, like get off my cousin, and so
19 I'm getting up and he tried to hit me again, but he
20 couldn't because I was already up, like standing back, and
21 he's like give me my clip back, so I said no, and I threw
22 it, and by the time that -- all that was over, they ran
23 back down the road and Shawn had looked over there at --
24 they was in the bushes and he was like tapping -- he was
25 tapping on Hood and both of them started running. And PP

1 and everybody was like where Zay at and PP walked back down
2 there and he seen Zay in the bushes, so that's when I ran
3 down there and I picked him up, which I assume I did
4 it because I ain't really know what was going on, man, I
5 was just in the mix, and I picked him up and I toted him
6 and put him on the back of his car and I was trying to save
7 him, but that was the end of him.

8 Q. Okay. Now when Zay and Hood started fighting, where
9 were you and Elijah and Shawn?

10 A. We was standing like off the road a little bit
11 watching them, but --

12 Q. Were you-all standing like side by side or --

13 A. Yeah, we was standing like side by side. Like Shawn
14 was in the middle of me and PP. He was in the middle. So
15 after I hit him, I didn't even see where PP went to. I
16 think he just ran, too, because he was just -- I don't
17 know.

18 Q. So as you're watching them fight, how long did that
19 fight last?

20 A. It couldn't have been no more than five -- more than
21 like ten seconds because I wasn't really watching it.

22 Q. Did you see anybody actually get hit?

23 A. Yeah, I seen the first lick because they like ran like
24 straight to each other. Like they was so ready to fight
25 like they just -- they ran straight to each other like

1 this.

2 Q. Okay. So they both ran at each other and started
3 fighting?

4 A. Yeah.

5 Q. And that lasted about ten seconds?

6 A. Probably not even that long.

7 Q. Not even that long. And what, if anything, did you
8 hear Aaron Hood say as the fight was happening?

9 A. He say give me my gun.

10 Q. Okay. Talking to Shawn?

11 A. Yeah.

12 Q. Who's beside you?

13 A. Right in the middle of it.

14 Q. All right. And when he said that, what did you see
15 Shawn do?

16 A. I seen him clutching for it, for the gun. He was
17 getting ready to pull it out, so I hit him.

18 Q. Okay. You saw Shawn reach for the gun and you hit
19 him?

20 A. Yeah.

21 Q. And what happened?

22 A. Both of us -- both of us fell on the ground. I fell
23 on top of him and I -- I had my hand on the clip. I was
24 trying to get -- trying like not for him to pull the gun
25 out and I had the clip in my hand when I got up.

1 Q. All right. So you punched him and you-all fell to the
2 ground. I guess at some point both of you-all's hands are
3 kind of on the gun struggling over it?

4 A. Yes, sir.

5 Q. And somehow you pulled the clip out?

6 A. (Nods head.)

7 Q. And how do you and Shawn end up on the ground?

8 A. Like when I hit him, he grabbed me and that's how we
9 fell on the ground.

10 Q. Okay. And what position were you-all on the ground?

11 A. I was on top of him and like he had his like arms
12 wrapped around my waist so I wouldn't get up.

13 Q. Is he on his back?

14 A. Yeah, he's on his back.

15 Q. And you're on top?

16 A. Yes, sir.

17 Q. And he's holding you down by your waist?

18 A. (Nods head.)

19 Q. Now could you see where the gun was at that point?

20 A. I seen -- I see like it's probably -- it wasn't too
21 far away from him. Probably about ten yards from me, but
22 I seen it when it slid. I seen when it like slid out and
23 I seen Shawn -- I mean, Hood when he went and picked the
24 gun up.

25 Q. So you saw Aaron Hood pick the gun up?

1 A. Yeah, I seen him pick the gun up.

2 Q. And what did you see Aaron Hood do next?

3 A. He shot the gun --

4 Q. Did you see --

5 A. -- but I ain't seen who he shot though. I ain't seen
6 -- I seen what he just -- he pointed the gun and shot. I
7 don't know what he was pointing at.

8 Q. All right. And you're still -- you're still on top of
9 Shawn on your stomach?

10 A. I'm still on top trying get up off him.

11 Q. But you saw him pick up the gun?

12 A. Yeah, I'm looking at him. The gun was like right --
13 like right there.

14 Q. And did you see -- did you see him raise his arm?

15 A. Yeah, I seen him and he got the gun just like that.

16 Q. You saw him fire the gun?

17 A. I seen him fire the gun. That's why I was trying to
18 get up off of him because I was thinking he probably was
19 gonna fire some more and something else was gonna happen.

20 Q. Okay. But just -- when he shot, you were on the
21 ground on your stomach and you didn't see where Zay was at
22 that time?

23 A. No, I ain't see anybody. I ain't see the -- the only
24 one I seen was the dude, Shawn, come and pick the gun up --
25 I mean -- I'm sorry, Hood pick the gun up and shoot -- and

1 shot the gun one time.

2 Q. Okay.

3 A. Knowing that there wasn't no clip in the gun, you
4 ain't got but one shot if it's already cocked back.

5 Q. Okay. But there's only one shot, right?

6 A. Yes, sir.

7 Q. And is Mr. Hood the only one you ever saw with the gun
8 other than Pridgen when he handed it to him?

9 A. That's the only person.

10 Q. And then you later found Zay dead?

11 A. Yes, sir. Well, he wasn't dead when I got by him. He
12 told me like help me, so I picked him up. That's the only
13 reason I picked him up because he told me to help him, so
14 I picked him up and I put him on my shoulders and I walked
15 to his car where Dameon's house is.

16 Q. So you carried him all the way back up Keisha and put
17 him on the hood of his car?

18 A. Yeah, and I started pushing on his chest. I know it
19 took the ambulance probably about fifteen, twenty minutes
20 to get there and I was still doing it when they got there.
21 I ain't even know he had hit me with -- I ain't even knew
22 my head was bleeding until the ambulance got there and they
23 told me what was going on.

24 Q. So after the gunshot you said Mr. Hood came back to
25 where you were?

1 A. Yeah. Yeah, he said get off my mother fucking cousin
2 and he hit me with the gun. He was trying to hit me again,
3 but I got up and I was staggering back with the clip in my
4 hand and I guess he seen the clip. He was like give me my
5 clip and I said hell no and I threw it in the bushes.

6 Q. Were you backing up towards your house at that time?

7 A. Yeah, I was backing up looking at them.

8 Q. And what did they do after that?

9 A. They just kept backing up going down the road trying
10 to get away and they looked -- Shawn looked over there and
11 he like -- he tapped him like this and both of them just
12 took off running.

13 Q. Were they looking at where Zay was?

14 A. Yeah, they was looking right over there because that's
15 when PP went down there. That's when he looked at him and
16 so that's how I know they were looking him.

17 Q. And they ran back towards Myranda?

18 A. Yes, sir. There's a little pathway right there where
19 you can go through to get from one road to the other
20 because all the roads dead end.

21 Q. Do you remember anything about the gun?

22 A. The only thing I know it was a black .40, that's all
23 I know, with a long clip. That's all because he -- he
24 showed -- he sent a video where he was showing it to me
25 like I've got this for people like -- because I guess we

1 had some words about Cerika and stuff. He's like -- he did
2 it like talking and he said -- he tried to get a ride from
3 her one day and she told me and he started texting her some
4 more.

5 Q. But you remember it being black and you think it was a
6 .40?

7 A. Yeah, it was a big gun. It had to be because he had
8 -- the clip was probably this long in the gun.

9 Q. Okay. Now you mentioned you were hit in the head.
10 Were you ultimately transported to the hospital?

11 A. Yes, sir.

12 Q. What type of treatment did you receive for your --
13 your injury?

14 A. They had put like eight clamps in my head.

15 Q. Do you still have a scar on your head?

16 A. Yes, sir.

17 Q. Can you show the jury?

18 A. Right here.

19 Q. Now were you wearing any type of head covering?

20 A. Yeah, I was wearing a stocking cap at the time.

21 Q. And were you still kind of on the ground when you got
22 hit in the head?

23 A. I was like -- yeah, on top of him. I was on top of
24 Shawn and trying to get up when he come over there and hit
25 me with it.

1 Q. Now you mentioned Facebook messages that you received
2 from Ron or Aaron Hood; is that correct?

3 A. Yes, sir.

4 Q. I'm gonna show you State's Exhibit 1. Just look
5 through that and tell us whether or not you recognize that.

6 A. Yeah, I do. I still got it all on my phone, too.

7 Q. Are those the Facebook messages between you and Aaron
8 Hood on March 16th of 2021?

9 A. Yes, sir.

10 MR. McNAIR: Your Honor, we'd offer State's 1 into
11 evidence.

12 MR. STANCIL: I've got an objection, Your Honor. I
13 don't believe it's been --

14 THE COURT: Okay.

15 MR. STANCIL: -- I don't believe it's been fully
16 authenticated. I don't believe there's dates and times.
17 I don't believe that just a profile with a picture that
18 might look like my client -- because I can create a
19 social media account in five seconds that look exactly
20 the same.

21 THE COURT: All right. Is this authenticated as his
22 own?

23 MR. McNAIR: A witness with knowledge can
24 authenticate a piece of evidence.

25 THE COURT: I don't disagree. I just -- that's

1 what I thought I heard. He said the witness said it was
2 his Facebook conversation with the defendant, so the
3 objection's overruled.

4 MR. McNAIR: Thank you, Your Honor.

5 (State's Exhibit Number 1, Facebook Messages, was
6 admitted into evidence.)

7 BY MR. McNAIR:

8 Q. Lavoris, would you step down for a second.

9 A. (Witness complies.)

10 Q. Stand right over here.

11 THE COURT: When you're off the witness stand, make
12 sure you speak loud enough where not only the jury can
13 hear you, but also the court reporter who's seated behind
14 you.

15 BY MR. McNAIR:

16 Q. All right. Now is this -- is this the guy you were
17 communicating with on Facebook?

18 A. Yes, sir.

19 Q. That you knew as Ron?

20 A. Yes, sir.

21 Q. All right. And back then is that how -- how he
22 looked?

23 A. Yes, sir.

24 Q. All right. He looks different today?

25 A. Yeah, because he got his hair cut. That's all.

1 Q. Okay. But he had dreads back then?

2 A. (Nods head.)

3 Q. All right. And this is his Facebook profile; is that
4 correct?

5 A. Yes, sir.

6 Q. And is this the first message that you received from
7 him in the trailer park?

8 A. Yes, sir.

9 Q. All right. And do you recall what time -- you can't
10 really see it on here, but what time did that message come
11 in?

12 A. About 1:25.

13 Q. About 1:25 PM?

14 A. (Nods head.)

15 Q. All right. And you are the -- responding in the blue
16 bubbles?

17 A. Yes, sir.

18 Q. Okay. And you told him you were in the trailer park,
19 too; is that correct?

20 A. (Nods head.)

21 Q. And he said so it's pressure, you know I'm not hiding
22 from you, cuz, and what's your response say?

23 A. I said if you talking about guns, I ain't want no part
24 of it. I said you got it. I said my guy believe that.

25 Q. All right. What's his response to you?

1 A. He said pussy ass.

2 Q. Pussy ass that you didn't want to talk about guns?

3 A. Yes.

4 Q. And how did you respond to him?

5 A. I say call it what you want. I say you -- I say you
6 want to fight, we can do that, but I got a family and ain't
7 about to play with no guns. So you want to fight or shoot.

8 Q. Okay. You said "fun". That's a typo, you meant gun?

9 A. Yeah.

10 Q. And what's his response to you saying you want to
11 fight or shoot?

12 A. He said it's whatever nicca. I said -- I said I want
13 to fight one on one. He said call him. I called him. I
14 don't know what --

15 Q. All right. Let me just stop you right there. After
16 he says call me, it shows there's a twenty second video
17 chat right here and what was that video of?

18 A. It was a video -- it was him like showing me guns and
19 he's like there's some people out here and stuff like that.

20 Q. All right. And then it's showing thereafter there
21 was a missed video chat and these are the last -- that was
22 the last message you received from him until you saw him
23 actually in the trailer park?

24 A. Yeah, because when he called back, I didn't answer
25 because Dameon said he was about to go over there and see

1 him and talk to him.

2 Q. Okay. And Dameon -- the purpose -- Dameon left to go
3 and try to diffuse the situation; is that right?

4 A. Yes, sir.

5 Q. Okay. Now let me show you this aerial map that's
6 marked as State's 41.

7 All right. You testified that you lived here at
8 [REDACTED] Keisha?

9 A. Yes, sir. That's Dameon house.

10 Q. That's where Dameon lived. And where was the house
11 that they came from?

12 A. They came from like -- this is a little brown trailer.

13 Q. Would that be over here at [REDACTED] Miranda?

14 A. Yeah. It's a little old brown trailer that they come
15 out. You know, you can see it from Dameon's house. Yeah,
16 it's over there on Miranda Street, right --

17 Q. All right. And stand a little bit more to the side so
18 all the jurors can see, but show us -- can you show on here
19 where Mr. Hood and the guy named Shawn first came up?

20 A. Where is Daemon's? This is Dameon's house. They came
21 up -- like this a little pathway right here that you can
22 walk and you get -- from over there you can go right here
23 and you can walk right through this little passage way and
24 there's two big trees sitting right behind Dameon's house.

25 Q. Where you can kind of see the treetops right there?

1 A. Yeah. There's two big trees. They was standing right
2 in the middle of the trees because I guess they ain't want
3 to come all the way in the yard because like the next --
4 the house next door, they had like a lot of dogs in the
5 yard, too, that nobody had really walked through there
6 because of the dogs. They don't let anyone get too close.

7 Q. All right. And you talked about how when you-all
8 walked down Keisha they walked back towards Myranda --

9 A. Yeah.

10 Q. -- and came around?

11 A. Yeah, they came back where they came and we walked
12 down this way. This is a dead end road. There's like a
13 dead end road like on all three of the roads and we come
14 back across like this way and get right here and they
15 started like fighting right here at the end of the road.

16 Q. Okay. So they went back to Myranda and there's a
17 pathway from Myranda back around to the end of Keisha?

18 A. Yes, sir.

19 Q. And where was this fight? Where did the fight happen?

20 A. Like right there at the dead end where -- where this
21 white car's at. They was fighting right in front of it.
22 Like right -- because Zay took his shirt off and put his
23 shirt on the car before they even -- before they even got
24 to the end of the road.

25 Q. Okay. So Xavier got down there and took his shirt off

1 just to have a fistfight?

2 A. Yeah.

3 Q. And where were you-all standing? You and Shawn and
4 Elijah Smith.

5 A. We was on -- there's another little trailer like
6 right across the road from right here where this car is.
7 Probably like right where the truck is, so we was standing
8 like right here watching them and we was like -- it wasn't
9 even -- man, it wasn't even that far away. We was standing
10 there watching them. So we walked down there further
11 because nobody wanted there to be no problem.

12 Q. Right. And where did you see Aaron Hood pass the gun
13 to Shawn before they got down there?

14 A. Like right -- like by the time they got through the
15 pathway and when on the road I see them like dish it off
16 to him. Like you can see the road right here. Before they
17 got all the way on the road, he passed it off to him.

18 Q. All right. This looks kind of big on the aerial map,
19 but in reality how -- how big is this area?

20 A. It's real big.

21 Q. Is it big? I mean, do you have any trouble seeing
22 Keisha to Myranda?

23 A. No, because all -- you could see everything in the
24 trailer park because they ain't really got no trees. You
25 can see all of that.

1 Q. All right. And where did you end up finding Zay's
2 body?

3 A. Like in the row of bushes -- well, the trees. In the
4 trees.

5 Q. Do you know Andrena?

6 A. Yeah.

7 Q. Do you know where Andrena lives?

8 A. Yes, sir.

9 Q. Okay.

10 A. That's her name, Andrena, and it's like she keeps --
11 there's some little trees right there in front of her yard
12 on the side of her trailer. That's where we seen him at.

13 Q. So you picked him up somewhere down in here and you
14 carried him all the way back to [REDACTED] Keisha?

15 A. Yeah, and put -- yeah, and him on his car.

16 Q. And attempted CPR?

17 A. Yes, sir. And I ain't even know what I was doing. I
18 was just trying.

19 Q. All right. You can have a seat.

20 A. (Witness complies.)

21 MR. McNAIR: I beg the Court's indulgence.

22 BY MR. McNAIR:

23 Q. Lavoris, do you see Aaron Hood in the courtroom today,
24 the guy you knew as Ron back then?

25 A. Yes, sir.

1 Q. Can you point him out for us, please?

2 A. Right there.

3 Q. Sitting by his attorney at the defense table?

4 A. Yes, sir.

5 MR. McNAIR: Thank you, Lavoris. Please answer any
6 questions the defense has.

7 THE COURT: Cross-examination.

8 MR. STANCIL: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. STANCIL:

12 Q. Good morning, Mr. Hill.

13 A. Hey. Good morning.

14 Q. Let's start with, I guess, the first -- one of the
15 first things you were asked about. Your girlfriend you
16 said got a message from Aaron Hood?

17 A. Yes, sir.

18 Q. How -- how did she receive that or how was it sent?

19 A. It was on Messenger.

20 Q. Okay. And then I believe you testified that you
21 started sending him messages right after that?

22 A. Yes, sir.

23 Q. Okay. But where are those messages? Because they
24 weren't on the Facebook messages we saw.

25 A. I don't know. Like, I guess, they -- I think we was

1 on Snap sending messages like that.

2 Q. Oh, so now you're on Snapchat?

3 A. We was -- we was on Snap the first time, too.

4 Q. Okay. But you testified --

5 A. Messages -- messages delete off Snap like when you --
6 once you look at them, they delete automatically.

7 Q. Right. But you testified that you sent him messages
8 on Facebook Messenger telling him to stop and a bunch -- a
9 bunch of other messages.

10 A. I sent him a message on Facebook off of Cerika's page
11 telling him don't -- stay out of my girl's inbox and he was
12 like nobody wants your dusty ass girl, man, and it just
13 went on from there.

14 Q. And you didn't tell law enforcement that you did this?

15 A. Yeah, I told them that.

16 Q. Okay. But you never showed them these messages?

17 A. No, I didn't show them no messages.

18 Q. So you testified today that the first message you ever
19 got from Mr. Hood was him saying I'm in the trailer park?

20 A. Yeah. From -- from me on my page, yeah.

21 Q. Okay. But you do realize you testified that before
22 that you and him had sent a lot of messages on your
23 messenger?

24 A. A lot of messages.

25 Q. A bunch of other messages?

1 A. Them are all the messages right there that I sent. If
2 there was some more, they would have been still on there.

3 Q. Do you remember when you sat down in an interview room
4 with Dave Rodgers?

5 A. Two and a half years ago?

6 Q. Yeah. Do you remember that?

7 A. I remember a little bit of it.

8 Q. Okay. Do you remember telling him that you had
9 deleted some of the Facebook messages?

10 A. No, I don't remember I told him that.

11 Q. I mean, would you like to see your video where you
12 said that?

13 A. If you -- if you say it, yeah, I could look at it. I
14 could see it.

15 MR. STANCIL: Your Honor, I believe we have a matter
16 we need to take up outside the jury.

17 THE COURT: All right. Ladies and gentlemen, we'll
18 take a short break. I have some matters to talk about
19 with the attorneys. Please head back to the jury room.
20 Do not discuss the case.

21 (Whereupon, the jury retires to the jury room at
22 10:15 AM.)

23 MR. STANCIL: Your Honor, I would like to refresh
24 Mr. Hill's memory with his video interview. I'm not sure
25 how you'd like to do that because it's not a short video.

1 THE COURT: You want the --

2 MR. STANCIL: His interview. I'd like to refresh his
3 memory of the statements he gave that day and it's a long
4 video and I'm not sure how you would like me to just show
5 it to him outside the presence of the jury or --

6 THE COURT: We're talking about an interview that was
7 at the police station or at the scene or --

8 MR. STANCIL: Correct. When he sat down at the
9 station and gave that interview. I'd like to refresh his
10 memory with his own interview.

11 THE COURT: Okay. Is there a specific part of the
12 interview?

13 MR. STANCIL: I mean, I could go to a specific part,
14 but if I do that I might have to do it multiple times
15 depending on his answer to my question.

16 THE COURT: To the extent that you need to refresh
17 his recollection, however we can help you do that, that's
18 fine, but, I mean, how long is the video?

19 MR. STANCIL: It's about forty-five minutes.

20 MR. McNAIR: Judge, I mean, he needs to -- I think
21 he can ask whether he said that statement to Dave Rodgers
22 and he can admit, deny or say he doesn't recall and then
23 he can impeach him with Dave Rodgers on the stand, did
24 he make -- did he make this statement to you. I mean,
25 we're not -- we can't play a 45-minute video to refresh

1 somebody's memory.

2 THE COURT: Well, not when he hasn't asked a
3 question, which I think you didn't ask him yet, correct?

4 MR. STANCIL: I'm sorry, Your Honor?

5 THE COURT: You didn't -- did you ask the
6 foundational question of whether you'll need to play the
7 video anyway? Have you laid all your questions out before
8 refreshing his recollection?

9 MR. STANCIL: Well, I was -- I mean, I can ask more
10 questions. I was just hoping that we could refresh his
11 memory.

12 THE COURT: Well, honestly I think you need to find
13 a specific point in the video. I mean --

14 MR. STANCIL: I mean, I have the specific point
15 marked, but I'm just saying if I -- I don't want to ask
16 another question and him maybe not recall and then have
17 to bring the video back up at a different point.

18 THE COURT: Well, I mean, you know the video better
19 than I do, so. I mean, but just playing it for forty-five
20 minutes seems like a -- somewhat inefficient. But
21 whatever he responds to, do you intend to play it on
22 your tablet?

23 MR. STANCIL: I was wondering if I could pull it up
24 on that, but I can play it on the tablet if need be.

25 THE COURT: I have no idea if you can pull it up on

1 that.

2 MR. STANCIL: I can just play it on my tablet.

3 THE COURT: Maybe you can, but, you know, I'm
4 learning this as I go. You know, I haven't heard all
5 of the evidence in the case, so I don't know what your
6 next questions are. I don't know what else he said on a
7 recorded statement. But, I mean, if he has it dialed up
8 after he asks a certain question, then --

9 MR. STANCIL: I can do that.

10 MR. McNAIR: Well, he's not laying the foundation
11 to refresh his memory. He's laying a foundation to
12 impeach him with a prior inconsistent statement is what
13 he's doing.

14 THE COURT: Let me just chat with you-all.

15 (Proceedings held at the bench; not reported.)

16 (Recess taken at 10:18 AM.)

17 (Back on the record at 10:22 AM.)

18 BAILIFF: Come to order, please.

19 THE COURT: Mr. Stancil, are you ready to proceed
20 with cross?

21 MR. STANCIL: I am, Your Honor.

22 THE COURT: Are you ready for the jury to come back
23 in?

24 MR. STANCIL: I am, Your Honor.

25 THE COURT: Is the State ready to proceed?

1 MS. FULLER: The State's ready.

2 THE COURT: All right. Let's bring the jury back in
3 assuming they're ready.

4 MR. McNAIR: I'm sorry, Judge. What --

5 MS. FULLER: I answered for you.

6 MR. McNAIR: Okay. I didn't hear you.

7 THE COURT: Bring the jury in if they're ready.

8 (Whereupon, the jury return to the courtroom at
9 10:23 AM.)

10 THE COURT: All right. Ladies and gentlemen,
11 welcome back. We'll continue where we left off.

12 Mr. Stancil.

13 MR. STANCIL: Thank you, Your Honor. May it please
14 the Court?

15 THE COURT: Yes, sir.

16 CONTINUED CROSS-EXAMINATION

17 BY MR. STANCIL:

18 Q. So, Mr. Hill, you deny telling Lieutenant Rodgers that
19 you deleted some messages?

20 A. I don't remember.

21 Q. All right. And you said that Ron, the Facebook
22 message, sent you a video of him waving a gun?

23 A. Yes, sir.

24 Q. Were you able to show that video to --

25 A. Well, he didn't sent no message. It was like -- it

1 was a video that we was -- I guess we was talking on the
2 phone on Facebook on my messenger.

3 Q. So it was a call, not a video?

4 A. It was a video call.

5 Q. So you weren't able to show this to anybody?

6 A. No, I told them that because it deletes like -- on
7 Snap, too, if you do send a video or a song, it deletes.

8 Q. But this is on Facebook?

9 A. Yeah, this is on Facebook.

10 Q. Okay. So you weren't -- no one else saw this video?

11 A. No.

12 Q. Okay.

13 A. Dameon seen it. Dameon seen it because I -- we was in
14 the house with Dameon showing him some stuff.

15 Q. And you said at some point you showed Dameon a picture
16 that Mr. Hood sent of a gun?

17 A. I don't remember that, man. That's -- I don't
18 remember that.

19 Q. Okay. But that's what you testified -- that's what
20 you just testified to, correct?

21 A. Yeah.

22 Q. Okay. But that picture magically disappeared from the
23 Facebook messages?

24 A. No, it wasn't no picture. It was a video. We was --
25 we was talking.

1 Q. Okay. But I'm just saying you stated that he sent you
2 a picture of a gun that you showed to Dameon.

3 A. When? When? Today?

4 Q. Yeah.

5 A. It wasn't no picture.

6 Q. Okay. You also said that, I guess, after talking with
7 Mr. Springs, Dameon, that he went over there?

8 A. He tell me he was going over there.

9 Q. Okay. As far as you know, does Dameon know Mr. Hood?

10 A. Yeah, I think Dameon know him.

11 Q. Okay. Did he know where he was to go to?

12 A. Yeah.

13 Q. How?

14 A. He know him.

15 Q. Okay. But he wasn't at his house.

16 A. That's where he be at all the time, I guess, because
17 I be seeing him in the trailer park. Like I said, I don't
18 know him, but I be seeing him around.

19 Q. Do you remember on the date of March 16, 2021, that
20 you gave a written statement to the Saluda County Sheriff's
21 Office?

22 A. Yeah, I remember.

23 Q. Okay. Now you said -- would you like to see a copy of
24 your statement?

25 A. No, you can go ahead and read it because I had got hit

1 across the head, so I really don't remember that.

2 Q. Okay. In your statement you state that you were hit
3 first, then you were on the ground trying to get up when
4 you saw Mr. Hood pointing the gun down at you?

5 A. I mean, I don't know. That was wrong.

6 Q. Would you --

7 A. It was wrong.

8 Q. Do you believe that this is what -- that's what you
9 wrote though?

10 A. Yeah, but it was wrong though, so I --

11 Q. So you were lying?

12 A. Like I said, I had just -- I wasn't lying. I was
13 just like -- I had just came from the hospital and got hit
14 across the head, like I said, so I was telling the truth,
15 but I didn't know what was going on.

16 Q. So you remember today better than two and a half years
17 ago, the day of?

18 A. Yeah.

19 Q. So, again, you stated he was pointing the gun at me
20 and he shot at me but didn't hit me. And you were on the
21 ground?

22 A. Did it say that in there?

23 Q. It says I was about to get up but saw him pointing it
24 at me. He shot it, but didn't hit me. It hit Zay. So
25 your statement on the day is that you were on the ground,

1 he was pointing down at you, shot, somehow missed and hit
2 someone on the other side of the road?

3 A. Okay. Listen. If he was pointing the gun at me and
4 shot the gun right here over me, don't you think he would
5 have shot me? How you gonna miss if he's right there over
6 me if he's shooting the gun?

7 Q. Well, I'm sorry. This is your statement.

8 A. That's what I'm telling you. I had got hit across the
9 head, man, but I know what I remember. I know what's going
10 on now. That was two and a half years ago and ten minutes
11 that -- it ain't even five minutes after I got out of the
12 hospital from trying to find a ride from Greenwood.

13 Q. And now you also stated that when you were out there
14 with Elijah, who you call PP, I think --

15 A. Yeah.

16 Q. -- with Elijah, Mr. Hood, SK and Zay that you
17 testified today that he was pointing and waving a gun?

18 A. Yeah, he was out at Dameon's house pointing and waving
19 the gun. We wasn't at the bottom yet when he was doing
20 that.

21 Q. And you didn't -- you didn't tell law enforcement
22 that?

23 A. Yeah, I told them that.

24 Q. Well, you didn't write it down?

25 A. I told them.

1 Q. Who did you tell?

2 A. Man, I don't remember, but that was the police.

3 Q. Did Mr. Cancer have a gun?

4 A. Yeah, he had a gun, but he didn't take it out there
5 then. He took it off and put it on the porch, on the
6 steps. I told them that.

7 Q. When?

8 A. Like when he first got out there he -- they was like
9 what's up, let's go, let's go fight. He always keep a gun
10 on him.

11 Q. Who is Elijah Smith?

12 A. His name? Who? Like what you mean who is he?

13 Q. Who is he to you?

14 A. He ain't nothing to me. He's just somebody I know.

15 Q. Is he not related to you?

16 A. No.

17 Q. Okay. Now your testimony today, which is different
18 from your written statement, says that you hit Mr. Pridgen
19 when you saw him reach for the gun?

20 A. Yeah.

21 Q. And then somehow you got the clip out of it?

22 A. (Nods head.)

23 Q. But in contrast to what you said in your written
24 statement, you then somehow while struggling with
25 Mr. Pridgen were able to see Mr. Hood pick up the gun,

1 shoot it, then walk over and hit you on the head?

2 A. Yeah.

3 Q. And you said you threw the clip?

4 A. Yeah, I tossed it in the bushes when I -- after I got
5 up.

6 Q. Where did you throw it?

7 A. I threw it in the bushes. I don't know where I threw
8 it. I just tossed it. He said give me my clip and I said
9 hell, no, and I threw it.

10 Q. Okay. Did you show law enforcement where it was?

11 A. Yeah, I told them, but they ain't -- they say they
12 ain't find it. Like I said, I was gone about two or
13 three hours before I came back. When I came back, the
14 police and everybody was still out there at the same spot.

15 Q. Now you said that at point you're on top of
16 Mr. Pridgen --

17 A. Yeah.

18 Q. -- and he has -- he still has the gun at this point
19 because you're getting the clip out of it and he has his
20 arms around your back?

21 A. Yeah, but the gun was already gone when he was trying
22 to like hold me down.

23 Q. Okay. So now -- correct us. What happened to the
24 gun?

25 A. It -- it came -- it slipped out. After we was

1 tussling, the gun went somewhere else because I had -- I
2 still had the clip in my hand when I was trying -- that's
3 why I was trying to get up off of him.

4 Q. So when did you get the clip?

5 A. When we was tussling for it. When he was like --
6 from the time I hit him and was going down to the ground
7 because I -- and the clip -- I had the clip in my hand.
8 I don't know how I got it, but I had it in my hand.

9 Q. So let me ask you something. In your statement back
10 then, your written statement and your testimony today, you
11 never saw Mr. Cancer get hit?

12 A. Like -- hit, like what you mean?

13 Q. Shot. You never saw him get shot?

14 A. No, I didn't see him. I didn't see him shoot. I
15 didn't see him shoot the man. I didn't see him. I seen
16 when he shot the gun, but I ain't see where he shot it at.

17 Q. So you didn't see where he was pointing?

18 A. He was pointing like -- like this way. He wasn't
19 pointing it at me.

20 Q. But you told law enforcement originally he was
21 pointing at you?

22 A. No, I didn't tell them that.

23 Q. So that's just what you wrote to law enforcement?

24 A. But if they -- but listen. Like I said, I had just
25 came from the hospital and if he was pointing the gun at

1 me and shot the gun over me, how you gonna miss? If he's
2 right there over me, then how you're gonna miss if he shot
3 the gun? I don't understand.

4 MR. STANCIL: I beg the Court's indulgence.

5 BY MR. STANCIL:

6 Q. And, again, I'd like to go back to when you sat down
7 in the interview room with Lieutenant Dave Rodgers. Do you
8 recall telling him that this is your -- when you sat down
9 with him and had the long interview, do you remember
10 telling him that I got the clip out, I was hit in the head,
11 then I saw Aaron Hood point and shoot at me?

12 A. No, I don't remember that man.

13 Q. Okay. So you deny stating that?

14 A. Yeah.

15 Q. And then do you also remember Lieutenant Rodgers asked
16 you the question: Mr. Hill, he pointed the gun at you and
17 shot one time, and you said yes?

18 A. I don't remember --

19 Q. Okay.

20 A. -- because there ain't no way he gonna point the gun
21 at me over me on top of me and miss.

22 Q. So you -- you deny saying that?

23 A. Yeah.

24 Q. Okay. Would you also deny stating in this interview
25 that when Lieutenant Rodgers was trying to follow up, you

1 stated to him I was on the ground so he was pointing at the
2 ground because he was pointing at me?

3 A. Yeah, I deny that.

4 Q. Okay.

5 A. Yeah, come on.

6 Q. Okay. And you even stated to Lieutenant Rodgers at
7 some point in your interview that, you know, you had heard
8 other people say that there were multiple shots. You deny
9 that as well?

10 A. No -- yeah, I ain't heard nobody say that. There
11 wasn't but one shot.

12 Q. And, again, I'm just going through the recorded
13 interview you did with Lieutenant Rodgers. So you would
14 also deny stating that when he hit me I was getting ready
15 to get up, then he pointed at me and shot? Do you deny
16 that?

17 A. Yeah, I deny that because that ain't happened. You're
18 making up stuff now.

19 Q. I'm making up the words that you said?

20 A. You got to be because I ain't said none of that.

21 Q. We'll see the video later.

22 A. All right.

23 Q. In fact, you even told Lieutenant Rodgers there's no
24 way the gun could have went to the ground. Is that
25 correct?

1 A. (Shakes head.)

2 Q. Yes or no, please.

3 A. No.

4 Q. In fact, near about the halfway point of the interview
5 with Lieutenant Rodgers, you expressed to him that I don't
6 know how he missed me when he was pointing right at me.

7 A. Man, no.

8 Q. You deny stating that as well?

9 A. Yeah, I ain't say that.

10 Q. And also in that interview, would you deny stating
11 that you deleted some of the Facebook messages?

12 A. Yeah, I deleted some of them, but it wasn't -- it
13 was the pictures that he sent of his -- of his dick to my
14 girlfriend. That's why -- that's the pictures I deleted.

15 MR. STANCIL: I beg the Court's indulgence.

16 BY MR. STANCIL:

17 Q. You said that Mr. Cancer had a gun, correct?

18 A. Yeah.

19 Q. Okay. Where did he put it?

20 A. He put on the -- under the porch.

21 Q. On the porch?

22 A. On the porch on the step.

23 Q. Of which residence?

24 A. Dameon's house.

25 Q. Would that be [REDACTED]?

1 A. Yes, sir.

2 Q. Okay. And you lived there as well, correct?

3 A. Yeah, I stay there. I don't stay there now, but I
4 was.

5 Q. I'm sorry. At the time you were staying there?

6 A. Yeah.

7 Q. Did anyone let law enforcement know that there was
8 another gun there?

9 A. I don't know.

10 Q. So you don't know what happened to it?

11 A. I told them that. I told them that he put the gun
12 on the porch. I don't know what happened to it after
13 that. We walked -- we walked down the road after that and
14 everybody knows that, so they ain't -- he put it where
15 nobody's gonna mess with it.

16 Q. Okay. Do you know if any pictures were taken of the
17 wound on your head?

18 A. No. Well, I got my -- I took some at the hospital
19 when I was there.

20 Q. I'm sorry. Did law enforcement ever take any?

21 A. No, not that I know of.

22 Q. Okay. Do you remember on the day of at the scene when
23 you were talking to Lieutenant Rodgers and Deputy Hitt?

24 A. I don't remember.

25 Q. Okay. So you don't remember stating that you got up

1 running and heard the gunshot while you were running but
2 didn't see anything?

3 A. I don't remember that.

4 Q. Okay.

5 A. I don't remember get up running.

6 Q. So in all your statements you never saw Aaron Hood
7 shoot Mr. Cancer?

8 A. I didn't.

9 Q. Okay.

10 MR. STANCIL: I beg the Court's indulgence for one
11 minute.

12 BY MR. STANCIL:

13 Q. So you told law enforcement where the clip was that
14 you threw it?

15 A. Yes, sir.

16 Q. And you said it landed in some bushes?

17 A. Yeah, right across the road.

18 Q. So within, what, ten, fifteen feet?

19 A. Probably, yeah.

20 Q. Okay. It was never recovered?

21 A. They told me they didn't find it.

22 Q. When was the first time that you and Mr. Hood ever
23 communicated?

24 A. Like what you mean? Like --

25 Q. When's the first time you-all ever had any

1 conversation?

2 A. I ain't never seen -- probably I seen him at the store
3 and asked him where he was from because he talked like he
4 was from like up the road, like New Jersey, Philadelphia or
5 somewhere like that.

6 Q. So the first written communication between you two is
7 him just sending you a message that says I'm in the trailer
8 park?

9 A. No, like when he texted my girl and I told him to
10 stay out of her inbox. That's what the first message was
11 because I ain't even know who --

12 Q. Well, we don't have those messages, do we?

13 A. No, you-all don't got no messages.

14 Q. Okay. I'm gonna show you what's marked as State's
15 Exhibit 1 that we've already looked at. So you had a video
16 chat with Ron at 1:46 PM, correct? I can show you if you'd
17 like to see the time. At 1:46 PM?

18 A. Yeah.

19 Q. And then it looks like he tried to call you back at
20 1:47, correct?

21 A. Yes, sir.

22 Q. Okay. Was that the last messages between you-all?

23 A. Yeah, I ain't answered the phone.

24 Q. On that second time?

25 A. Yeah, I ain't answered the second time because Dameon

1 told me he was fixing to go over there and talk to him.

2 That's why I ain't answered.

3 Q. Were there anymore messages after this?

4 A. I don't remember no more message after that.

5 Q. So that was at 1:47 PM when --

6 A. It started at 1:25.

7 Q. Sorry. But the last -- the last written that we have
8 recollection of is 1:47 that you-all were attempting to
9 communicate?

10 A. (Nods head.)

11 Q. So after that video chat is when he -- I'm guessing
12 when him and Mr. Pridgen started walking over?

13 A. I don't know because Dameon walked across the road.

14 Q. Okay. Well, then let me ask you this. After he
15 called you at 1:47, is that when Dameon started to walk
16 across the road?

17 A. I don't know.

18 Q. But it was Dameon -- Dameon definitely walked across
19 the road after he saw this video, correct?

20 A. Dameon -- yeah, after I told him what was going on,
21 Dameon said well, I'm about to go over there and see what's
22 up with him.

23 Q. So the video's at 1:46 and that's the one where you
24 state that Mr. Hood was waving a gun around?

25 A. At 1:46?

1 Q. According to the Facebook messenger.

2 A. That's what -- yeah.

3 Q. All right. And after -- your testimony says after
4 Dameon saw this is when he said he was gonna try to diffuse
5 the situation and walk across the road?

6 A. Yeah.

7 Q. But then you said he came back. How long was he gone?

8 A. He wasn't even gone five minutes, man. I know he
9 wasn't.

10 Q. So about five minutes?

11 A. Yeah, almost. And he was fine.

12 Q. And then when he came back is when, I guess, Mr. Hood,
13 Shawn Pridgen, yourself, Mr. Cancer and Elijah were all
14 outside?

15 A. No.

16 Q. So when did that happen?

17 A. That ain't happened probably like about -- it was five
18 of us out there first when they first came across the road.

19 Q. Right, but that was after Dameon went, right?

20 A. Yeah, that was after Dameon went.

21 Q. Okay.

22 A. Because Zay ain't pulled up until probably about
23 ten minutes later.

24 Q. Ten minutes after that. Okay. And then after you-all
25 were all outside you said that Mr. Hood and Mr. Pridgen

1 went back to Myranda and walked down towards the dead end?

2 A. Yeah.

3 Q. And you, Mr. Smith and Mr. Cancer stayed on Keisha and
4 walked down, correct?

5 A. (Nods head.)

6 MR. STANCIL: Okay. I beg the Court's indulgence
7 one more time.

8 BY MR. STANCIL:

9 Q. So between the 1:46 PM video that you testified was
10 Mr. Hood waving a gun around that Dameon saw, between that
11 and the alleged assault and shooting, you would say was
12 total about, I don't know, fifteen, twenty minutes?

13 A. No, it wasn't.

14 Q. Well, you just stated at least five minutes before
15 you-all were out there and at least another ten before --

16 A. I said -- I said it wasn't even five minutes.

17 Q. Okay. But then you said ten before Zay even showed
18 up?

19 A. Yeah, it wasn't --

20 Q. So give or take fifteen minutes?

21 A. No, it was probably -- it wasn't even -- I'm not even
22 gonna say ten minutes, man, because it's like --

23 Q. So you're changing it now?

24 A. Yeah, I'm changing it because it wasn't ten minutes.

25 It wasn't ten minutes because like we was out -- they was

1 out there talking -- or he was out there talking, swinging
2 a gun, saying he'll fire all five of us up.

3 Q. Right, but that was after he sent the video, right?

4 A. Yeah, that was after.

5 Q. And that was -- after he sent the video, after you
6 showed the video to Dameon, Dameon walked over there, came
7 back and then they had to walk all the way over, you-all
8 came outside and about --

9 A. They was already coming over when Dameon -- he didn't
10 even -- he didn't even get over there before he even --

11 Q. And then you testified about ten minutes before Zay
12 even showed up?

13 A. When you say ten minutes, it wasn't even -- it
14 couldn't have been ten minutes because he pulled up and
15 they was -- we was still out there. We was still out there
16 when he seen Zay. That's when he was like okay, I ain't
17 even want you, I ain't worrying about you no more.

18 Q. And then -- and then Mr. Hood and Mr. Pridgen walked
19 back to Myranda and walked down the road and you, Mr. Smith
20 and Mr. Cancer walked down Keisha?

21 A. Yeah, and we got there before they did.

22 Q. So -- okay. So it was definitely ten or more minutes,
23 that whole thing?

24 A. Yeah, the whole thing probably lasted about ten
25 minutes from beginning to the end.

1 Q. Okay. Did you know that the 9-1-1 call was only made
2 five minutes after that video was sent?

3 A. No, I ain't know that.

4 Q. The 9-1-1 call saying that someone had been shot. So
5 that doesn't match your timeline?

6 A. I don't know. I don't know. I don't remember that.

7 MR. STANCIL: I have no more questions, Your Honor.

8 THE COURT: Redirect?

9 REDIRECT EXAMINATION

10 BY MR. MCNAIR:

11 Q. Lavoris, just -- just to be clear, he kept asking you
12 whether or not you saw Aaron Hood shoot Xavier Cancer.
13 What you testified to is you didn't see the bullet hit
14 Xavier Cancer, but you saw Aaron Hood shoot and there was
15 one shot and after that one shot Xavier Cancer was dead,
16 correct?

17 A. Yes, sir.

18 Q. Now this -- this gun that Zay -- that Zay had, did
19 Aaron Hood even see that gun?

20 A. No, he ain't see it because after -- he couldn't.
21 After they say let's go over there -- what's up, let's go
22 fight, them boys turned around and they walked off. Zay
23 keep his -- he got a holster he keep it on so he just took
24 the thing off his back and put it on the steps and he took
25 a -- he had a silver coat on, too. He put the coat on top

1 of it and all -- we walked down there.

2 Q. So Aaron Hood was already walking away when Zay took
3 his gun off, a chest/shoulder holster, and put it on the
4 porch?

5 A. Yeah, they was already walking off.

6 Q. And then he walked down to Keisha Avenue and he had a
7 shirt that he took off to fistfight?

8 A. Yeah.

9 Q. Now these deleted messages, you initially started
10 talking with him on Cerika's Facebook, correct?

11 A. (Nods head.)

12 Q. And the messages that we have here that start at about
13 1:25 and end at 1:47, are there any messages deleted in
14 between these?

15 A. No, there ain't because we wasn't even friends on
16 Facebook, so he just -- he probably just hit me up like
17 that.

18 Q. So that's the full extent of your -- your messages
19 with Aaron Hood that we have on State's Exhibit 1, correct?

20 A. Yes, sir.

21 Q. Now he asked you how you could see things if you were
22 in a tussle with Mr. Pridgen, but it's my understanding
23 based on your testimony that you were on top of Mr. Pridgen
24 and he's holding you down at that point. Are you-all
25 moving around?

1 A. No. Well, I'm trying to move around. I'm trying to
2 get up off of him. He's holding me down and I'm trying to
3 get up off of him. I can see what's going on right in
4 front of me. If he's gonna try to run into me, I'm gonna
5 -- I can see what's going on. I was trying to get up and
6 trying to look around and see what's going on, so.

7 Q. And you saw Mr. Hood pick up the gun?

8 A. Yeah, I seen him pick -- I seen him pick the gun up
9 and shoot the gun. He come over there and hit me with the
10 gun. He's like get off my cousin.

11 Q. Any doubt about that?

12 A. (Shakes head.)

13 Q. Now for those of us who have not been in a situation
14 like this where we're struggling for our life over a gun,
15 where we see somebody get shot, our friend get shot and get
16 hit over the head with a gun, how does that -- how does
17 that feel when you're in the moment?

18 A. I don't know.

19 Q. Are you -- are you taking notes? Are you looking at
20 your watch?

21 A. No, I'm just trying to --

22 Q. How long does a minute feel in a situation like that?

23 A. Like -- like thirty-eight years I've been living.

24 Q. And your first interview with law enforcement, where
25 had you been prior to speak being to law enforcement?

1 A. I was in the hospital.

2 Q. And when you go through a situation like that, over
3 time are you able to maybe process it more and remember
4 more details?

5 A. Yeah.

6 Q. Is it possible you may not remember everything you
7 told law enforcement initially the day after you had just
8 lived through this and got out of the hospital?

9 A. (Nods head.)

10 THE COURT: I need a verbal response to that
11 question.

12 BY MR. McNAIR:

13 Q. Is that possible that you may not remember everything
14 you said the day this happened?

15 A. Yes, sir.

16 Q. But you're certain of who had the gun, aren't you?

17 A. Yeah, I remember who had that gun because I got hit
18 with it. That's how I remember.

19 Q. And you're certain who fired that gun?

20 A. Yes, sir.

21 Q. And who was that?

22 A. I seen him shoot it. It was Aaron. Aaron Hood.

23 MR. McNAIR: That's all I have, Your Honor.

24 THE COURT: Recross?

25 MR. STANCIL: Thank you, Your Honor.

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Q. Mr. Hill, just to confirm, you have no idea if the bullet you say you saw shot hit anyone?

Q. Okay. And I know you testified that Mr. Hood didn't see the gun, but you have no idea what Mr. Hood actually saw, right?

Q. Well, you testified earlier that the trailer park has no trees. You can see everything.

Q. So you can see everything except Mr. Cancer taking his gun out?

Q. Okay. Now I know on the day of March 16th when you gave your first statement you had gotten out of the hospital. Do you remember talking to Lieutenant Rodgers again on March 17th, the day after, about 7:30 at night?

A. No, I don't remember that. I know they came to me the

1 next day, that morning, at the scene.

2 Q. So you do remember the next day talking to him?

3 A. Yeah, I remember the next day because I was walking
4 through the -- I was coming to go to Dameon's house from my
5 grandma's house and they was out there looking for bullets
6 and stuff and they didn't even talk to me but like a minute
7 asking me what was wrong -- what's going on and stuff.
8 That's all they said.

9 Q. And that -- do you recall in that interview on
10 March 17th saying that --

11 A. It wasn't no interview.

12 Q. Sorry. Your talk with Lieutenant Dave Rodgers on the
13 day after.

14 A. It wasn't no talk. They was just like are you all
15 right. That's all.

16 MR. McNAIR: Your Honor, this is outside the scope
17 of response to cross. He's already asked about these
18 statements on direct -- or on his cross.

19 THE COURT: It appears to be outside the scope of
20 redirect.

21 MR. McNAIR: Yes.

22 THE COURT: Sustained.

23 BY MR. STANCIL:

24 Q. What type of gun was it?

25 A. It looked like forty to me because it was big and it

1 had a long clip in it, so.

2 MR. STANCIL: All right. No more questions, Your
3 Honor.

4 THE COURT: All right. The witness may step down.
5 (Witness excused.)

6 THE COURT: Ladies and gentlemen, let's take a short
7 break to refresh yourselves. Just let the bailiff know as
8 soon as everyone's ready to come back into the courtroom
9 and we'll resume, all right? Please don't discuss the case
10 in the jury room.

11 Thank you.

12 (Whereupon, the jury retires to the jury room at
13 10:51 AM.)

14 THE COURT: Why don't we just take five minutes.
15 (Recess taken at 10:51 AM.)

16 (Back on the record at 11:00 AM.)

17 BAILIFF: Come to order, please.

18 THE COURT: All right, are we ready to proceed with
19 our next witness?

20 MR. STANCIL: The defense is ready.

21 THE COURT: Is the State ready?

22 MS. FULLER: Potentially in about thirty seconds.

23 All right. The State's ready, Your Honor.

24 THE COURT: All right. Let's bring the jury in,
25 please.

1 (Whereupon, the jury return to the courtroom at
2 11:03 AM.)

3 THE COURT: All right. Welcome back, ladies and
4 gentlemen. We'll proceed with the next witness in the
5 State's case in chief.

6 MS. FULLER: Thank you, Your Honor.

7 The State calls Laura Lopez.

8 (Whereupon, Laura Lopez was duly sworn by the Clerk
9 of Court.)

10 LAURA LOPEZ,

11 having been duly sworn, testified as follows:

12 DIRECT EXAMINATION

13 BY MS. FULLER:

14 Q. Go ahead and state your name for the record.

15 A. Laura Lopez.

16 Q. And spell your last name.

17 A. L-O-P-E-Z.

18 Q. Thank you, Ms. Lopez. Where are you employed?

19 A. I'm part-time with Saluda County EMS.

20 Q. Are you nervous this morning?

21 A. I am.

22 Q. Have you testified in court before?

23 A. I have not.

24 Q. Okay. We'll take it slow and just go through this.

25 A. Okay.

1 Q. You indicated that you're part-time with Saluda County
2 EMS. How long have you worked in that capacity?

3 A. I've been working there for over ten years.

4 Q. Okay. And go ahead describe to the jury, we're not
5 gonna take it for granted, what exactly do you do?

6 A. I'm an EMT, which provides like basic life support.

7 Q. And so does that include responding to calls for
8 service?

9 A. It is responding to calls.

10 Q. And how do you get notified about what calls to
11 respond to?

12 A. We get dispatched.

13 Q. Just through the regular communications?

14 A. Yes.

15 Q. Back on March 16th of 2021, do you recall responding
16 as it relates to this case?

17 A. Yes.

18 Q. And where did you respond to?

19 A. We were dispatched to [REDACTED] Keisha Avenue for a gunshot.

20 Q. And when you arrived on-scene, go ahead and describe
21 to the jury what you recall.

22 A. Well, when we arrived on-scene, we found -- we went to
23 [REDACTED] Keisha Avenue and a found large crowd of people with
24 law enforcement on the scene.

25 Q. Okay. So you arrived after law enforcement did?

1 A. Yes. We were -- well, actually we were told by
2 dispatch to stand by until law enforcement declared that
3 the scene was safe. After that, we were standing at the
4 corner of East Willow Circle and Travis Avenue and then
5 dispatch advised, you know, that it was safe, so we came
6 in.

7 Q. Okay. Take a deep breath. And that is standard
8 protocol, correct?

9 A. It is.

10 Q. So once the scene was safe --

11 A. Secured.

12 Q. -- was secured, you actually made entry?

13 A. We did.

14 Q. And when you say "we", who were you with?

15 A. With James Dunovant, my partner.

16 Q. Okay. And that's typical as well?

17 A. Yes.

18 Q. And you indicated you responded to a shooting or a
19 gunshot?

20 A. Gunshot.

21 Q. Did you locate a patient when you arrived on-scene?

22 A. Well, when we arrived on-scene, we were met by law
23 enforcement and they told us that there was a gunshot -- a
24 patient that was shot, so they escorted us where the --
25 where the -- you know, the patient was shot, but Medic 80

1 was on-scene, too, which was my supervisor. She went to --
2 to take care of that patient and we were told there was
3 another patient involved, so we went to that patient.

4 Q. And that first patient, that would be Xavier Cancer?

5 A. I believe, yes.

6 Q. The deceased in this case?

7 A. Yes.

8 Q. Was he transported from the scene?

9 A. No, he was not.

10 Q. Was he pronounced dead at the scene?

11 A. Yes.

12 Q. Okay. Now you indicated there was another patient.

13 Was that Lavoris Hill?

14 A. Yes, Lavoris Hill.

15 Q. Did you provide patient care to Lavoris Hill?

16 A. I did.

17 Q. And can you go ahead and describe to the jury your
18 encounter with Lavoris? Before I go there, did you
19 generate a report as it relates to your treatment of
20 Lavoris?

21 A. Yes.

22 Q. And is that what you have in your hand?

23 A. Yes.

24 Q. And does your report contain also a narrative that
25 will assist you in recalling what actually took place that

1 day?

2 A. Yes, it does.

3 Q. And so throughout your testimony it's okay to refer to
4 your report when you're answering my questions.

5 A. Okay.

6 Q. So when you're treating Lavoris, where exactly are
7 you?

8 A. Well, when I'm treating Lavoris -- so we came to the
9 scene. Like I said, at that time we were -- found out
10 there was a second patient and we took him back to the
11 ambulance.

12 Q. And so your interaction with him, the extent of it,
13 was meeting him on the scene and taking him back to the
14 ambulance?

15 A. And taking him back to the ambulance, yes.

16 Q. And was he ultimately transported?

17 A. He was, yes.

18 Q. Okay. And did you ride with him as well to the
19 hospital?

20 A. I did. I rode with him in the back, yes.

21 Q. So when you -- in treating Lavoris, did you speak with
22 him?

23 A. I did. I did speak with him.

24 Q. And what, if anything, did he report about his injury?

25 MR. STANCIL: Objection. Hearsay.

1 MS. FULLER: His objection is to hearsay, Your Honor,
2 and there's a well-established exception.

3 THE COURT: For medical, I'll let you.

4 MS. FULLER: Yes, Your Honor. For medical purpose
5 and evaluation.

6 THE COURT: All right. Overruled.

7 MS. FULLER: Thank you.

8 BY MS. FULLER:

9 Q. Go ahead. You can answer.

10 A. So what he told me?

11 Q. Yes.

12 A. Okay. So what he told me, you know, when we asked,
13 you know, what happened, how did, you know, he sustain the
14 injury, he -- it's in my report he stated that he was
15 arguing with another male when the other male hit him on
16 the head with a gun.

17 Q. Okay. And did you actually see the injury?

18 A. Yes. The laceration, yes.

19 Q. You described it as a laceration. What exactly is a
20 laceration?

21 A. It's like a cut, but just it's deeper.

22 Q. Okay. And so that's why it's classified as a
23 laceration?

24 A. Yes.

25 Q. It's more than just a mere cut?

1 A. Yes.

2 Q. And did you actually treat or do anything to the
3 laceration?

4 A. Yes, we bandaged it. We put a bandage on it.

5 Q. And he was eventually transported, correct?

6 A. Correct.

7 Q. What, if anything, took place during transport?

8 A. Well, during transport he -- he reported to me that he
9 felt nauseated and he had one vomiting episode en route to
10 the hospital.

11 Q. Okay. And with a head injury, nausea and vomiting,
12 what, if anything, would an EMT be concerned about?

13 A. Well, it's -- it's just with any changes, you know, to
14 any patient it's always of concern, you know.

15 Q. Okay. And then specifically about the head, was there
16 anything that would be of concern if someone is vomiting
17 and nauseous after sustaining a head injury?

18 A. I mean, it could, I guess, mean that, you know, the
19 injury was impacting him at that time.

20 Q. Okay. And the injury that you treated, was that
21 consistent with actually being hit over the head?

22 A. The laceration?

23 Q. Yes.

24 A. Yes, being hit with something.

25 Q. Okay. And when you say hit with something, you

1 indicated in your testimony it's more than just a mere cut,
2 correct?

3 A. Correct. Yes.

4 Q. And something with force, correct?

5 A. Correct. Yes.

6 Q. And that's what makes it a laceration?

7 A. Correct.

8 MS. FULLER: I beg the Court's indulgence.

9 No further questions.

10 THE COURT: Cross-examination?

11 MR. STANCIL: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. STANCIL:

14 Q. Good morning, Ms. Lopez.

15 A. Good morning.

16 Q. I'll keep this very brief. When you said you received
17 the call, you received that from dispatch?

18 A. We did.

19 Q. Okay. Does your report say what time you received the
20 call?

21 A. It does. It says call received at 13:51:03.

22 Q. That's 1:51, correct?

23 A. Yes.

24 Q. Okay. And, Ms. Lopez, I know you testified that you
25 saw a laceration on the head of Lavis Hill, but you don't

1 actually know what he was hit with, correct?

2 A. Correct. Yes.

3 Q. Okay. And you don't know exactly when it happened?

4 A. Correct.

5 MR. STANCIL: No further questions, Your Honor.

6 THE COURT: All right.

7 MS. FULLER: Just briefly.

8 REDIRECT EXAMINATION

9 BY MS. FULLER:

10 Q. Looking back at your report, what you wrote in your
11 report would have been what was reported to you, correct?

12 A. Yes.

13 Q. And patient states that he was arguing with another
14 male is what you wrote, correct?

15 A. Correct. Yes.

16 Q. And what's the rest of that sentence?

17 A. Where it says patient states that he was arguing with
18 another male when the other male hit him on the head with a
19 gun.

20 Q. And you described the injury as a laceration. Is that
21 consistent with force which would make it a laceration?

22 A. Correct. Yes.

23 Q. Is what the patient reported to you for the purposes
24 of medical diagnosis consistent with what you saw?

25 A. With him being in hit on the head, yes.

1 Q. And consistent with being hit with a gun over the
2 head?

3 A. Well, with something over the head, right, because I
4 didn't, you know, see it.

5 Q. You didn't -- you obviously didn't witness it, but it
6 was with force an object struck him over the head?

7 A. Right.

8 MS. FULLER: No further questions.

9 THE COURT: Any recross?

10 MR. STANCIL: I beg the Court's indulgence.

11 No further questions, Your Honor.

12 THE COURT: All right. The witness is excused.

13 (Witness excused.)

14 MS. FULLER: Thank you, Your Honor.

15 The State calls James Dunovant.

16 (Whereupon, James Dunovant was duly sworn by the
17 Clerk of Court.)

18 THE CLERK: Have a seat.

19 JAMES DUNOVANT,

20 having been duly sworn, testified as follows:

21 DIRECT EXAMINATION

22 BY MS. FULLER:

23 Q. Go ahead and state your name for the record.

24 A. James Dunovant.

25 Q. And spelling your last name.

1 A. D-U-N-O-V-A-N-T.

2 Q. Go ahead and introduce yourself to the jury. Where
3 are you employed?

4 A. I currently work at PRISMA Health in their simulation
5 center, but at the time of this incident I worked for
6 Saluda County EMS as a paramedic.

7 Q. And how long had you worked in that capacity back at
8 the time or now as a paramedic or in the medical field?

9 A. I probably had ten to eleven years of experience in
10 EMS.

11 Q. Okay. And prior to that, did you have any other law
12 enforcement or medical services experience?

13 A. Prior to that, I worked in the IT field, but before
14 that I was in the U.S. Army as a military police.

15 Q. Okay. And as military police, what was your
16 experience?

17 A. I was stationed in Fort Lewis, Washington. Did -- did
18 road patrols and gate patrols and did some deployments into
19 Central America.

20 Q. Back in March of 2021 as relates to this case, do you
21 recall responding to the scene?

22 A. I do.

23 Q. And as of right now did you have the opportunity to
24 review a few reports as relates to this case?

25 A. I do. I have them with me.

1 Q. Okay. We just previously heard from Laura, so we
2 won't go through all of it, but in terms of describing the
3 scene when you guys first arrived, you guys arrived and law
4 enforcement secured the scene and then you guys made entry
5 in to do patient assessment; is that correct?

6 A. Correct.

7 Q. And did you have interactions with the deceased when
8 you arrived on-scene?

9 A. From what I recall, there was -- the supervisor was
10 on the scene, the EMS supervisor, and she was taking over
11 patient care of -- of the deceased and I did assist her
12 with -- we would have put the patient on a cardiac monitor
13 just to record the heart rhythm, which I don't have that
14 report with me. I don't remember what it was. I can only
15 assume.

16 Q. But he wasn't transported from the scene?

17 A. No, he was not.

18 Q. As it relates to the second patient, Lavoris Hill, do
19 you recall being the driver as it relates to him being
20 transported?

21 A. I do.

22 Q. And you were a paramedic, correct?

23 A. Correct.

24 Q. And Laura was not a paramedic at the time; is that
25 correct?

1 A. Correct.

2 Q. What is the difference between your level of
3 experience versus hers back in 2021?

4 A. As a paramedic, you're advanced life support
5 certified, so we're trained in more aspects of patient
6 care and assessment than would an EMT.

7 Q. Okay. And that would be considered more than an EMT
8 basic, correct?

9 A. Correct.

10 Q. So there's basic and advanced and advanced is
11 paramedic. Is that the simple way of explaining it?

12 A. There's basic, then there's an advanced EMT and then
13 there's paramedic.

14 Q. So three levels?

15 A. There's three levels.

16 Q. Okay. And you were a paramedic at the time, correct?

17 A. Correct.

18 Q. As it relates to the treatment of Lavoris Hill, did
19 you have an opportunity to review the report in this case?

20 A. I have.

21 Q. And Laura testified that Lavoris had a vomiting
22 episode, experienced nausea. In your experience, is that
23 consistent with after -- even after sustaining a head
24 injury, having potential concern for having a concussion?

25 A. That would be one of the things that you would

1 consider if there would be some type of concussion or
2 neurological deficit, yes.

3 Q. Okay. And that is in your experience and training
4 consistent with some form of a head injury, correct?

5 A. It can be, yes.

6 Q. Okay. And in this case, the patient reported that
7 another male hit him on the head with a gun. Is
8 experiencing a head injury, a potential concussion or
9 anything of that nature consistent with being struck over
10 the head with a gun?

11 A. It can be, yes.

12 Q. Now as it relate to the defendant in this case, Aaron
13 Hood, did you have an opportunity to interact with him
14 after the shooting as well?

15 A. This is the defendant? Yes.

16 Q. The defendant. Yes.

17 A. Yes.

18 Q. And Aaron Hood, what were you responding to? What was
19 the nature of that interaction?

20 A. We were called out to the sheriff's department for a
21 laceration.

22 Q. Okay.

23 A. I can read in my report what I -- you know, what I
24 found and what I did.

25 Q. And what type of laceration?

1 A. It was a -- it was what's considered to be an
2 avulsion, which is where the skin is peeled back away. So
3 it was an avulsion of the skin of his left thumb where it
4 had been peeled back.

5 Q. Okay. And you're pointing. I just want to make sure
6 all the jurors saw that. You're pointing to a certain
7 portion of the left thumb. Where are you pointing?

8 A. To the inside of the left thumb.

9 Q. Okay. And you assessed it and treated it?

10 A. Yes.

11 Q. And what exactly -- what was your method? What did
12 you have to do to treat that injury?

13 A. I'm reading through -- I was just given this report
14 again just a few minutes ago, so. It looks like I bandaged
15 that with a four by four, which is a piece of gauze
16 bandage, and taped that around there. It wasn't actively
17 bleeding or needing any type of -- any further treatment
18 from that.

19 Q. Okay. Did he -- was he transported to the hospital
20 for further treatment?

21 A. No, he was not.

22 Q. Was he offered transport to the hospital?

23 A. I'm looking to see where it was where he -- he did --
24 on the last page I do see where he does sign. We always
25 offer and make sure. That's a standard thing that everyone

1 gets transported to the hospital in our business and if --
2 if someone refuses, then they're gonna sign to say that
3 they're not.

4 Q. Okay. And in your report in the narrative section,
5 it looks like the third line from the bottom, patient was
6 offered and advised to be transported to the hospital, but
7 patient refuses multiple times; is that correct?

8 A. Yes.

9 Q. And then going approximately to the second line from
10 the top, did you ask him how he got the injury?

11 A. I did not ask him anything, no, how it occurred.

12 Q. Look at the second sentence where it says patient
13 states that he would rather not get into the details on how
14 he got the injury. Would that have been provided to you by
15 the patient, Aaron Hood?

16 A. It would have been, yes.

17 Q. And the next sentence regarding other injuries, what
18 did he report?

19 A. That he doesn't have any other injuries.

20 Q. Did you observe any other injuries to him?

21 A. I did not.

22 Q. Okay. And in your experience looking at that thumb
23 injury, what, if anything, of note or -- without getting
24 into any information for medical diagnosis about the
25 injury, what did it appear to be to you?

1 A. I'd seen injuries like that before when I was in the
2 Army. We had swapped from using revolvers to using
3 semiautomatic handguns, which has a slide that comes back
4 and forth on those, and when you're using the revolver you
5 place your left thumb behind your right wrist, but when
6 you're using the semiautomatic you put it in front because
7 when the slide comes back it will cut the thumb and it will
8 cut it in that same area that -- that's in the picture and
9 that was noted on the report.

10 Q. Okay. And in your experience when a gun doesn't have
11 a magazine and it's fired with the single shot that's left
12 in the chamber, what would happen to the firearm?

13 A. With just the last shot that would be fired, the upper
14 receiver would be left locked in the back position.

15 MS. FULLER: Okay. I beg the Court's indulgence.

16 No further questions at this time.

17 THE COURT: Cross-examination?

18 CROSS-EXAMINATION

19 BY MR. STANCIL:

20 Q. Very briefly, Mr. Dunovant. Did I pronounce that
21 correctly? I'm sorry. Dunovant?

22 A. Yes, you did.

23 Q. I know you testified you were the one driving when
24 Mr. Hill was in the back of the ambulance?

25 A. Correct.

1 Q. Correct. And just because he had nausea and an
2 episode of throwing up, that doesn't mean he has a
3 concussion, correct?

4 A. When we would have -- when we're deciding who's
5 going to transport, knowing that he was struck in the
6 head, I would have done an initial assessment and asked
7 him if he had any loss of consciousness, any headache, any
8 blurred vision and done just a quick, brief examination to
9 determine that he didn't have any neurological deficits at
10 the time.

11 Q. Okay. And in your report were there any neurologic
12 deficits?

13 A. The report for him was written by Ms. Lopez, so I
14 -- but I don't believe that she noted any neurological
15 deficits.

16 Q. Now with your interactions with the defendant,
17 Mr. Hood, where exactly was the spot of injury?

18 A. It was on the inside of the left thumb.

19 Q. So right here?

20 A. Correct.

21 Q. Okay. And I know you testified about how the -- the
22 slide on the gun and everything, but that thumb could have
23 been cut any way?

24 A. I could only speculate on that, but I was just stating
25 that I'd seen that type of injury before when I was in the

1 military.

2 Q. And even if someone else had a gun and you were trying
3 to grab it and it went off, it could have cut his thumb,
4 too, correct?

5 A. Again, I would just be speculating on how that injury
6 would happen.

7 MR. STANCIL: Thank you. No further questions.

8 THE COURT: Any redirect?

9 MS. FULLER: No, Your Honor.

10 THE COURT: All right. The witness is excused.
11 Thank you.

12 (Witness excused.)

13 MR. FENDER: Your Honor, the State calls Cody Burns
14 to the stand.

15 THE COURT: Very well.

16 (Whereupon, Cody Burns was duly sworn by the Clerk
17 of Court.)

18 CODY BURNS,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MR. FENDER:

22 Q. Good morning, Cody. Can you please state your name
23 for the record?

24 A. My name is Cody Burns.

25 Q. Can you tell the jury what your title is and a little

1 bit about what you do?

2 A. I am a communications assistant administrator. I
3 take emergency, nonemergency calls, deal with pulling
4 computer-aided dispatch logs, 9-1-1 tapes, all that type
5 of stuff. I also deal with getting helicopters to the
6 right area.

7 Q. What's your official title?

8 A. Assistant administrator.

9 Q. Okay. And who do you work for?

10 A. I work for the Saluda County Sheriff's Office.

11 Q. And how long have you been doing this kind of work?

12 A. Six years now.

13 Q. Can you tell us just a little bit about kind of what
14 your day to day job duties are.

15 A. Day to day I receive emergency and nonemergency calls,
16 send out 9-1-1 transfers if they have to go to a different
17 county. Also with the -- getting helicopters in. I have
18 to deal with paperwork, pulling computer-aided dispatch
19 logs every day, whatever the officers may need.

20 Q. Now where do all 9-1-1 calls that are made in Saluda
21 County, where do they go?

22 A. They go to the Saluda County Sheriff's Office in the
23 communications room.

24 Q. Can you tell us just a little bit about that system
25 there?

1 A. It hits off -- well, when we receive a call, it
2 hits off the most close enough tower that it does and those
3 towers are predetermined with certain addresses and stuff
4 and then they'll come into our location and we'll receive
5 the calls and dispatch out whichever appropriate resources
6 are needed.

7 Q. And these calls, are they stored in the normal course
8 of business?

9 A. Yes, sir, they are.

10 Q. Are the CAD reports, are those also stored in the
11 normal course of business?

12 A. Yes, sir.

13 Q. Did you have an opportunity to review a CAD report for
14 this case?

15 A. Yes, sir.

16 Q. I want to direct your attention to March 16, 2021,
17 that CAD report. At what time did a report -- or, excuse
18 me, a report of a shooting first come in?

19 A. It came in at 1:51 or 13:51, depending on which time
20 you want to use, PM.

21 Q. And do you recall the approximate location?

22 A. It came in on Keisha Avenue.

23 Q. And does the CAD report, does it also show when law
24 enforcement arrived on-scene?

25 A. Yes, sir, it does.

1 Q. Do you recall what time that was?

2 A. That was at 1:56 or 13:56.

3 Q. So at this point there's been a report of a shooting
4 and law enforcement is on-scene. Was there another call
5 about 2:00 PM that came in in reference to this?

6 A. Yes, sir.

7 Q. Can you tell us about that?

8 A. That was an individual who said he saw individuals get
9 in a vehicle running from the approximate location of where
10 the incident occurred, was following them. We gave out
11 that information over the radio and officers then proceeded
12 to locate this vehicle.

13 Q. So at 2:01 PM somebody called in suspicious people?

14 A. (Nods head.)

15 Q. And then what happened next?

16 A. Our officers conducted a traffic stop of that vehicle.

17 Q. Do you recall the approximate time that that traffic
18 stop was conducted?

19 A. 2:05. 2:05 or 14:05.

20 MR. FENDER: May I approach the witness, Your Honor?

21 THE COURT: Certainly.

22 BY MR. FENDER:

23 Q. I'm showing you now what's been marked as State's
24 Exhibit 2. Does this show the times that you just
25 testified to?

1 A. Yes, sir.

2 Q. Does this accurately summarize the sequence of events
3 that occurred that day and is it the same as what is
4 reflected in the CAD report?

5 A. Yes, sir.

6 MR. FENDER: Judge, at this time I'd seek to enter
7 State's Exhibit 2 into evidence and publish to the jury.

8 MR. STANCIL: No objection, Your Honor.

9 THE COURT: It's so admitted. State's Exhibit 2.

10 (State's Exhibit Number 2, a CAD report summary,
11 was admitted into evidence.)

12 MR. FENDER: And, Judge, just briefly if I could
13 ask for the witness to come down from the stand?

14 THE COURT: That's fine.

15 Sheriff, just remember when you're off the witness
16 stand to speak up so the jury can hear you, but also so
17 the court reporter can hear you, okay?

18 THE WITNESS: Yes, sir.

19 BY MR. FENDER:

20 Q. Okay. And, Cody, just to walk back through your
21 testimony briefly, you said at 1:51 PM. What happened at
22 that time?

23 A. Yes, sir. We received a call reporting a shooting
24 that happened on Keisha Avenue.

25 Q. And that was a 9-1-1 call?

1 A. Yes, sir.

2 Q. And your system, does it show you what time law
3 enforcement got to the scene?

4 A. Yes, sir, it does.

5 Q. What was that time?

6 A. At 1:56.

7 Q. And did a separate call come in at 2:01 PM?

8 A. Yes, sir, it did.

9 Q. And what was the nature of that call?

10 A. The nature of the call, an individual stated he saw
11 two people running from the incident location towards the
12 Country Peddler stating that they got into a vehicle and
13 then proceeded to drive down the road.

14 Q. And did law enforcement apprehend that vehicle at
15 2:01 PM?

16 A. No, sir. They had to -- was coming up on the vehicle.
17 They were at a position and they got the vehicle at 2:05.

18 MR. FENDER: I beg the Court's indulgence.

19 Thank you, Cody. Please answer the defense
20 attorney's questions.

21 THE COURT: Cross-examination?

22 MR. STANCIL: No questions for this witness, Your
23 Honor.

24 THE COURT: All right. The witness is excused.

25 (Witness excused.)

1 MS. FULLER: The State calls Miracle Pridgen.

2 (Whereupon, Miracle Pridgen was duly sworn by the
3 Clerk of Court.)

4 MIRACLE PRIDGEN,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. FULLER:

8 Q. Go ahead and state your name for the record.

9 A. Miracle Pridgen.

10 Q. And, if you don't mind, can you pull the microphone
11 down.

12 A. Miracle Pridgen.

13 Q. And spell your last name for the record.

14 A. P-R-I-D-G-E-N.

15 Q. And, Ms. Pridgen, we haven't met before, correct?

16 A. No.

17 Q. Now how are you related to Shawn Pridgen?

18 A. That's my brother.

19 Q. Okay. And his nickname is SK?

20 A. Yeah.

21 Q. And how are you connected to Aaron Hood?

22 A. That's my cousin.

23 Q. Your cousin?

24 A. Yeah.

25 Q. And back in 2021, where were you living?

- 1 A. In Batesberg.
- 2 Q. Okay. And what about in the trailer park?
- 3 A. My mom stay there.
- 4 Q. Your mom stays there. Where does your mom stay?
- 5 A. [REDACTED]
- 6 Q. And that's [REDACTED] Myranda?
- 7 A. Yeah.
- 8 Q. And that's here in Saluda County, correct?
- 9 A. Yeah.
- 10 Q. The town of Saluda?
- 11 A. Yes.
- 12 Q. And on that day, you were over there?
- 13 A. Yeah.
- 14 Q. You were actually posted up in the trailer park; is
- 15 that correct?
- 16 A. Yeah.
- 17 Q. Okay. And that particular day, when did you get over
- 18 there?
- 19 A. I got over there at like six in the morning. Well,
- 20 really like seven. Like seven.
- 21 Q. Okay. And your brother was there?
- 22 A. Yeah.
- 23 Q. And Aaron was there yet?
- 24 A. No.
- 25 Q. He got there later?

1 A. Yeah.

2 Q. Okay. As it relates to this case, did you have an
3 opportunity to review a Snapchat video?

4 A. Yeah.

5 Q. And do you recall posting that Snapchat video?

6 A. Yeah.

7 Q. And did you have an opportunity to review it and sign
8 it?

9 A. Yeah.

10 Q. And is that you on the video?

11 A. Yeah.

12 Q. And is that Aaron on the video?

13 A. Yeah.

14 Q. I'm gonna show you what's been marked as State's 16
15 and just want to make sure you recognize your initials.

16 A. (Nods head.)

17 Q. And this is the video you just watched?

18 A. (Nods head.)

19 Q. And this video is from that day that this happened on
20 March 16, 2021, correct?

21 A. Yeah.

22 Q. And this was posted shortly before the shooting
23 happened, correct?

24 A. Yeah.

25 Q. Okay.

1 MS. FULLER: At this time, Your Honor, the State
2 seeks to introduce into evidence State's 16.

3 MR. STANCIL: No objection, Your Honor.

4 THE COURT: All right. State's Exhibit 16 is
5 admitted into evidence.

6 (State's Exhibit Number 16, a Snapchat video, was
7 admitted into evidence.)

8 BY MS. FULLER:

9 Q. I'm gonna show you what's been premarked as State's 17
10 and State's 18 and these are still shots. Do you recognize
11 them?

12 A. Yeah.

13 Q. And what are these still shots of?

14 A. My video of us hanging out at my momma's house as we
15 normally do.

16 Q. Okay. And that's the same video that we just -- I
17 just showed you that we moved into evidence? Is that
18 correct?

19 A. (Nods head.)

20 Q. You have to verbally for the court reporter.

21 A. Yeah. Yeah. Yeah.

22 Q. Thanks. Sorry. She has to take down everything you
23 say.

24 A. Oh.

25 Q. And do you see yourself in this video?

1 A. I just said yeah, that's me.

2 Q. I know. I've got to say it for each picture. Do you
3 see yourself in this photograph?

4 A. Yeah.

5 Q. And who else is in the photograph?

6 A. Ron.

7 Q. And in -- that's in State's 18. And looking at
8 State's 17 --

9 A. That's the same thing as that.

10 Q. Thank you. I've just got to lay the foundation as the
11 rules require me to.

12 A. All right.

13 MS. FULLER: At this time, Your Honor, the State
14 seeks to introduce in evidence 17 and 18.

15 MR. STANCIL: Can I see those real quick?

16 MS. FULLER: I apologize.

17 MR. STANCIL: No, you're good.

18 No objection, Your Honor.

19 THE COURT: All right. State's Exhibit 17 and 18
20 are admitted into evidence.

21 (State's Exhibit Number 17 and 18, photographs, are
22 admitted into evidence.)

23 BY MS. FULLER:

24 Q. And looking at State's 17, publishing here, and you
25 can step down so you can see as well.

1 MS. FULLER: Permission for the witness to step down?

2 A. You fine.

3 Q. And that's a still shot from the video we're talking
4 about?

5 A. (Nods head.)

6 Q. Is that correct?

7 A. Yeah.

8 Q. Now written on the Snapchat video, what is that there?

9 A. It just say our name like it normally do.

10 Q. Okay. And who wrote that?

11 A. Me. It's my -- you see my name up there.

12 Q. Ma'am, I'm just asking a question.

13 And looking at 18, that's just another shot from the
14 video; is that correct?

15 A. Yeah.

16 Q. And you said "out here", correct?

17 A. Yeah.

18 Q. You can take your seat.

19 A. (Witness complies.)

20 MS. FULLER: I beg the Court's indulgence.

21 Okay. Publishing for the record State's 16.

22 THE COURT: Very well.

23 BY MS. FULLER:

24 Q. And, Ms. Pridgen, if you need to step down and watch
25 the video, you can. I'll have some questions afterward.

1 THE COURT: Do you want the witness to step down?

2 Is that --

3 MS. FULLER: I have some questions, so if she wants
4 to watch it while it's published.

5 THE COURT: Okay.

6 (Video played.)

7 MS. FULLER: Okay. We'll play it one more time and
8 pause it.

9 (Video played.)

10 MS. FULLER: If you'll pause it right there.

11 BY MS. FULLER:

12 Q. Now on this screen there there's some words written.
13 What's written there? What did you write?

14 A. I don't know. I can't see. Oh, it say "Uncle Trump".
15 I don't know.

16 Q. Okay. And so that's posted, correct, on your page and
17 you would have been the one to write that?

18 A. Yeah.

19 Q. Okay.

20 MS. FULLER: And go ahead and play it one more time.

21 (Video played.)

22 MS. FULLER: And pause it.

23 BY MS. FULLER:

24 Q. And right there, just so it's clear for the jury, I'm
25 not from here, so the accent is hard for me to understand

1 sometimes. What exactly did you say there?

2 A. We're posted in the trailer park.

3 Q. Okay. And that's just you repeating it?

4 A. Yeah.

5 Q. Okay.

6 MS. FULLER: And go ahead and play it one more time.

7 Keep playing.

8 (Video played.)

9 MS. FULLER: And pause it.

10 BY MS. FULLER:

11 Q. And that was Ron's hand showing his phone to your
12 camera; is that correct? We can play it if you didn't see
13 it.

14 (Video played.)

15 BY MS. FULLER:

16 Q. And that's Ron's hand, correct, showing his phone and
17 messages?

18 A. Uh-huh.

19 Q. You have to say audibly for the court reporter.

20 A. Yes.

21 MS. FULLER: And if you'll hit play one more time and
22 pause it on Ron.

23 (Video played.)

24 MS. FULLER: Pause it right there.

25 BY MS. FULLER:

1 Q. And that's Ron wearing a hoodie on his head and a Nike
2 checkmark jacket as well?

3 A. Yeah.

4 Q. Okay. You can take your seat.

5 A. (Witness complies.)

6 MS. FULLER: And you can just leave that up. Thank
7 you so much.

8 BY MS. FULLER:

9 Q. Now did you witness the shooting?

10 A. No, I wasn't there.

11 Q. Were you at the trailer park at the time of the
12 shooting?

13 A. No, I wasn't there.

14 Q. Did you come back after the shooting?

15 A. Yeah.

16 Q. And when you came back, who were you with?

17 A. My dad.

18 Q. And did you eventually -- did you get out of the car
19 when you came back?

20 A. Yeah.

21 Q. Did you turn off your car?

22 A. No, I got out and went on the porch with my momma.

23 Q. Okay. And from there you left again, correct?

24 A. Yeah.

25 Q. And where did you go?

1 A. I went looking for my brother and my cousin.

2 Q. And when you say brother, you're talking about Shawn?

3 A. Yeah.

4 Q. So Shawn wasn't in the house?

5 A. I don't know. I didn't see him.

6 Q. Okay. So but when you left you went looking for
7 Shawn. And when you said Ron earlier, you mean Aaron Hood,
8 correct?

9 A. Yeah.

10 Q. I just want it clear for the record. And that's him
11 sitting there, correct?

12 A. Yeah, and Tyvon.

13 Q. And who is Tyvon?

14 A. Tyvon Leaphart.

15 Q. Who is that to you?

16 A. That's my ex.

17 Q. Your ex-boyfriend?

18 A. Yeah.

19 Q. And so when you left, you went looking for the three
20 of them?

21 A. No, I went looking for him, Tyvon.

22 Q. You went looking for Tyvon?

23 A. Yeah.

24 Q. And why were you looking for Tyvon?

25 A. Because he wasn't there when I got back.

1 Q. So where did you go to look for him?

2 A. Just rode around. Rode around the trailer park.

3 Q. Okay. And when you were riding around, were the
4 police there?

5 A. Yeah, the police was already there.

6 Q. Okay. And you were just looking for Tyvon because he
7 wasn't at the house?

8 A. Yeah.

9 Q. And your testimony just before that was you were also
10 looking for your brother and your cousin?

11 A. Yeah.

12 Q. So you were looking for all three of them?

13 A. Yeah.

14 Q. Okay. That was my question. You said no, so that's
15 why I slowed you down and went back.

16 A. Yeah.

17 Q. So you left looking for all three of them?

18 A. Yeah.

19 Q. Did you call them on the phone?

20 A. No.

21 Q. Why not?

22 A. Because Tyvon had called me.

23 Q. He called you?

24 A. Yeah.

25 Q. From his phone?

1 A. Yeah.

2 Q. When?

3 A. I don't remember, but I know he called me. Tyvon
4 called me.

5 Q. We're gonna jump ahead a little bit, but later on the
6 police took possession of your phone, correct?

7 A. Yeah.

8 Q. And were you aware that they searched it?

9 A. Yeah.

10 Q. Okay. And in your phone Tyvon is saved as Hubby?

11 A. Yeah.

12 Q. Okay. And so if I look through your phone there will
13 be a call from Hubby to you that day?

14 A. Yeah.

15 Q. And this would be while you were driving around
16 looking for him?

17 A. No. I was with my dad.

18 Q. Okay. Walk us through that one more time. So after
19 you get back with your dad --

20 A. Yeah.

21 Q. -- and I believe you went -- took him to the store?

22 A. Yeah.

23 Q. You leave your car running, correct?

24 A. Yeah.

25 Q. You go on the porch, find out whatever you find out

1 and you get in the car, correct?

2 A. Yeah.

3 Q. Get back in your car?

4 A. Yeah.

5 Q. And your testimony is you went looking for Tyvon,
6 Shawn, which is your brother --

7 A. No, I -- I left my momma's and went looking for Tyvon
8 because Tyvon had called me.

9 Q. And he called you to come get him?

10 A. Yeah. To come get him, yeah.

11 Q. Okay. And at what point in that did you decide to
12 also look for Aaron Hood and Shawn Pridgen?

13 A. When Tyvon told me to wait.

14 Q. To wait? To wait where?

15 A. At the Country Peddler.

16 Q. Okay. So -- and, again, we haven't met before, so I'm
17 just reading off of your statement. You remember talking
18 to the police afterwards, correct?

19 A. Yeah.

20 Q. And do you recall telling them --

21 A. I was at Stop 'n' Shop.

22 Q. Let me ask the question.

23 A. Oh.

24 Q. Do you recall telling them you got back with your dad
25 and left? Okay. You went with your dad, right?

1 A. Yeah.

2 Q. I went to where they told me they were going before me
3 and my dad left, which was the Country Peddler?

4 A. Tyvon told me he was going to Country Peddler.

5 Q. This was before the shooting?

6 A. Yeah. He said he was going to Country Peddler.

7 Q. Okay. So -- but now -- just now you said he called
8 you after the shooting --

9 A. He did.

10 Q. -- and told you to wait at the Country Peddler?

11 A. He did.

12 Q. So that's a little different than your statement,
13 correct?

14 A. Okay.

15 Q. You get what I'm saying?

16 A. All right.

17 Q. Okay. And then just to be clear, when you're at --
18 you said your testimony is you were at your mom's house,
19 which is where your brother was, too, Aaron was there,
20 Tyvon was there, you got there that morning?

21 A. Yeah.

22 Q. It's [REDACTED] Myranda, correct?

23 A. Yes.

24 Q. And to get to the Country Peddler, would you go
25 towards Keisha or would you go the other way?

1 A. What you mean?

2 Q. If you're walking to the Country Peddler or driving,
3 which direction would you have to go?

4 A. Like to get to Country Peddler?

5 Q. Yes.

6 A. This way. Like you come out of my momma's road and go
7 this way.

8 Q. So for the record, is that a left or a right?

9 A. That's a left.

10 Q. Okay. A left. And if you wanted to go to Keisha
11 Avenue, which way would you go?

12 A. I don't know where that's at.

13 Q. Okay. Where's the map?

14 I'm gonna show you what's already in evidence. I
15 think it's State's 41. Looking at Keisha -- okay. So

16 [REDACTED] Myranda is your mom's house, right?

17 A. Yeah.

18 Q. And then you say you leave your mom's house and you
19 would go what direction to go to Country Peddler?

20 A. Left.

21 Q. And so you would go that way and then make a left or
22 go this way and make a left?

23 A. No. You --

24 Q. Show the jury. I don't want to testify.

25 A. I don't know. I don't know how to do all this, but

1 when I come out of my momma's driveway, I go that way to go
2 to Country Peddler. I just know I make a left. I don't
3 know where Keisha Avenue is at.

4 Q. Okay. And you would agree right here it says Keisha?

5 A. Yeah.

6 Q. And if you come out there, that's a right, correct?

7 A. I think so.

8 Q. Okay. But to go to Country Peddler, you'd go left?

9 A. Yes.

10 Q. All right. So he had told you before -- I don't know
11 the answer to this. I don't know the answer to any of
12 these questions, so this is my question for you. If you
13 were taking your dad to the store, why didn't you just take
14 him to the Country Peddler, too? Tyvon.

15 A. Because he was walking. He said he was going to
16 Country Peddler, so I took my dad to the store.

17 Q. Okay. So he didn't need a ride. Got you.

18 Okay. But to leave out of the trailer park, you would
19 have to go the same direction, correct?

20 A. What you mean?

21 Q. If you make a right, are you going -- can you leave
22 out of the trailer park?

23 A. No.

24 Q. Okay. So you would have to -- to leave the trailer
25 park, you would have to go left?

1 A. I come out of my momma's house. Like my momma's
2 trailer's right here. You go to the end of the driveway,
3 you make a left and go to the stop sign and make a left at
4 Country Peddler right there.

5 Q. Just making sure we understand. We're on the same
6 page.

7 Okay. So your testimony now, kind of backing up, you
8 were told to just wait at the Country Peddler, correct?

9 A. Yeah, by Tyvon.

10 Q. And you say he called you?

11 A. Yes.

12 Q. And do you guys communicate on your cell phones using
13 an app or do you just use the regular phone, like dial a
14 call?

15 A. Like what you mean?

16 Q. Like, you know, some people make calls on WhatsApp or
17 messenger or apps or video chats.

18 A. Oh, no. I don't use that. I don't use that.

19 Q. Huh?

20 A. I don't use that.

21 Q. You don't use that?

22 A. No.

23 Q. So this would have been a regular phone call. He
24 would have called you and it would have popped up and said
25 Hubby calling and you answered it?

1 A. Yeah. Yeah.

2 Q. Okay. That's what I'm getting at.

3 Okay. So you're sitting at the Country Peddler and
4 why are you sitting there?

5 A. What you mean?

6 Q. Why are you sitting there?

7 A. Tyvon told me to wait right there.

8 Q. What are you waiting for?

9 A. I thought he was gonna come out of the store, but he
10 ain't come out the store, so.

11 Q. Okay. What happened next?

12 A. That was it.

13 Q. What you do mean that was it?

14 A. What I said. That was it.

15 Q. What happened next?

16 A. He just told me to keep riding. He just told me where
17 to go.

18 Q. Well, we skipped a step. You talked to him on the
19 phone or is he in the car now?

20 A. Yeah, he was on the phone.

21 Q. Okay. And then where did you ride to?

22 A. Back to my momma's house.

23 Q. Okay. And then what?

24 A. And then he just told me to wait for him at the
25 Country Peddler and just like keep going because he didn't

1 want to get in trouble.

2 Q. Girl, I've got a headache now.

3 Okay. Let's back up. So you're at the Country
4 Peddler and he tells you to wait at the Country Peddler?

5 A. Yeah.

6 Q. Okay.

7 A. No, he told me to go to the Country Peddler because he
8 was already there -- well, supposed to already be there,
9 but he ain't called me, so I went.

10 Q. Okay. So you're at the Country Peddler, he's not
11 there, he tells you to go back home?

12 A. Yeah.

13 Q. And so you get out of the car?

14 A. No.

15 Q. All right. And so you turn back into the trailer park
16 and you see lights and sirens going. The police are there,
17 correct?

18 A. Yeah.

19 Q. Did you go over and talk to them?

20 A. No.

21 Q. Okay. And so from there Tyvon -- so Tyvon called you
22 twice?

23 A. No.

24 Q. You're on the phone --

25 A. I don't remember. I don't remember if he called me

1 twice. I don't remember.

2 Q. Well, and I'm not trying to trip you up. I'm trying
3 to understand.

4 A. You can't trip me up.

5 Q. Good.

6 A. There's nothing to trip over.

7 Q. So you're on the phone with him?

8 A. No, I wasn't on the phone. It was me and my dad in
9 the car going to the Stop 'n' Shop when Tyvon called me.

10 Q. He called you and told you to meet him at the Country
11 Peddler?

12 A. Yeah.

13 Q. And told you to wait there?

14 A. Yeah.

15 Q. And so you and your dad went there?

16 A. No, just me.

17 Q. Okay. So you leave Stop 'n' Shop and you go back
18 home?

19 A. Yeah, and my dad get out and then that's when Tyvon
20 called and said that he was gonna be by Country Peddler.

21 Q. Okay. So now going back to my original line of
22 questioning -- because you testified that you were gonna
23 look for your brother and your cousin. So that's Shawn
24 Pridgen and Aaron Hood?

25 A. Yeah.

1 Q. When did you decide to go look for them?

2 A. When I went to Tyvon. They all should have been
3 together.

4 Q. Okay. When did you see Tyvon?

5 A. When I got to the Country Peddler.

6 Q. Okay. We're just gonna move on.

7 So you're back at the Country Peddler and you see
8 Tyvon?

9 A. Yeah.

10 Q. Okay.

11 A. I only went to the Country Peddler one time and I seen
12 Tyvon.

13 Q. Okay.

14 A. You keep saying back at the Country Peddler.

15 Q. Because you said you left because he wasn't there, so
16 I'm confused, but...

17 Okay. So you're at the Country Peddler, you see
18 Tyvon, he gets in the car; is that correct?

19 A. Yeah.

20 Q. Okay. Then whatever was exchanged you decide to go
21 look for Shawn and Aaron?

22 A. Yeah.

23 Q. Okay. And where did you go looking for them?

24 A. Around the trailer park.

25 Q. So you go back into the trailer park?

- 1 A. Uh-huh.
- 2 Q. And then did you find them?
- 3 A. Unh-unh.
- 4 Q. You've got to use -- open your mouth.
- 5 A. No.
- 6 Q. Okay. What happened next?
- 7 A. What you mean?
- 8 Q. Did you eventually find them?
- 9 A. No, I only seen Tyvon.
- 10 Q. So Shawn and Aaron never got in your car?
- 11 A. No.
- 12 Q. Do you remember being pulled over by the police?
- 13 A. Yeah.
- 14 Q. And who was in your car?
- 15 A. Tyvon.
- 16 Q. And who else?
- 17 A. And Ron.
- 18 Q. You just said --
- 19 A. What you said was Shawn and Aaron inside my car. No.
- 20 Q. Okay. Did Aaron Hood get in your car?
- 21 A. Yeah.
- 22 Q. Did you find Shawn and Aaron?
- 23 A. No.
- 24 Q. You only found Aaron?
- 25 A. And Tyvon.

1 Q. Okay. So when you found Tyvon, you found Aaron at the
2 same time?

3 A. Yeah.

4 Q. You know this doesn't make sense, right?

5 A. Well --

6 Q. That's a question.

7 A. Okay.

8 Q. Because your testimony was you went to the Country
9 Peddler because Tyvon told you to get there, you didn't see
10 him there, he called you and told you to wait. Isn't that
11 what you just testified to?

12 A. Yeah.

13 Q. And then you said once you got with him he tells --
14 you decide to go look for Aaron and Shawn. That was your
15 testimony. So is it now your testimony that when you got
16 to the Country Peddler you saw Tyvon and Aaron?

17 A. Yeah.

18 Q. Okay. And they both get in the car?

19 A. Yeah.

20 Q. And your testimony is -- can you stop kicking your
21 feet, please?

22 And your testimony is that Tyvon told you to just
23 drive?

24 A. Yeah.

25 Q. And where were you driving to?

1 A. Wherever he told me to go. Where I got stopped at.

2 Q. Okay. So you saw the police behind you before you
3 pulled over?

4 A. (Nods head.)

5 Q. Do you recall turning off into a -- turning off onto
6 a street before getting back on the main street?

7 A. Yeah.

8 Q. Why did you do that? Tyvon told you to do that?

9 A. Yeah.

10 Q. He told you to turn off the main road?

11 A. (Nods head.)

12 Q. And where were you heading? Where did he tell
13 you --

14 THE COURT: There was no response to that question.

15 A. He was just telling me -- telling me to go.

16 Q. What was the response, verbal response? Did Tyvon
17 tell you to turn off the road?

18 A. Yeah, he was telling me where to go.

19 Q. And that was to avoid the police?

20 A. I don't know. He just kept saying go, go. He didn't
21 want to get in trouble.

22 Q. Okay. So let me ask it this way. When you were
23 driving down the road, did you see the police behind you?

24 A. No.

25 Q. Okay. Did you eventually see the police behind you

1 before you got stopped?

2 A. Yeah, that's what made me stop.

3 THE COURT: Madam Solicitor?

4 I would appreciate it if you'd stop kicking the wood
5 in front of the witness stand, please.

6 Thank you.

7 THE WITNESS: All right.

8 BY MS. FULLER:

9 Q. I'm gonna show you State's 12, 13, 14 and 15. Do you
10 recognize these?

11 A. Yeah.

12 Q. That's your car?

13 A. Yeah.

14 MS. FULLER: At this time, Your Honor, the State
15 seeks to introduce 12, 13, 14 and 15 into evidence.

16 MR. STANCIL: No objections, Your Honor.

17 THE COURT: All right. State's 12 -- I'm sorry.
18 12 through what?

19 MS. FULLER: 12 through 15.

20 THE COURT: 12 through 15 are admitted into evidence.

21 (State's Exhibit Number 12, 13, 14 and 15,
22 photographs, were admitted into evidence.)

23 BY MS. FULLER:

24 Q. Okay. Publishing just by hand to the jury. And what
25 kind of car is this?

1 A. A Kia.

2 Q. And it's a Kia Optima?

3 A. Yeah.

4 Q. Burgundy?

5 A. Yeah.

6 THE COURT: Can you please stop kicking the witness
7 stand? I would appreciate it.

8 Thank you.

9 BY MS. FULLER:

10 Q. And this was the car you were driving during the
11 traffic stop, correct?

12 A. Yeah.

13 Q. And this is what -- the car that Tyvon and Aaron got
14 into, correct?

15 A. Yeah.

16 Q. And what year is this car?

17 A. 2016, I think.

18 Q. Okay. So it has Bluetooth capabilities?

19 A. Yeah.

20 Q. So when you get in the car, your phone connects by
21 Bluetooth?

22 A. I don't remember.

23 Q. Okay. Now I asked you earlier about Hubby in your
24 phone. I'm gonna show you -- it's not marked yet -- a
25 document, okay? I'll have you take a look at this. Do

1 you recall law enforcement following that stop took your
2 phone, correct?

3 A. Uh-huh.

4 Q. And they searched it, correct?

5 A. (Nods head.)

6 Q. Now right here in this column where it says party,
7 there's a name saved in the phone. What name is written
8 there?

9 A. Hubby.

10 Q. And the phone number, do you recognize that as Tyvon's
11 and how you saved his name in your phone?

12 A. Yeah.

13 Q. Okay. Now starting from the bottom, line 4 --

14 MS. FULLER: Judge, sorry. Here's a copy.

15 Q. -- of this document, would you have been the one to
16 save Hubby in the phone?

17 A. What you mean?

18 Q. Like would you have saved that phone number in your
19 phone and labeled it Hubby?

20 A. Uh-huh.

21 Q. Okay. And so you recognize this as -- you haven't
22 seen this report per se, but you recognize this as a
23 contact saved in your phone, correct?

24 A. Uh-huh.

25 Q. And then over here, this says call log. Do you see

1 that?

2 A. Uh-huh.

3 Q. And then instant message. You understand what those
4 mean?

5 A. Unh-unh.

6 Q. That this is a phone call?

7 A. Oh, yeah.

8 Q. And then you see the time?

9 A. Uh-huh.

10 Q. Okay. And this says time stamp, correct?

11 A. Uh-huh.

12 Q. Now on here you said he called you?

13 A. Uh-huh.

14 Q. If this is the extent of your records, where is the
15 call you're talking about?

16 A. I don't know.

17 Q. Huh?

18 A. I don't know.

19 Q. So we already have in this timeline that the 9-1-1
20 call reporting the shooting on Keisha Avenue was at
21 1:51 PM, correct?

22 A. Uh-huh.

23 Q. So sometime after 1:51 should be a call from Hubby to
24 you telling him to come get you, correct? Come get him,
25 right?

1 A. Unh-unh.

2 Q. Huh?

3 A. I don't know.

4 Q. You don't know what?

5 A. I don't know what you saying, like what you're asking
6 me.

7 Q. If the shooting took place at 1:51, on your phone
8 there should be a call after 1:51 between you and Hubby,
9 correct?

10 A. Uh-huh.

11 Q. Do you see a call?

12 A. Unh-unh.

13 Q. At 1:54 PM do you recall actually receiving a text
14 message from Tyvon?

15 A. No.

16 Q. Looking at this record here, when it says from and it
17 says Hubby, do you see that here?

18 A. Uh-huh.

19 Q. And over here when the message -- you can just read
20 this to yourself and look at that to refresh your memory.
21 Do you see that message right here?

22 A. Uh-huh.

23 Q. Does reading that jog your memory?

24 A. Uh-huh.

25 Q. And so this is a message from him to you, correct?

1 A. Uh-huh.

2 Q. You have to open your mouth and speak.

3 A. Yeah. Yeah. Yeah. Yeah.

4 Q. And that's from Hubby to your phone and let's just --
5 one step further to verify, when it says to 803-687-0889,
6 that's your phone number, correct?

7 A. Uh-huh.

8 Q. So this is your phone?

9 A. Uh-huh.

10 Q. And that's a message you received from Hubby at
11 1:54 PM, correct?

12 A. (Shakes head.)

13 Q. Okay. We can go through it again here. Look at the
14 time.

15 A. You ain't got to keep explaining it to me. I'm just
16 telling you like no.

17 Q. No what?

18 A. Like no, I didn't receive it.

19 Q. You didn't receive it?

20 A. No.

21 Q. What do you mean no? So this record is wrong?

22 A. (Nods head.)

23 Q. So you're saying that's not your phone number?

24 A. I'm not saying that that's not my phone number, it is,
25 but as far as me seeing the message, no.

1 Q. Okay. Now going up here at 1:55 there is an outgoing
2 call, so that means you called Hubby, correct? It says to
3 Hubby. To Hubby; is that correct? Do you see that?

4 A. Uh-huh.

5 Q. And it lasted thirty seconds?

6 A. (Nods head.)

7 Q. So just to be clear, when he texted you come across
8 the street, you deny receiving that message?

9 A. (Nods head.)

10 Q. You have to say it out loud.

11 A. Yeah.

12 Q. And when you called him at 1:55, are you denying that
13 you called him?

14 A. No.

15 Q. Okay. And then would you agree that there is no phone
16 call from him on these records?

17 A. What you mean? Like --

18 Q. Incoming from him. That there is no call like you
19 just testified to.

20 A. Yeah, I guess.

21 Q. Now when you got out with the police that day, you --
22 you, Aaron, Tyvon were escorted out of the car. Do you
23 remember that?

24 A. Yeah.

25 Q. And you were asked where you-all were coming from,

1 correct?

2 A. Yeah.

3 THE COURT: Please stop doing that.

4 Q. And you also noticed that Aaron, who you call Ron, had
5 blood or a cut on his hand, correct?

6 A. Unh-unh.

7 Q. Okay. Do you recall -- and I'll find it in your
8 written statement -- stating Ron said he cut his hand
9 running?

10 A. (Nods head.)

11 Q. Is that a yes?

12 A. Yeah.

13 Q. And so when you wrote that on March 16th, do you now
14 recall noticing a cut on his hand?

15 A. Yeah.

16 Q. Is that correct?

17 A. (Nods head.)

18 Q. And -- are you sleepy?

19 A. (Nods head.)

20 Q. Okay. I need you to just open your eyes. If you need
21 a break, let us know --

22 A. (Nods head.)

23 Q. -- because I've got quite a few more questions. Do
24 you need a break?

25 A. Yeah.

1 MS. FULLER: Judge --

2 THE COURT: All right. Very well.

3 We'll take -- ladies and gentlemen, head back to the
4 jury room. I'll get you back out.

5 Ma'am, if you could just remain seated for just a
6 moment.

7 Thank you.

8 Jury, head on back. Don't discuss the case.

9 Thank you.

10 (Whereupon, the jury retires to the jury room at
11 12:04 PM.)

12 MS. FULLER: Your Honor, at this time I would
13 request that you give the witness some instructions. If
14 we need to get her some coffee or something, I would just
15 request some respect and some answers to my questions.

16 THE COURT: While we're in this recess, you're not
17 allowed to discuss your testimony with anyone else. If
18 you need to refresh yourself, go to the restroom, that's
19 perfectly fine, but when you finish with that if you'd
20 come back and take your seat on the witness stand.

21 I would also like someone else out there, one of the
22 bailiffs to ensure that there's no communication with any
23 people while her testimony is on-going.

24 I've asked several times. You kicking the witness
25 stand is a distraction --

1 THE WITNESS: I didn't even again.

2 THE COURT: Ma'am?

3 THE WITNESS: I ain't kicking it.

4 THE COURT: Earlier I asked you three separate times
5 and I would appreciate it going forward if you did not
6 kick the witness stand. That's all.

7 Anything else before we take a break?

8 MS. FULLER: Nothing from the State, Your Honor.
9 Thank you.

10 MR. STANCIL: Nothing from the defense, Your Honor.

11 (Recess taken at 12:05 PM.)

12 (Back on the record at 12:15 PM.)

13 BAILIFF: Come to order.

14 THE COURT: All right. Please be seated. Thank
15 you.

16 Just one moment.

17 All right. We've just taken a short recess.

18 Before we bring the jury back in, obviously for the
19 witness's benefit please answer the questions you're asked
20 as directly as you can, and if you don't know, you don't
21 know, but please refrain from kicking the wood to the
22 witness stand and we'll move on through this testimony as
23 efficiently as we can, but it's important that we follow
24 the rules of court when they're directed to you by the
25 Court itself, so.

1 Madam Solicitor, anything else before we get the jury
2 back in?

3 MS. FULLER: No, Your Honor.

4 THE COURT: Mr. Stancil?

5 MR. STANCIL: Nothing from the defense, Your Honor.

6 THE COURT: Moving forward, Madam Solicitor, the
7 Court directs you to use Rule 611(c) as needed to the
8 extent that any questions are not answered properly.

9 MS. FULLER: Thank you, Your Honor. The State was
10 gonna request permission.

11 THE COURT: All right. Let's bring the jury back in,
12 please.

13 (Whereupon, the jury return to the courtroom in at
14 12:17 PM.)

15 MS. FULLER: Thank you, Your Honor.

16 CONTINUED DIRECT EXAMINATION

17 BY MS. FULLER:

18 Q. Ms. Pridgen, prior to our break when we first started
19 we were talking about the Snapchat video. I want to show
20 you another document.

21 Looking at this document here, again, from your cell
22 phone, here do you see where it says Snapchat?

23 A. Uh-huh.

24 Q. And do you see a portion of your username here?

25 A. Uh-huh.

1 Q. Okay.

2 THE COURT: Is that a yes?

3 THE WITNESS: Yeah.

4 THE COURT: Thank you.

5 BY MS. FULLER:

6 Q. And the timestamp on here is March 16, 2021, correct?

7 A. Uh-huh.

8 Q. And that's at 1:25 PM, correct?

9 A. Uh-huh.

10 Q. And "out here", the body of the message says "out
11 here", correct?

12 A. Uh-huh.

13 Q. You have to say yes.

14 A. Yeah. Yeah.

15 Q. Now down here, the next line, it says Snapchat; is
16 that correct?

17 A. Uh-huh.

18 Q. You have to say yes.

19 A. Yeah.

20 Q. And do you see your username again? Is that correct?

21 A. (Nods head.) Yeah.

22 Q. And then here the timestamp is March 16, 2021, at
23 1:01 PM; is that correct?

24 A. Yeah.

25 Q. And it says "Uncle Trump", correct?

1 A. Yeah.

2 Q. And then down here the same information is duplicated,
3 correct?

4 A. Yeah.

5 MS. FULLER: Your Honor, the State seeks to introduce
6 State's 48 into evidence.

7 MR. STANCIL: Without objection, Your Honor.

8 THE COURT: State's Exhibit 48 is admitted into
9 evidence.

10 (State's Exhibit Number 48, an extraction report,
11 was admitted into evidence.)

12 BY MS. FULLER:

13 Q. And publishing just so the jury can see what we're
14 talking about, extraction report, and, Ms. Pridgen, on that
15 top line -- would you mind stepping down? I need you to
16 just say yes or no for the jury now.

17 A. Huh?

18 Q. I need you to step down and do the same thing for the
19 jury.

20 A. (Witness complies.)

21 Q. Up here where I am pointing, do you see where it says
22 Snapchat?

23 A. Yeah.

24 Q. And you see a portion of your username; is that
25 correct?

1 A. Yeah.

2 Q. And then the time and date is March 16, 2021, at
3 1:25 PM; is that correct?

4 A. Yeah.

5 Q. And it says "out here", correct?

6 A. Yeah.

7 Q. Now looking at still shots, looking at State's 18, a
8 screen shot of the Snapchat video, you see that same
9 message "out here", correct?

10 A. Yeah.

11 Q. And so that was posted on your Snapchat account at
12 1:25 PM on the day that this shooting happened; is that
13 correct?

14 A. Yeah.

15 Q. And now the "Uncle Trump" one, that was posted at
16 1:01 PM, correct?

17 A. Yeah.

18 Q. Thank you.

19 (The witness returns to the witness stand.)

20 Q. Now you indicated that your car was a Kia; is that
21 correct?

22 A. Uh-huh.

23 Q. I'm gonna show you also from your -- you know, cell
24 phone's record. You had your location on and all your
25 information, so cell phones record all sorts of

1 information. Would you agree on that?

2 A. Uh-huh.

3 Q. Okay. Looking at this screen shot here, you see where
4 it says from your phone device name Kia Motors?

5 A. Uh-huh.

6 Q. Yes?

7 A. Uh-huh.

8 Q. Yes? You've got to say it.

9 A. Yeah. Yeah. Yeah.

10 Q. And connectivity method says Bluetooth, correct?

11 A. Yeah.

12 Q. And that was at March 16, 2021, at 1:41 PM; is that
13 correct?

14 A. Yeah.

15 Q. And it says connected, correct?

16 A. Uh-huh.

17 Q. And then on this document do you see Kia again?

18 A. Yeah.

19 Q. And it says Bluetooth?

20 A. Yeah.

21 Q. Disconnected, correct?

22 A. Yeah.

23 Q. On March 16, 2021 at 2:07 PM, correct?

24 A. Yeah.

25 Q. So would you agree -- earlier I asked you when you get

1 in the car that your Bluetooth connects to your car. Does
2 this refresh your memory that your Bluetooth would have
3 connected to your car that day?

4 A. (Nods head.)

5 Q. Yes or no?

6 A. Yeah.

7 Q. Okay. So the records show that you connected to your
8 car at 1:41 PM. Is that -- is it your testimony that that
9 is when you drove your dad to the store?

10 A. Yeah.

11 Q. And how far is the store? Do I need to repeat the
12 question?

13 A. Yeah, it's uptown from my momma's house. Stop 'n'
14 Shop. I don't know how far. I don't count.

15 Q. And you came back home was your testimony, correct?

16 A. Yes.

17 Q. And you left the car running the entire time?

18 A. Yes.

19 Q. And you went to the Country Peddler to wait at the
20 direction of Tyvon?

21 A. Yeah.

22 Q. And when you were there, Aaron Hood and Tyvon came and
23 got in your car?

24 A. Yeah.

25 Q. And you drove heading where? Were you heading out of

1 town?

2 A. Yeah.

3 Q. You were heading towards Newberry, correct?

4 A. Yeah.

5 Q. And looking at the timeline, the traffic stop was at
6 2:05 PM based on the records, so when your Bluetooth
7 disconnected at 2:07 that would have been when you were
8 removed from the car; is that correct?

9 A. (No verbal response.)

10 Q. Somehow your phone disconnected from the car; is that
11 correct?

12 A. Yeah.

13 Q. Okay. When you-all got out of the car roughly between
14 2:05 and 2:07 based on your Bluetooth, when the police
15 asked you, Ron and Tyvon about the shooting, all of you
16 guys denied -- all three of you denied being involved; is
17 that correct?

18 A. I don't remember. I don't know.

19 Q. You don't know if you, your cousin and your boyfriend
20 denied being involved in a shooting?

21 A. Yeah, we wasn't.

22 Q. Do you recall all three of you guys denying?

23 A. (Nods head.)

24 Q. So when you say you don't know, what was that
25 response?

1 A. I'm saying like -- I thought you meant like when we
2 got stopped, so I don't know. I don't remember. I'm
3 tired.

4 Q. Okay.

5 MS. FULLER: I beg the Court's indulgence.

6 BY MS. FULLER:

7 Q. So from -- we know your car was running because you
8 were in the car at 1:41. You agreed on that. Your
9 Bluetooth connected?

10 A. (Nods head.)

11 Q. The shooting took place at 1:51. You would not
12 dispute that, correct?

13 A. (No verbal response.)

14 Q. There's no call between you and Tyvon, just
15 instructions to wait at the Country Peddler, but there's
16 no call showing that. You would agree, correct?

17 A. (Nods head.)

18 Q. I need you to say yes or no.

19 A. Uh-huh.

20 Q. You need to say yes or no.

21 A. Yeah.

22 Q. There is no call showing that, so somehow you knew to
23 wait at the Country Peddler; is that correct?

24 A. No.

25 Q. No?

1 A. (Shakes head.)

2 Q. Tyvon didn't ask you to wait at the Country Peddler?

3 A. He did.

4 Q. Huh?

5 A. He did.

6 Q. And the purpose of waiting was for your brother and
7 your cousin?

8 A. Yeah.

9 Q. And eventually Tyvon and your cousin, Aaron Hood,
10 showed up, correct?

11 A. (Nods head.)

12 Q. And there's no phone call showing that, so somehow he
13 communicated with you and told you to wait at the Country
14 Peddler?

15 A. He called me.

16 Q. Called you on what phone?

17 A. On his phone.

18 Q. And you saw their call log. There's no call log
19 showing that call. Would you agree?

20 A. It is.

21 Q. I'm gonna show you again this document showing your
22 call log with Hubby. Your testimony -- I asked you
23 specifically did you communicate --

24 A. Why are you yelling?

25 Q. Because I don't know if you can hear me. I asked you

1 specifically if you communicated on any other app via phone
2 and you said no.

3 A. No, you said WhatsApp. I don't use WhatsApp.

4 Q. I said Instagram, video chats, anything. So are you
5 saying the call was placed on another app on your phone?

6 A. No.

7 Q. So if there's no call in your call log between you and
8 Hubby --

9 A. You keep saying if there's no call and no call log.
10 It's right here on the paper.

11 Q. Where?

12 A. He called me. You got the incoming call right here.
13 You keep asking me the same questions over and over again.
14 I'm tired.

15 MS. FULLER: Your Honor, at this time I'm gonna
16 seek to introduce this document into evidence.

17 THE WITNESS: Damn.

18 MR. STANCIL: What number will this be?

19 MS. FULLER: I haven't marked this yet.

20 MR. STANCIL: Without objection, Your Honor.

21 THE COURT: That will be State's exhibit what?

22 MS. FULLER: This would be 49.

23 THE COURT: State's Exhibit 49 is admitted into
24 evidence.

25 (State's Exhibit Number 49, a phone log, was marked

1 and admitted into evidence.)

2 BY MS. FULLER:

3 Q. You previously testified that Hubby in your phone is
4 Tyvon, correct?

5 A. I just answered that.

6 Q. Okay. If you will step down, please, and look at this
7 document.

8 A. Oh, goodness.

9 Q. Please point out to the jury where there's an incoming
10 call from Hubby to your phone after 1:51 PM.

11 A. (No response.)

12 Q. Ms. Pridgen, please point out to the jury where
13 there's an incoming call from Hubby to your phone number
14 that you confirmed earlier after 1:51 PM.

15 A. (No response.)

16 MS. FULLER: Your Honor, can you instruct the
17 witness to answer?

18 THE COURT: Please provide a response to the
19 Solicitor's question.

20 THE WITNESS: I don't know. I can't see from over
21 there.

22 BY MS. FULLER:

23 Q. You can get closer and look at it there.

24 A. You said what now?

25 Q. I want you to point out to the jury where there's a

1 call in your call log after 1:51 PM incoming from Hubby.

2 A. (Indicating.)

3 Q. That's an instant message.

4 A. Right here? It says incoming.

5 Q. Instant message. That's a text message and it says
6 "come across the street". Where's the phone call?

7 A. I don't know.

8 Q. Looking at what you -- just showing the jury what you
9 pointed out, you said these two are the incoming calls at
10 1:54 PM?

11 A. You just told me to point that out. I did what you
12 just told me to do.

13 Q. But the jury didn't see what you did. You don't have
14 to get an attitude.

15 A. I don't have no attitude. I just don't like being
16 yelled at.

17 Q. These, what you pointed out, are instant messages. I
18 asked you to show me the incoming phone call from Hubby.

19 A. Exactly. I just pointed at incoming and you just said
20 that's instant messages.

21 Q. You can take your seat.

22 A. (Witnesses complies.)

23 Q. Now you-all are together. Once you-all are in the
24 car, what did you-all talk about?

25 A. Nothing.

1 Q. So you didn't talk about the shooting?

2 A. No.

3 Q. You didn't ask Aaron what happened to -- you asked him
4 about the cut on his hand, correct?

5 A. (Nods head.)

6 Q. And that's when he told you --

7 THE COURT: I need a verbal response, please.

8 THE WITNESS: Yeah.

9 BY MS. FULLER:

10 Q. So you did talk about that, correct?

11 A. (Nods head.)

12 Q. And that's the only thing you-all talked about from
13 sometime after 1:55? Because we see that outgoing call,
14 so we're gonna assume you-all are together. And we know
15 Dave Rodgers call -- I mean, William Bryan called at 2:01.
16 So sometime after 2:01 until 2:05 the only thing you-all
17 talked about was the cut on his hand that he got from
18 running? Is that your testimony? Yes or no.

19 A. (Nods head.)

20 Q. Verbally.

21 A. Yeah.

22 Q. And outside of that, it's just directions from Tyvon
23 where to drive, where to turn?

24 A. Yeah.

25 Q. Okay.

1 MS. FULLER: No further questions.

2 THE COURT: Cross-examination?

3 MR. STANCIL: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. STANCIL:

6 Q. Good afternoon, Ms. Pridgen. I'm gonna try to make
7 this brief. You're Mr. Hood's cousin, correct?

8 A. Uh-huh.

9 Q. Okay. And you said -- when you said you got there
10 about seven in the morning, you mean your house where you
11 and Shawn live?

12 A. Yes.

13 Q. Okay. Now we saw the Snapchat videos from the day of
14 the incident, the one that said "out here" and the one that
15 said "Uncle Trump" with you and Aaron. Was that you --
16 just you and Aaron being goofy because you're cousins
17 posting stupid stuff online?

18 A. Yeah.

19 Q. Okay. And Tyvon was your boyfriend at the time of
20 this, right?

21 A. Yeah.

22 Q. Okay. I just want to clarify some stuff. The Stop
23 'n' Shop where you took your father and the Country Peddler
24 are two different stores, correct?

25 A. Yeah.

1 Q. Okay. So you took your father to the Stop 'n' Shop?

2 A. Uh-huh.

3 Q. And then brought him back to the trailer park?

4 A. Yeah.

5 Q. Okay. And, Ms. Pridgen, when you -- when law
6 enforcement spoke to you on the day, you gave a written
7 statement, correct?

8 A. Uh-huh.

9 Q. Okay. Would you agree that you wrote that when you
10 got back from taking your dad to the Stop 'n' Shop and
11 everything, your mom was out there and she was crying,
12 upset, emotional?

13 A. Yes.

14 Q. She was a wreck?

15 A. Yes.

16 Q. And she told you Aaron's been shot?

17 A. Yes.

18 Q. Okay. So, of course, this freaked you out?

19 A. Yes.

20 Q. Okay. So you're thinking your cousin --

21 A. Yes.

22 Q. -- who you've grown up with has been shot?

23 A. Yes.

24 Q. So you wanted to go find him?

25 A. Yes.

1 Q. And you had a car, so you were like I'm gonna go see
2 what I can do?

3 A. Yes, sir.

4 Q. Okay. And at some point you saw him and Tyvon, your
5 boyfriend at the time, come out of the woods near the
6 Country Peddler?

7 A. Yes.

8 Q. You picked them up at that point?

9 A. Yes.

10 Q. Okay. And I'm sure you were relieved that Mr. Hood
11 actually wasn't shot?

12 A. Yes.

13 Q. Okay. Now do you remember in your statement you also
14 wrote that when they hopped in the car they said somebody's
15 shooting?

16 A. Yes, sir.

17 Q. Okay. So you would agree that you wrote that on your
18 statement?

19 A. Yes. Yes.

20 Q. Okay. And then I believe you also wrote in your
21 statement that Aaron asked if you were gonna take him home
22 and you just said yeah?

23 A. (Nods head.)

24 Q. Okay. The way -- when you-all got pulled over, I know
25 you testified that you were heading towards Newberry --

1 Newberry area. I'm sorry. Would that be the direction
2 where Mr. Hood lived? Would you go that way?

3 A. Uh-huh.

4 Q. Okay. So it would have been normal to go that way to
5 take Mr. Hood. Because you didn't know what happened?

6 A. (Shakes head.)

7 Q. Now just for the record, you have no idea what
8 actually happened in the trailer park?

9 A. (Shakes head.)

10 Q. Okay. Now let's talk about the phone calls and text
11 messages from Tyvon slash Hubby to you. I know this was a
12 long time ago, March 16th of 2021. Is it possible you got
13 confused if it was a text message or a phone call?

14 A. Yeah. I really don't remember.

15 Q. If you were out there looking for Aaron and I believe
16 it even says that you placed a thirty minute -- sorry -- a
17 thirty second phone call outgoing to Tyvon at 1:55, about
18 thirty seconds. Could you have just gotten confused that
19 you thought he called you, but it was actually you called
20 him because you were trying to find him?

21 A. Uh-huh.

22 MS. FULLER: Your Honor, may we approach briefly?

23 (Proceedings held at the bench; not reported.)

24 BY MR. STANCIL:

25 Q. So, Ms. Pridgen, you will admit that there was some

1 kind of phone call between you and Tyvon on that day?

2 A. (Nods head.)

3 Q. Okay. And when you saw Mr. Leaphart, Tyvon, and
4 Mr. Hood come out, again, you had no idea what had
5 happened, you just saw them come out?

6 A. Yes, sir.

7 Q. Okay. And let me ask you something. I know when you
8 got back from taking your dad, I know you said your mom was
9 emotional and everything, and you said you left your car
10 running?

11 A. Yeah.

12 Q. Okay. You probably just left your phone in the car?

13 A. Yeah.

14 MR. STANCIL: I beg the Court's indulgence.

15 BY MR. STANCIL:

16 Q. Did you see the injury on Mr. Hood's hand when he got
17 into the car?

18 A. Uh-huh.

19 Q. Okay. Can you say yes or no for the court reporter?

20 A. Yeah.

21 Q. Okay. I know it's -- and it was a cut on the thumb?

22 A. Uh-huh.

23 Q. Did you see any other injuries on Mr. Hood?

24 A. Unh-unh.

25 MR. STANCIL: No more questions, Your Honor.

1 REDIRECT EXAMINATION

2 BY MS. FULLER:

3 Q. So let me get this straight. You thought Aaron Hood
4 had been shot?

5 A. Uh-huh.

6 Q. And there were police in the trailer park?

7 A. (Nods head.)

8 Q. And you don't think to go to them and say hey, I'm
9 looking for my cousin, I heard he's been shot?

10 A. (No response.)

11 Q. I need an answer.

12 A. I'm panicking, worried.

13 Q. You were panicking sitting at the Country Peddler?

14 A. (Nods head.)

15 Q. Is that your testimony?

16 A. (Nods head.)

17 Q. Okay. So if you thought your cousin had been shot,
18 you'd call him on the phone?

19 A. You're still yelling.

20 Q. I'm sorry. If you thought your cousin had been shot,
21 you'd call him on his cell phone; would you not?

22 A. Call who?

23 Q. Your cousin.

24 A. How I call my cousin on his phone? Why would I call
25 him if he'd been shot?

1 Q. You're concerned. You said you were panicking.

2 What's the first thing you would do?

3 A. Go look for them. What do you mean?

4 Q. So you'd go straight to the police and look for him,
5 right?

6 A. (No verbal response.)

7 Q. So you're telling this jury that your decision was
8 to go to the Country Peddler and wait to see if he comes
9 stumbling up shot? Is that your testimony? Is that your
10 testimony? Yes or no.

11 THE COURT: Please answer the question.

12 A. No.

13 Q. Okay. So what is it? It's an open-ended question.
14 What is it?

15 A. What you mean?

16 Q. You thought your cousin had been shot. It's someone
17 like a brother to you, right?

18 A. Yeah.

19 Q. Right.

20 A. And I went looking for him. What you mean? Wouldn't
21 you go look for your siblings if you found out they'd been
22 hurt?

23 Q. If you want me to answer that, I would go to the
24 police.

25 A. Wouldn't you go look around?

1 Q. I would go to the police.

2 A. Wouldn't you go look around?

3 Q. I'd go to the police.

4 THE COURT: I'll go ahead and allow the lawyers to
5 ask the questions in the courtroom for today and the
6 witnesses can answer the questions of the lawyers for
7 today, all right?

8 Thank you.

9 MS. FULLER: Thank you, Your Honor. I apologize.

10 BY MS. FULLER:

11 Q. But your testimony is you went and waited at the
12 Country Peddler?

13 A. (No response.)

14 Q. Because how many streets are in this trailer park?

15 A. I don't know. You tell me. I only know two streets.

16 Q. Okay. So when you said you drove around the trailer
17 park, where did you drive?

18 A. (No response.)

19 Q. When you say you drove around the trailer park
20 looking --

21 A. Drove around the trailer park. Around the trailer
22 park. Not through the trailer park, around.

23 Q. And what's around? Tell me the streets you're talking
24 about. On 378?

25 A. I don't know what that is.

1 Q. The main highway.

2 A. I don't know which highway that is.

3 Q. So -- so I'm glad you're clearing this up for me.

4 So when you said you drove around the trailer park, I
5 understood that to mean within the trailer park, looking
6 for them. That's not what you did?

7 A. I don't know where it is.

8 Q. You said you made the left and got out on the main
9 road?

10 A. No, around the trailer park.

11 Q. I don't understand. You've got to break that down.

12 A. I don't know how to break it down. I'm tired. I'm
13 sleepy.

14 Q. Did you -- did you leave the trailer park, like get on
15 the main road?

16 A. Unh-unh.

17 Q. Okay. So you drove on these other streets? Up here
18 is LaSalle. Did you drive down that street?

19 A. I don't remember.

20 Q. Did you drive towards Keisha?

21 A. I don't remember.

22 Q. Okay. But you -- your testimony now is that you
23 thought your cousin had been shot and you drove around and
24 then you waited at the County Peddler for them?

25 A. (No verbal response.)

1 Q. Was that a yes or a no?

2 A. You keep asking me the same questions --

3 Q. You're not answering.

4 A. -- over and over again. I'm tired. What do you not
5 understand?

6 Q. Was that a yes or a no?

7 THE COURT: Please answer the question.

8 THE WITNESS: I don't know.

9 MS. FULLER: I beg the Court's indulgence.

10 No further questions.

11 THE COURT: Any recross?

12 MR. STANCIL: Very briefly, Your Honor.

13 RECROSS EXAMINATION

14 BY MR. STANCIL:

15 Q. Just to clarify, Ms. Pridgen, when you got back from
16 dropping your dad off, mom was upset, told you Mr. Hood had
17 been shot, you panicked?

18 A. (Nods head.)

19 Q. The first thing you did because you said you were
20 panicked is --

21 A. Go look for him.

22 Q. -- you said to go look for him. When you were driving
23 around looking for him, how long did you stay at the
24 Country Peddler?

25 A. I don't remember.

1 Q. Okay. Would you -- would you say it was a short time
2 or a long time?

3 A. A short time.

4 Q. Okay. So you weren't sitting there for like just a
5 very long time just waiting?

6 A. I don't know. I don't remember.

7 Q. But when you were -- when you were at the Country
8 Peddler is when you saw Tyvon and Aaron Hood come out of
9 the, I guess, treeline or something?

10 A. Yeah.

11 Q. Okay.

12 MR. STANCIL: No further questions, Your Honor.

13 THE COURT: All right. The witness may step down.

14 THE WITNESS: Am I done for the day?

15 THE COURT: I said you may step down. Have a seat.

16 (Witness excused.)

17 THE COURT: Counsel.

18 (Proceedings held at the bench; not reported.)

19 THE COURT: All right. Ladies and gentlemen, it's
20 12:45. Instead of starting another witness now, we'll
21 go ahead and break for lunch. So let's take an hour.
22 We'll come back at 1:45 and start the afternoon testimony.
23 I'll give you a heads-up. We are gonna break early today,
24 around approximately 3:00, so we'll probably get another
25 witness or two this afternoon and then you-all will kind

1 of get an early release for today.

2 But it's 12:45. Try to make it a 55-minute lunch so
3 we can start one hour from now, okay?

4 Please don't discuss the case with anyone while
5 you're out or do any sort of independent research of any
6 of the parties involved and we'll see you in an hour.

7 (Whereupon, the jury was excused for lunch at
8 12:46 PM.)

9 THE COURT: All right. Let's get that door.

10 I know we're on a crunch for the afternoon, so let's
11 be ready to start at 1:45 and kick off the next witness
12 and we'll go from there.

13 Anything else before the recess for the record?

14 MR. STANCIL: Nothing from the defense.

15 THE COURT: All right. Let's get the jury out first
16 before we dismiss people from the courtroom, okay?

17 All right. We'll see you in one hour.

18 (Whereupon, a luncheon recess was taken at 12:46 PM.)

19 (Back on the record at 1:53 PM.)

20 BAILIFF: Come to order, please.

21 THE COURT: All right. Good afternoon. Please be
22 seated.

23 All right. Is the State ready to proceed?

24 MR. McNAIR: Yes, Your Honor.

25 THE COURT: Defense ready to proceed?

1 MR. STANCIL: Yes, Your Honor.

2 THE COURT: Let's bring in the jury, please.

3 MS. FULLER: Oh, no, Your Honor. I'm sorry.

4 THE COURT: Just one minute. I'm sorry.

5 MS. FULLER: Your Honor, I mentioned this to
6 defense counsel already. For the record, the State's
7 Exhibit 16, which is the Snapchat video, it's redacted.
8 The end portion of what the defendant was saying, there
9 was a debate in our office, but it sounded like he was
10 saying "on that gang" something, so I faded out his voice
11 so there isn't a suggestion of a gang.

12 Also on State's 48 in the last witness's Snapchat,
13 part of her handle has the word "gang" in it, EK Gang, and
14 so the word "gang" was redacted. On the actual printout,
15 State's 17, I was thinking about it over the lunch break,
16 you can't really see it, but with the Court's permission,
17 and I don't think defense counsel is objecting, just out
18 of an abundance of caution I just want to black it out.
19 You can't really see it, but if you know it's there you
20 can see, and I don't want the jury to look for it since
21 this one's redacted and try to find it.

22 I was gonna take a Sharpie to it. That should --

23 MR. STANCIL: I would be fine with that, Your Honor,
24 using a Sharpie.

25 THE COURT: All right.

1 MS. FULLER: So editing 17 before. When you put it
2 on the TV screen, you can't see it at all. It's just once
3 it goes back into the jury room.

4 THE COURT: I do understand what you're saying about
5 it. If you're trying to look for something --

6 MS. FULLER: If you're trying to look for something,
7 you might see it.

8 THE COURT: Somewhat.

9 MS. FULLER: So with the Court's permission, I'm
10 gonna take a black marker to it.

11 THE COURT: All right. And I think that's without
12 objection?

13 MR. STANCIL: Without objection, Your Honor.

14 THE COURT: Thank you.

15 MS. FULLER: Thank you, Your Honor.

16 I'm showing defense counsel. Do you want to see it?

17 MR. STANCIL: Yeah, that's perfect.

18 MS. FULLER: I'm just making sure the Court's
19 satisfied.

20 THE COURT: All right. Thank you.

21 MS. FULLER: It's good?

22 THE COURT: I can't see it anyway.

23 MS. FULLER: Thank you.

24 Now the State's ready. I apologize.

25 THE COURT: All right. Take two. Let's bring them

1 in.

2 (Whereupon, the jury return to the courtroom at
3 1:57 PM.)

4 THE COURT: All right. Madam Forelady, ladies and
5 gentlemen of the jury, welcome back. I hope you-all had
6 a nice lunch. We'll pick up where we left off with the
7 next witness in the State's case in chief.

8 MR. FENDER: Thank you, Judge.

9 The State calls Wayne Bryan to the stand.

10 (Whereupon, Vernon Wayne Bryan was duly sworn by
11 the Clerk of Court.)

12 VERNON WAYNE BRYAN,

13 having been duly sworn, testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FENDER:

16 Q. Thank you, Mr. Bryan. Can you please state your name
17 for the record?

18 A. Yes, sir. My name is Vernon Wayne Bryan.

19 Q. Can you tell the jury a little bit about who you are
20 and where you live?

21 A. Yeah, I live here in Saluda, in the city limits of
22 Saluda. I did law enforcement my whole career. I ended up
23 with the State Transport Police or the DOT as they call it
24 for twenty-three, almost twenty-four years, and now I'm
25 retired keeping my mom. She's got dementia and she'll be

1 ninety-seven this year, so. So I retired just to do that,
2 so, yeah.

3 Q. Where did you work in law enforcement?

4 A. So I -- I started out with the city here in Saluda
5 and then I moved to -- Wakenhut at V.C. Sumner Nuclear
6 Station. I worked there for eight years and then I come
7 back. Sheriff Rushton was the sheriff here and he wanted
8 me to come to work for him, so I -- I come to work as a
9 deputy and then I switched over from a deputy to the city
10 because they was paying a little bit more and actually I
11 worked a year at the Federal prison in Edgefield over
12 there and I realized I was more outdoor, you know, law
13 enforcement, so I come back and worked with the city and
14 had a situation where I helped a corporal out with the
15 State Transport Police and she got me a job after I did
16 and I ended my career there and retired from transport
17 police with them. I had a good run.

18 Q. And you're fully retired now?

19 A. I am. Yes, sir.

20 Q. Awesome. And you live here in Saluda?

21 A. I do.

22 Q. And your mom also lives here in Saluda?

23 A. Yes.

24 Q. Now I want to direct your attention to March 16, 2021.
25 Did you go to the post office that day?

1 A. I did.

2 Q. Can you share with the jury what you remember from
3 that day?

4 A. Yes. I went to the post office. I had some business
5 there, so I was waiting on the post office to open up at
6 2:00 and so I was sitting out there and all of a sudden
7 I heard sirens going off and patrol cars coming down 378
8 going by the post office, and I believe that's Keisha
9 Street that they turned on in front of the Country Peddler
10 there, and so it was numerous -- numerous law enforcement
11 vehicles with blue lights and sirens going and so I'm --
12 you know, I'm watching that and all of a sudden I -- there
13 was two black males run by the post office and so they
14 ran by and ran over to the Country Peddler and got into a
15 vehicle and the vehicle was coming out of Country Peddler
16 going toward town and, like I say, all of the law
17 enforcement vehicles were going the other way and so, you
18 know, when I seen that and I was processing it in my mind,
19 I was like something ain't right here, so I got behind the
20 vehicle that picked up the -- the two guys and I called
21 dispatch, 9-1-1, and I told them who I was and, you know,
22 I was just following this vehicle that just seemed to be
23 suspicious and everything, and so I followed them out. I
24 was talking to the dispatcher and the dispatcher was doing
25 a great job and so I noticed a deputy that was coming into

1 Saluda from -- from Newberry way and he was running with
2 blue lights and sirens, so I kind of swerved over to play
3 chicken with him a minute because I wanted him to come with
4 me, you know what I mean? So I swerved over and flashed
5 my lights, which he did turn around and I was telling the
6 dispatcher, you know, what I was doing with that and so we
7 were heading north out 121 and I was still behind the --
8 the car. I asked them if he wanted me to slow down and let
9 him pass to where he would get behind the car and he chose
10 to not do that, and I understand his reasoning behind that
11 because he wants backup to get in position. I'm assuming
12 this. He wants backup to get in position before he pulls
13 over this vehicle, which would be a felony stop at that
14 time, and so I stayed in front of -- in front of the law
15 enforcement -- the deputy and behind I think it was a
16 burgundy colored Kia I believe it was, but it was a
17 burgundy colored car that they got in, and then they
18 turned off and went through the trailer park in front of
19 Horne's store, they went through the trailer park, and we
20 followed them through there and then they made a left.
21 I believe it was on Yarborough Road. Made a left there
22 like and they come back up to 121 or Newberry Highway
23 right there at the store and then they went into the store
24 at the gas pumps there and so I -- you know, me being law
25 enforcement I still feel like I'm law enforcement all the

1 time. I did not have a weapon on me, but I did pull in
2 front of the vehicle with the truck. I was in a rental
3 truck at the time, so I pulled in front, the deputy pulled
4 in behind, and I assisted as much as I could with the --
5 with the stop and then other deputies come up and, you
6 know, finished processing and all that. So, yeah.

7 Q. And just to be clear, the two people that you saw,
8 were they walking or running?

9 A. They were running.

10 Q. Were they running towards where you heard the sirens
11 or away from the sirens?

12 A. Away from the sirens.

13 Q. And this was across 378 at the Country Peddler?

14 A. Yes.

15 Q. Okay. And do you remember -- you testified earlier,
16 about what time did you call law enforcement?

17 A. It had to be before 2:00 because the post office was
18 -- it was about 2:00 because they were getting ready to
19 open back up and I was like -- I had some business I needed
20 to get done. My wife, she does photography, and she's got
21 a wedding in Hawaii actually and so I'm trying to get a
22 passport, so it was in the critical time that I needed to
23 go in the post office, so I'm like now I'm gonna go with
24 what God instructed me to do.

25 Q. I'm gonna show you now what's in evidence as

1 State's 12, 13 and 14, and ask you to have a look at these
2 pictures here. Is this the vehicle you recall seeing?

3 A. It is.

4 Q. Is this the vehicle the men used to escape?

5 A. Yes.

6 Q. Mr. Bryan, let me show you this briefly, what's been
7 marked as identification as State's 43. Can you just have
8 a quick look at this map and tell us a little bit of what
9 you see here?

10 A. Okay. This looks like the post office right here,
11 right? The post office's right here, so I was parked in
12 front of that. And that's the Country Peddler over there.
13 So actually when I see Keisha Street, this is Hare Avenue
14 to where they were going down. That's my mistake. They
15 were coming off of Travis Avenue, which is 378, going down
16 Hare Avenue there.

17 Q. Okay. Can you point again where you saw them running
18 at?

19 A. Yeah. They were -- all right. So I was parked in
20 front of the post office and they ran right down through
21 here. Just like right through here.

22 Q. Okay. And this is the town of Saluda?

23 A. Yes.

24 MR. FENDER: Judge, at this time I'd enter
25 State's 43.

1 THE COURT: Okay.

2 MR. STANCIL: Doug, can I see it real quick?

3 Without objection, Your Honor.

4 THE COURT: State's Exhibit 43 is admitted into
5 evidence.

6 (State's Exhibit Number 43, an aerial map, was
7 admitted into evidence.)

8 BY MR. FENDER:

9 Q. I'm gonna show you just briefly what's been marked as
10 State's 44. You testified earlier about Horne's store.
11 Can you tell us what happened there at Horne's store?

12 A. Again, they -- when they -- when they went around
13 the trailer park, then they turned left on -- I think it's
14 Yarborough Road there, then they turned left right there,
15 and then when they got back up to 121 it was like they -- I
16 think they put on the right-hand turn signal and I think I
17 was telling dispatch they were -- it looks like they're
18 gonna make a right-hand turn, but then they turned left
19 into the Horne store and like up to the gas pumps there.

20 Q. Do you see Horne's store on this exhibit?

21 A. Okay. This is -- yeah, this would be Horne's store up
22 here. All right. So 121 coming out of Saluda, so it would
23 be, yeah, roughly right up there where that square's at.

24 Q. And can you show us the town of Saluda just for
25 clarification?

1 A. Yeah. Right here.

2 Q. Can you see where about the post office and Country
3 Peddler is?

4 A. All right. So Travis Avenue is right in through here.

5 Q. Okay. So started here into the car and then caught up
6 here; is that correct?

7 A. Yeah, we went through here. We went by the 7-Eleven
8 and made a right onto Main Street and then right after the
9 nursing home is where I seen that deputy coming in and I
10 swerved over and flashed my lights and then he turned
11 around and got behind and we went out there and ended up at
12 Horne's store there.

13 Q. And where does, you know, 121 and 195, where do these
14 roads lead to?

15 A. Okay. 121 leads to Newberry and then 194 or Denny
16 Highway, it -- it actually goes out and stops at 391 right
17 before Prosperity there.

18 Q. Thank you.

19 MR. FENDER: Judge, at this time I'd enter
20 State's 44 into evidence.

21 MR. STANCIL: Without objection, Your Honor.

22 THE COURT: State's Exhibit 44 is admitted into
23 evidence.

24 (State's Exhibit Number 44, an aerial map, was
25 admitted into evidence.)

1 MR. FENDER: Thank you. Please answer the defense
2 attorney's questions.

3 THE WITNESS: Okay.

4 MR. STANCIL: Your Honor, before cross I believe
5 there's a matter we need to bring up without the jury.

6 THE COURT: All right. Let me get you back in the
7 jury room for a minute. Please don't discuss the case.
8 I'll get you back in here in a few minutes.

9 (Whereupon, the jury retires to the jury room at
10 2:10 PM.)

11 THE COURT: Yes, sir.

12 MR. STANCIL: Your Honor, it been brought to my
13 attention by my client that there's been a violation of
14 the pre-trial motion to sequester a witness. That
15 Ms. Gonzalez has been sitting here for that whole
16 testimony.

17 THE COURT: I don't know any witnesses.

18 MR. McNAIR: Your Honor, we told her to be here at
19 2:00. I wasn't aware she came in the courtroom. She's
20 gonna testify to the Snapchat video that has already been
21 authenticated and entered into evidence through Miracle
22 Pridgen. None of this testimony that she just heard could
23 impact her testimony at all. It has nothing to do with
24 her testimony at all.

25 MR. STANCIL: And, Your Honor, I don't know if that

1 will affect her or not.

2 THE COURT: Well, at this point at a minimum, let's
3 have her go out until it's time for her to be called,
4 and we'll get her back in when it's time for her to get
5 called. What effect there is we'll know more after we
6 continue with the testimony.

7 MR. STANCIL: Thank you, Your Honor.

8 THE COURT: While we're all here, I just ask the
9 lawyers to take a look around if there are any other
10 potential witnesses in here.

11 MR. McNAIR: That's our last witness for today,
12 Your Honor, and I just -- I think she just slipped in.
13 We were already, I guess, in court when she came in, so.

14 THE COURT: I saw her come and I didn't know who she
15 was, so I didn't think about it.

16 MR. STANCIL: Nothing further, Your Honor.

17 THE COURT: All right. Are you ready?

18 All right. Get them back in here, please.

19 (Whereupon, the jury return to the courtroom at
20 2:12 PM.)

21 MR. STANCIL: Thank you, Your Honor.

22 CROSS-EXAMINATION

23 BY MR. STANCIL:

24 Q. Good afternoon, Mr. Bryan.

25 A. Good afternoon.

1 Q. So when you were at the post office -- let me just
2 make sure I've got this correct for the record. You were
3 going to the post office to get a passport or something and
4 you just saw two young men running?

5 A. Yes.

6 Q. Okay. How long did you -- where exactly did you see
7 them come from and where did you see them go?

8 A. Okay. So if you're sitting at the post office,
9 there's -- you can't see around the building naturally,
10 but they came up the path that kind of cuts through.
11 There's a walking path, if you will, that goes through
12 the neighborhood there, all right? So they were coming up
13 and I seen them right here and, like I say, with the law
14 enforcement vehicles going down and everything, it just --
15 it just didn't look right.

16 Q. Understood. Do you remember what any of the young men
17 were wearing?

18 A. Not really.

19 Q. Okay. And you said you saw them get into the vehicle?

20 A. I did.

21 Q. Okay. Was the vehicle there when you saw them come
22 around?

23 A. It was like it was pulling out.

24 Q. So it wasn't -- it wasn't waiting on them?

25 A. I -- it appeared that they -- that it was a pick-up

1 vehicle.

2 Q. Did you hear the sirens before or after you saw the
3 two young men?

4 A. Before.

5 Q. And just to clarify, you didn't see these too young
6 men commit any crimes?

7 A. No.

8 Q. Okay. And you only -- I apologize. You only saw them
9 get into the vehicle and the vehicle drive off?

10 A. Right.

11 Q. And that's when you began to follow them?

12 A. Yes.

13 Q. Okay.

14 MR. STANCIL: I beg the Court's indulgence.

15 BY MR. STANCIL:

16 Q. And you stated that you saw them going down Denny
17 Highway?

18 A. No.

19 Q. Which highway did you see them going down?

20 A. When they pulled out, they pulled out onto Travis
21 Avenue or 378 and then they went up by the McDonald's
22 straight by there to 7-Eleven and then they make a right on
23 Newberry Highway.

24 Q. Newberry Highway. Okay. Was the car driving
25 erratically or driving at inappropriate speeds?

1 A. No.

2 Q. Okay. So it looked like it was just driving normally?

3 A. Yes.

4 Q. Okay. You wouldn't -- by the way they were driving,
5 you wouldn't think they were trying to evade or flee?

6 A. No, not --

7 MR. STANCIL: No more questions, Your Honor.

8 THE COURT: Redirect?

9 REDIRECT EXAMINATION

10 BY MR. FENDER:

11 Q. For clarification, did you see the car turn off and
12 then back on the road?

13 A. Yes.

14 Q. Can you tell about that sequence of occurrence?

15 A. Like say, when they -- before you get to Horne's store
16 there's a trailer park that she turned -- turned off on,
17 so they turned off. And I'm not sure if they seen the --
18 I don't know what they saw, but they turned off and went
19 through the trailer park and then when they come up they
20 were -- it was like they were undecided where they were
21 going from there.

22 Q. Just for clarification, did you hear the sirens before
23 you saw the men running or after?

24 A. Before.

25 Q. Were they running towards or away from the sirens?

1 A. Away.

2 Q. When they jumped in the car, did they drive towards or
3 away from the sirens?

4 A. Away.

5 MR. FENDER: Thank you.

6 THE COURT: Any recross?

7 MR. STANCIL: I beg the Court's indulgence.

8 Very briefly, Your Honor.

9 RE CROSS EXAMINATION

10 BY MR. STANCIL:

11 Q. Did the vehicle make a turn onto Yarborough?

12 A. Yes.

13 Q. Right or left?

14 A. Left.

15 Q. Okay. Besides the one, I believe you said, deputy
16 you flashed the lights at, you didn't see any of the
17 other police cars or any of the incident scene whatsoever,
18 correct?

19 A. I did not.

20 MR. STANCIL: No more questions, Your Honor.

21 THE COURT: All right. The witness may step down.
22 You're free to go.

23 THE WITNESS: Thank you, Your Honor.

24 (Witness excused.)

25 MR. FENDER: Your Honor, the State calls Karla

1 Gonzalez to the witness stand.

2 THE COURT: Very well.

3 (Whereupon, Karla Gonzalez was duly sworn by the
4 Clerk of Court.)

5 THE CLERK: Please have a seat.

6 KARLA GONZALEZ,
7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MR. FENDER:

10 Q. Good afternoon, Karla. Can you please state your name
11 for the record?

12 A. Karla Gonzalez.

13 Q. All right. I'm just gonna ask you to speak up a
14 little bit. The acoustics are not very good here, but can
15 you tell the jury just a little bit about who you are and,
16 you know, where you live and that kind of stuff?

17 A. My name's Karla Gonzalez and I live in Saluda. Always
18 have lived in Saluda.

19 Q. Did you go to high school in Saluda?

20 A. Yes, I did.

21 THE COURT: I'm gonna need you to speak up a little
22 bit so everyone in the jury box can hear you.

23 THE WITNESS: I did. I lived in Saluda. I went to
24 Saluda High School.

25 BY MR. FENDER:

1 Q. When you were in high school, did you know a Miracle
2 Pridgen and Aaron Hood?

3 A. I knew of them, but I didn't know them.

4 Q. Okay. But you know their names and kind of know their
5 faces and that kind of stuff?

6 A. Yes.

7 Q. And you saw them when you were in high school?

8 A. Yes.

9 Q. Did you occasionally see them after high school or out
10 and about in town?

11 A. Not much, no.

12 Q. So mostly you just knew them from high school?

13 A. Yes.

14 Q. Did you see them on any social media that you were
15 involved on?

16 A. On social media, yes, but I did not know them on
17 social media.

18 Q. Did you see things that they posted on social media?

19 A. Yes.

20 Q. I want to show you now what's already in evidence as
21 State's Exhibit 17 and 18. Can you tell us a little bit
22 about what you see in these pictures?

23 A. I see Aaron and his cousin.

24 Q. And are these social media posts?

25 A. Yes, on Snapchat.

1 Q. Okay. Can you explain to us a little bit about
2 Snapchat?

3 A. You a post a story and it lasts I think
4 twenty-four hours and then it will disappear. So it's --
5 and it's for everybody to see. Whoever is friends with
6 them, anybody can see it.

7 Q. At some point during this case did you see a Snapchat
8 video that concerned you?

9 A. Yes, when I saw this Snapchat video.

10 Q. This is the Snapchat video?

11 A. That I saw.

12 Q. Can you tell us what you saw in that video?

13 A. I really just saw them two just in the video and
14 hearing them saying that they were posted up at the trailer
15 park and that's really as much as all I heard.

16 Q. Okay. Were you concerned by what you saw in the
17 video?

18 A. Concerned? Not, I guess, until I figured out what had
19 happened after.

20 Q. And did you tell law enforcement about what you saw on
21 social media?

22 A. I did. I did bring it up to their attention after the
23 fact of what happened.

24 Q. About these two posted in the trailer park?

25 A. Yes.

1 MR. FENDER: Judge, if I may ask the witness to step
2 down just so she can see also.

3 THE COURT: Very well. You may step down.

4 BY MR. FENDER:

5 Q. We're showing you now what's been marked as State's
6 Exhibit 16 and is in evidence.

7 (Video playing.)

8 MR. FENDER: If I may, Your Honor, play it just one
9 more time briefly?

10 (Video playing.)

11 BY MR. FENDER:

12 Q. Karla, did you see the finger in that video around the
13 phone?

14 A. Yes.

15 Q. Was that your finger?

16 A. Yeah.

17 Q. Okay. And is this the video that you saw?

18 A. Yes.

19 Q. Is this the video that concerned you?

20 A. Yes.

21 Q. Is this the video that you shared with law
22 enforcement?

23 A. Yes.

24 Q. What was it in this video that concerned you?

25 A. It was after like what had happened that I figured law

1 enforcement might be able to use it to -- just because of
2 what happened.

3 Q. But you weren't at [REDACTED] Keisha Avenue; is that correct?

4 A. No.

5 Q. Okay. This was just something that you saw and you
6 turned over to law enforcement?

7 A. Yes, sir.

8 Q. Is anybody making you come and testify here today?

9 A. The Court.

10 Q. So you're under subpoena?

11 A. Yeah.

12 Q. You're not getting paid to be here or anything like
13 that?

14 A. Unh-unh.

15 MR. FENDER: Thank you, Karla. If you could please
16 just have a seat back up there and answer the defense
17 attorney's questions.

18 Thank you.

19 THE COURT: Cross-examination.

20 CROSS-EXAMINATION

21 BY MR. STANCIL:

22 Q. Good afternoon, Ms. Gonzalez.

23 A. Hello.

24 Q. So you don't know -- do you know anything about what
25 actually happened at this incident on March 16th?

1 A. I've heard about what happened.

2 Q. Do you have any personal knowledge of anything that
3 happened on this day?

4 A. No.

5 Q. Okay. So just for clarification again, what exactly
6 about Ms. Pridgen and Mr. Hood just hanging out together
7 concerned you?

8 A. The fact after that had happened, that's what
9 concerned me. That's why I showed the video to law
10 enforcement.

11 Q. Okay. But you'll agree that all the video shows is
12 that Ms. Pridgen and Mr. Hood were spending time together?

13 A. That's what it shows.

14 MR. STANCIL: No more questions, Your Honor.

15 THE COURT: Any redirect?

16 MR. FENDER: No further questions. Thank you.

17 THE COURT: All right. The witness may step down.
18 Thank you.

19 (Witness excused.)

20 THE COURT: Approach.

21 (Proceedings held at the bench; not reported.)

22 THE COURT: All right. Ladies and gentlemen, as I
23 told you earlier today, we're gonna break a little bit
24 early today, so that was our last witness of the day.

25 Thank you this morning for being here on time. I

1 appreciate that. I'd ask you to be here again tomorrow
2 at 9:15. That way we can look to start testimony at 9:30
3 in the morning.

4 As I've told you numerous times, when you're home
5 tonight and when you leave the building today, please
6 don't discuss the case with one another or anyone else.
7 Please don't do any independent research of any of the
8 parties involved or the law or anything having do to with
9 this case.

10 But we'll see you tomorrow morning at 9:15. You-all
11 have a nice evening and thank you very much.

12 (Whereupon, the jury was excused for the day at
13 2:27 PM.)

14 THE COURT: All right. Anything else for the record
15 before we recess for today?

16 MR. STANCIL: Nothing from the defense, Your Honor.

17 MR. McNAIR: No, Your Honor.

18 THE COURT: All right. See you-all in the morning.
19 Thank you.

20 (Whereupon, the proceedings were concluded for
21 September 12, 2023, at 2:28 PM.)

22 (The following proceedings were held September 13,
23 2023, beginning at 10:00 AM.)

24 (State's Exhibit Numbers 46 through 69 were marked
25 for identification.)

1 BAILIFF: All rise.

2 THE COURT: All right. We're illuminated by the
3 electricity here. Well, good morning. We've had a late
4 start due a bit of a power snafu this morning, but the
5 State is ready to go?

6 Does the State have its next witness teed up?

7 MR. McNAIR: We do.

8 THE COURT: Is the defense ready to proceed?

9 MR. STANCIL: We are.

10 THE COURT: All right. Let's bring them in.

11 (Whereupon, the jury enter the courtroom at
12 10:03 AM.)

13 THE COURT: All right. Madam Forelady and ladies
14 and gentlemen of the jury, welcome back. We had an
15 interesting start to the morning, but the lights have
16 come on, the air-conditioning is running and we will get
17 started and kind of pick up where we left off yesterday
18 with the next witness in the State's case in chief.

19 MR. McNAIR: Thank you, Your Honor.

20 The State calls Dave Rodgers.

21 (Whereupon, Dave Rodgers was duly sworn by the Clerk
22 of Court.)

23 DAVE RODGERS,

24 having been duly sworn, testified as follows:

25 DIRECT EXAMINATION

1 BY MR. MCNAIR:

2 Q. Lieutenant Rodgers, good morning.

3 A. Good morning.

4 Q. Will you state your full name and spell your last name

5 for the record, please.

6 A. Dave Rodgers. Last name is R-O-D-G-E-R-S.

7 Q. All right. And where are you currently employed?

8 A. City of Laurens Police Department.

9 Q. All right. Prior to that where were you employed?

10 A. Saluda County Sheriff's Office.

11 Q. And do you have any other law enforcement experience

12 other than those two places?

13 A. Yes, sir. Twenty-five years law enforcement.

14 Q. And where did you work prior to Saluda?

15 A. I was -- in '86, I was a school resource officer.

16 Prior to that I was chief of police in Chapin.

17 Q. Okay. Now back in March of 2021, were you employed

18 with the Saluda County Sheriff's Department?

19 A. I was.

20 Q. What was your position at the time?

21 A. I was a lieutenant over narcotics.

22 Q. And on March 16th of 2021, did you respond to a 9-1-1

23 call in reference to a shooting on Keisha Avenue?

24 A. I did.

25 Q. And is that in Saluda County?

1 A. Yes, sir.

2 Q. All right. Now where were you when that initial call
3 came in?

4 A. I was inbound, actually just coming to work, on
5 Newberry Highway coming towards Saluda.

6 Q. Did you actually make it to the scene?

7 A. I did not.

8 Q. Did another call come over dispatch while you were
9 en route?

10 A. It did.

11 Q. And what was that call in reference to?

12 A. It was in reference to a witness saw two black males
13 running beside the post office crossing over 378 going into
14 the Country Peddler and he said they got into a maroon Kia.

15 Q. Okay. And you were on the Newberry Highway when that
16 call came in?

17 A. Yes, that's correct.

18 Q. And at some point did you spot that vehicle?

19 A. I did. The witness was -- dispatch said the witness
20 was behind them and that he was in a white pick-up truck.

21 Q. And that witness, was that Wayne Bryan?

22 A. That's correct, yes.

23 Q. Okay.

24 A. And when he saw me, he flashed his lights and that's
25 when I saw the maroon Kia in front of him.

1 Q. And what did you do at that point?

2 A. That was at Hillview Road. He slowed down enough for
3 me to turn around and get behind them and when I got behind
4 them, I initiated my blue lights.

5 Q. Okay. Did they immediately stop?

6 A. They did not.

7 Q. What route did they take?

8 A. They turned right on Village Road, then they turned
9 left onto Yarborough Road, crossed back over Newberry
10 Highway into the parking lot of Horne's convenience store,
11 and that's where they stopped.

12 Q. They ultimately stopped at Horne's store?

13 A. Yeah.

14 Q. Now Newberry Highway, does that lead all the way to
15 Newberry County?

16 A. It does.

17 Q. Now once you stopped them at Horne's store, what
18 happened at that point? Did you ultimately identify who
19 was inside the vehicle?

20 A. Yes, sir.

21 Q. Who was it?

22 A. Miracle Pridgen was driving, Aaron Hood was sitting in
23 the front seat beside her, and Mr. Leaphart was in the car.

24 Q. And would that be Tyvon Leaphart?

25 A. Tyvon Leaphart, yeah. Yes, sir.

1 Q. And did you determine the relationship between those
2 folks?

3 A. I did. Miracle and Tyvon were in a relationship and
4 Hood was their cousin.

5 Q. Hood was Miracle Pridgen's cousin?

6 A. Yes, sir.

7 Q. Okay. Now what did you observe about Mr. Hood at that
8 time?

9 A. He had a laceration on his hand that was bleeding
10 pretty good and had blood on his pants and shirt.

11 Q. Okay. Now while you were on-scene at Horne's store,
12 are you still in communication with officers who are on the
13 scene where the shooting happened?

14 A. Yes, sir.

15 Q. And are they relying information to you?

16 A. Yes, sir.

17 Q. Now did you ultimately take Mr. Hood into custody?

18 A. I did.

19 Q. And why was that?

20 A. He fit -- I was on the phone with Chief Kess Holmes
21 with the City and he gave me a description that the
22 witnesses on-scene gave him a description of the suspects
23 running and Mr. Hood, he matched the description.

24 Q. Okay. Now after the traffic stop, did you then go
25 back to the sheriff's department and speak to some

1 witnesses?

2 A. I did.

3 Q. Did you speak to Miracle Pridgen?

4 A. I did.

5 Q. And Tyvon Leaphart?

6 A. I did.

7 Q. Did you ask them about what they may know about a
8 shooting?

9 A. I did.

10 Q. Okay. Now Shawn Pridgen was not in the vehicle when
11 you stopped it at Horne's store, correct?

12 A. No, he was not.

13 Q. What was the relationship of Shawn Pridgen to those
14 other individuals, to Mr. Hood and to Miracle?

15 A. To my knowledge, him and Miracle are brother and
16 sister.

17 Q. Brother and sister?

18 A. Uh-huh. So that would make him and Hood cousins.

19 Q. Now did you make contact with Shawn Pridgen that day
20 on March 16th?

21 A. I did. Later that evening.

22 Q. And when did you first make contact with him?

23 A. At his house on -- I'm not sure if it's Keisha or
24 Myranda.

25 Q. Was that 1 -- I'll show you State's 41. Is that

1 [REDACTED] Myranda?

2 A. Yes, that's correct.

3 Q. That's where Mr. Pridgen lived?

4 A. Yes, sir.

5 Q. What time did you make contact with him; do you know?

6 A. It was later on that evening.

7 Q. Later on on the day of the shooting?

8 A. Yes, sir.

9 Q. Now while you were at Mr. Pridgen's house, did you
10 also see Lavoris Hill?

11 A. I did.

12 Q. Where had Mr. Hill been prior to that?

13 A. When he approached us, he had on hospital attire. I
14 don't know what you would call it. It was like a blue
15 scrub suit and had a bandage around his head from an
16 apparent head injury.

17 Q. And he walked up to where you were at Mr. Pridgen's
18 house?

19 A. He did.

20 Q. And did he see Mr. Pridgen?

21 A. Yes, sir.

22 Q. And what was his reaction to seeing Mr. Pridgen?

23 A. He looked at Mr. Pridgen and said go ahead and tell
24 him what your punk ass did. You-all killed my boy.

25 Q. Okay. What did you do at that?

1 A. At that point, for officer safety and the safety of
2 Mr. Pridgen, I asked him if he'd get in my vehicle and ride
3 back to the sheriff's department so I could talk to him.

4 Q. You transported Mr. Pridgen back to the sheriff's
5 department.

6 A. Yes, sir.

7 Q. Okay. And then did you also -- did somebody take
8 Lavoris Hill for questioning as well?

9 A. Yes.

10 Q. Now so you talked to Shawn Pridgen, Miracle Pridgen,
11 Tyvon Leaphart and Lavoris Hill?

12 A. Correct.

13 Q. After talking to all the witnesses and based on your
14 investigation, who did you end up charging in this case?

15 A. Aaron Hood.

16 Q. And who else?

17 A. Shawn Pridgen.

18 Q. Now other than the injury you spoke of to -- spoke of
19 to Mr. Hood's hand, did you see any other injuries to him?

20 A. To Mr. Hood, I did not.

21 Q. Did you ever go to the crime scene?

22 A. Not that day I didn't.

23 Q. Not the day of the shooting?

24 A. No, sir.

25 Q. All right. When did you go?

1 A. The next day.

2 Q. And why did you go back the next day?

3 A. Myself and a couple of other investigators went back
4 to see if we could find some shell casings with a metal
5 detector.

6 Q. Okay. You-all took a metal detector out there?

7 A. Yes, sir.

8 Q. And did you use that metal detector to walk all around
9 the scene in the trailer park looking for shell casings?

10 A. Yes, sir. I didn't in particular, but the other one.

11 Q. Okay. But while you were present that's what was
12 going on?

13 A. Yes, sir.

14 Q. And were any other -- more than one shell casing found
15 in this case?

16 A. Yes. Well, I'm not sure --

17 Q. Did you-all find any shell casings that day?

18 A. No, sir.

19 Q. Did you find any additional evidence that day?

20 A. Not to my knowledge.

21 Q. So there's one 40-caliber shell casing found in this
22 case?

23 A. Yes, sir.

24 Q. Now the first time you spoke to Lavoris, was that the
25 day of the shooting?

1 A. Yes, when he approached me and Mr. Pridgen.

2 Q. And that's when he had just got out of the hospital?

3 A. Right. He still had the hospital scrubs on. I guess
4 it was scrubs he had on.

5 Q. And did you talk to him the following day, which would
6 be March 17th?

7 A. Correct. Yes, sir.

8 Q. And was he able to provide you some additional details
9 at that point?

10 A. I didn't talk to him directly. He was talking with
11 the other investigators, so I kind of heard a little bit of
12 what he was saying.

13 Q. Okay. Now were you involved in the search the
14 burgundy Kia that you conducted the traffic stop on?

15 A. Yes, sir.

16 Q. Was there any gun ever recovered in that vehicle?

17 A. There was not.

18 Q. Did you-all recover some phones?

19 A. Two phones.

20 Q. And who did those phones belong to?

21 A. To Pridgen and Leaphart.

22 Q. Did you ever recover a phone belonging to Mr. Hood in
23 this case?

24 A. No, sir.

25 Q. Were you also present for a search warrant on

1 Mr. Pridgen's house, which is [REDACTED] Myranda Avenue?

2 A. Correct. I was.

3 Q. When was that search warrant conducted?

4 A. I believe the next day.

5 Q. On March 17th?

6 A. March 17th.

7 Q. The day after the shooting?

8 A. Correct.

9 Q. And why did you-all want to search that location?

10 A. Trying to find the gun.

11 Q. And what information did you have concerning who had
12 been at that location prior to the shooting?

13 A. We had information that -- that Aaron Hood and Pridgen
14 had been there prior to that by video, Snapchat. I'm not
15 familiar with all of them.

16 Q. Did you also have information that they had been by
17 there after the shooting?

18 A. Correct.

19 Q. Okay. So you-all searched that house the next day
20 after the shooting?

21 A. That's right.

22 Q. Do you remember what time you-all searched it?

23 A. Not right off, no, sir.

24 Q. Was it morning, afternoon, night?

25 A. Afternoon.

1 Q. So the afternoon of the 17th was the first time that
2 house was searched?

3 A. That's correct.

4 Q. And did you-all ever find a gun?

5 A. We did not.

6 Q. Okay. So was any gun ever recovered in this case?

7 A. Not to my knowledge. No, sir.

8 Q. Was Mr. Hood's phone ever recovered in this case?

9 A. No, sir.

10 Q. And only one shell casing was ever recovered in this
11 case; is that correct?

12 A. Yes, sir.

13 Q. Now through your investigation, did you determine --
14 were you able to get a height and weight of Mr. Hood and
15 Mr. Pridgen and Mr. Leaphart?

16 A. Mr. Hood was about 6-2, 160's.

17 Q. Okay. And how big was Mr. Pridgen?

18 A. 5-7, 145, somewhere around in there.

19 Q. All right. And Tyvon Leaphart?

20 A. Tyvon was -- he was about the same -- well, 5-7, 125.
21 He was tiny.

22 Q. Okay. So of those three, Mr. Hood was the tallest?

23 A. Yes, sir.

24 Q. And what type of hair did Mr. Hood have at the time?

25 A. Dreads.

1 Q. Now did you ultimately collect the clothing that
2 Mr. Hood was wearing that day and Mr. Pridgen was wearing
3 that day?

4 A. Yes, sir.

5 Q. All right. I'm gonna show you what's been marked as
6 State's 3 through 6. Take a look at those photos. Are
7 those pictures of the items of clothing that Mr. Hood was
8 wearing that day that you collected?

9 A. Yes, sir.

10 MR. McNAIR: Your Honor, we'd offer State's 3
11 through 6 into evidence at this time.

12 MR. STANCIL: Without objection, Your Honor.

13 THE COURT: All right. State's Exhibit 3 through 6
14 are admitted into evidence.

15 (State's Exhibit Number 3 through 6, photographs,
16 were admitted into evidence.)

17 BY MR. McNAIR:

18 Q. And State's -- I'll show you State's 7 through 10 --
19 through 11. Excuse me. Take a look at those photos.

20 A. (Witness complies.)

21 Q. Now are these the items of clothing that you collected
22 -- or photos of the items of clothing that you collected
23 from Mr. Pridgen that day?

24 A. Yes.

25 MR. McNAIR: Your Honor, we'd offer State's 7

1 through 11 into evidence at this time.

2 MR. STANCIL: Without objection, Your Honor.

3 THE COURT: All right. State's Exhibit 7 through
4 11 are admitted into evidence.

5 You may publish.

6 (State's Exhibit Number 7 through 11, photographs,
7 were admitted into evidence.)

8 BY MR. McNAIR:

9 Q. Lieutenant Rodgers, if you could step down so you can
10 see this TV here.

11 A. (Witness complies.)

12 Q. All right. State's 3. Is that the hoodie that you
13 collected from Mr. Hood?

14 A. It is.

15 Q. State's 4, the black Adidas pants?

16 A. Black Adidas pants, yes.

17 Q. State's 5?

18 A. Yes.

19 Q. The shoes that Mr. Hood was wearing?

20 A. Yes, sir.

21 Q. And then State's 6, that was the T-shirt he was
22 wearing?

23 A. Yes.

24 Q. State's 7, what is that?

25 A. That's Mr. Pridgen's hoodie.

1 Q. State's 8?

2 A. Mr. Pridgen's shoes.

3 Q. State's 9?

4 A. Mr. Pridgen's shirt.

5 Q. That was underneath his hoodie?

6 A. It was.

7 Q. State's 10?

8 A. His undershorts.

9 Q. State's 11?

10 A. And his pants.

11 Q. Do you mind putting a pair of gloves on?

12 A. (Witness complies.)

13 Q. Do you have a knife?

14 A. No.

15 Q. All right. I'm gonna show you State's 58.

16 A. Stay up here?

17 Q. You can stay up there. If you can just open that box.

18 A. That's one way to open it.

19 Q. All right. And can you just look in there and tell us

20 -- verify that that bag contains the clothing?

21 A. It's wrapped up in something else.

22 Q. Okay.

23 A. Yeah. I can see the shoes. I can't really see the

24 items, the shirts and the pants.

25 Q. Okay. Can you pull it out to the point where you can

1 verify it's the same items we just saw photos of?

2 A. (Witness complies.)

3 Q. All right. And those are all the same items that you
4 collected from Mr. Hood that we just saw photos of?

5 A. Yes.

6 Q. Okay.

7 A. Here's the Nikes.

8 Q. Would you mind just putting them back in the bag?

9 A. I don't know if I can get them back in there as good
10 as it was.

11 Q. You can just leave the shoes out and put the shoes
12 back in the box.

13 MR. McNAIR: Your Honor, we'd offer State's 58 into
14 evidence.

15 MR. STANCIL: Without objection, Your Honor.

16 THE COURT: State's 58 is admitted into evidence.

17 (State's Exhibit Number 58, Hood clothing items,
18 were admitted into evidence.)

19 BY MR. McNAIR:

20 Q. For State's 59, if you'd just do the same thing and
21 verify that that those are the clothes that you collected
22 from Mr. Pridgen.

23 A. (Witness complies.)

24 Q. All right.

25 A. These are the shorts, shirt, shoes and his pants. And

1 the hoodie.

2 Q. Right. Those are all the items you collected from
3 Mr. Pridgen?

4 A. Yes, sir.

5 MR. McNAIR: Your Honor, we'd offer State's 59 into
6 evidence.

7 MR. STANCIL: Without objection, Your Honor.

8 THE COURT: State's Exhibit 59 is admitted into
9 evidence.

10 (State's Exhibit Number 59, S. Pridgen clothing
11 items, was admitted into evidence.)

12 BY MR. McNAIR:

13 Q. All right. If you want to -- just stuff it back in
14 the box for now.

15 A. (Witness complies.)

16 Q. All right. You can take your gloves off.

17 A. (Witness complies.)

18 Q. And looking at State's 44, what does this map show?

19 A. That's Newberry Highway right here. Horne's store.
20 That's where I conducted the traffic stop.

21 Q. Okay. And where's the Country Peddler in on this map?

22 A. Right here.

23 Q. All right. And so the crime scene is somewhere right
24 down here below the Country Peddler?

25 A. Right over here.

1 Q. All right. And then you stopped them way down the
2 road here?

3 A. Yes, sir.

4 Q. All right. And that's heading toward Newberry?

5 A. It is.

6 Q. And State's 43, does this show the location of the
7 crime scene and the Country Peddler?

8 A. It does.

9 Q. All right. And the shooting happened around
10 120 Keisha Avenue; is that correct?

11 A. That's correct.

12 Q. All right. And like we talked about before,
13 [REDACTED] Myranda was where Mr. Pridgen lived and where Mr. Hood
14 had been prior to the shooting?

15 A. Correct.

16 Q. Now I guess the map looks like this is a big area, but
17 how long does it really take to get from Keisha Avenue to
18 the Country Peddler?

19 A. Running, minutes. Just a few minutes.

20 Q. All right.

21 A. If I could add, that is taking the path through the
22 woods.

23 Q. Right. And I guess I need to point that out. Are
24 there various like footpaths that go through this trailer
25 park?

1 A. There is, yes. There's one that goes from the trailer
2 park directly by the post office to the Country Peddler.

3 Q. Okay.

4 MR. McNAIR: That's all the questions I have.

5 Please answer any questions Mr. Stancil may have.

6 THE COURT: Cross-examination.

7 CROSS-EXAMINATION

8 BY MR. STANCIL:

9 Q. Good morning, Lieutenant Rodgers.

10 A. Good morning.

11 Q. When you -- when you conducted the traffic stop, Aaron
12 Hood was in the passenger seat of the car?

13 A. That's correct.

14 Q. Okay. And you stated that you also helped with the
15 search of that vehicle that he was found in, correct?

16 A. Correct.

17 Q. Were any shell casings, bullets or any firearms found?

18 A. No.

19 Q. Okay. Any firearm-related paraphernalia like
20 attachments or anything like that?

21 A. No.

22 Q. Okay. You stated he had a laceration on his hand and
23 he was bleeding pretty good I believe is what you said?

24 A. Yeah.

25 Q. It was on his thumb?

1 A. Yes.

2 Q. Okay. And I believe you testified that he had blood
3 on his clothes?

4 A. It wasn't a lot. It was just --

5 Q. Was it on his -- what part of the clothes was it on;
6 do you remember?

7 A. As I was standing looking in --

8 Q. Uh-huh.

9 A. -- I want to say it was on his shirt and maybe on his
10 pants. It was just like a couple drops.

11 Q. Consistent with a hand injury?

12 A. Yes.

13 Q. Okay. You said you were given a description of the
14 suspects running?

15 A. Correct.

16 Q. Okay. What was the description you were given?

17 A. Two black males, black attire, one with long dreads,
18 and they gave the height.

19 Q. Okay. And both black males in the car, Mr. Leaphart
20 and Mr. Hood, were both wearing black hoodies?

21 A. That's right. Yes, sir.

22 Q. And you didn't go to the crime scene until the next
23 day, March 17, 2021?

24 A. Correct.

25 Q. Okay. And I guess you said you took metal detectors

1 out there. How many people went out there do you think?

2 A. I know me and two other investigators.

3 Q. So at least three?

4 A. Yes.

5 Q. Okay. How big of an area did you-all search at the
6 trailer park?

7 A. From the murder scene up toward -- I'd say three lots.

8 Q. Okay. I'm gonna show you what's been previously
9 entered into evidence as State's 41. So 120, I believe,
10 is what's been considered the incident location, correct?

11 A. Yes.

12 Q. Okay. So could you just show the jury what area was
13 searched?

14 A. Right in this area right here and we went up around
15 here and a little bit around the trailer there.

16 Q. All right. So you would say like that area around
17 there?

18 A. Yes.

19 Q. How many metal detectors did you-all have out there?

20 A. One.

21 Q. Okay. And you said you were looking for shell casings
22 or anything related?

23 A. Correct.

24 Q. Okay. Were any shell casings found?

25 A. Not to my knowledge.

1 Q. Okay. Was any gun found?

2 A. No.

3 Q. Okay. What about the clip that -- I know you spoke
4 with Mr. Hill and he stated that he pulled the clip out and
5 he had tossed it. Was that found?

6 A. It was not.

7 Q. Okay. Now I know we looked at the clothing that
8 Mr. Hood and Shawn Pridgen were in that day. Was the
9 clothing of Lavoris Hill collected?

10 A. Not by me.

11 Q. Okay. Do you know if it was collected at all?

12 A. I don't think so because, like I said, when I -- when
13 he confronted us, he had the hospital attire on. Blue
14 scrubs.

15 Q. So as far as you know we don't have his clothing?

16 A. Correct.

17 Q. Okay. So I believe you also said you were part of the
18 search warrant of Mr. Pridgen's house, correct?

19 A. Right.

20 Q. Okay. How many officers were present?

21 A. It was a good many of them. I'm not sure. I stayed
22 outside.

23 Q. Okay. And you said that you had received information
24 that Mr. Hood and Mr. Pridgen had been at that location
25 after the shooting?

1 A. Correct.

2 Q. Okay. What information was that?

3 A. That they were doing Snapchat videos.

4 Q. Sorry. I know we've already seen some Snapchat -- the
5 jury's already seen some Snapchat videos of him being at
6 the location before the shooting, but you testified you had
7 information --

8 A. Oh, after? No. I'm sorry.

9 Q. Okay. So there was no information they were there
10 afterward?

11 A. No, sir.

12 Q. Thank you. What was found in that search?

13 A. I'm not really sure because, like I said, I didn't go
14 inside. I stayed outside securing the scene.

15 Q. All right.

16 MR. STANCIL: I beg the Court's indulgence.

17 BY MR. STANCIL:

18 Q. So you don't have any knowledge if anything was
19 collected from the crime -- from the residence?

20 A. Something was collected, but I'm not -- I mean, I
21 don't want to sit here and say what was because I'm not
22 sure.

23 Q. Understood. I appreciate that. Now, Lieutenant
24 Rodgers, when you get a call or are investigating, do you
25 create an incident report?

1 A. Yes, sir.

2 Q. Okay. I want to show you something. Does this look
3 like an incident report you created?

4 A. It does.

5 Q. Okay. I'll draw your attention -- and when you
6 interviewed Lavoris Hill, I think when he had come back
7 from medical treatment he had on hospital scrubs and a face
8 mask as we were still in the middle of COVID and all that,
9 correct?

10 A. No, he didn't have face mask on.

11 Q. Okay. But he had on the hospital --

12 A. He had the hospital attire and his head was still
13 bandaged up.

14 Q. Understood. And when you interview somebody and when
15 you type up your incident report, you type up a summary in
16 the incident report of what -- what was spoken about?

17 A. I do.

18 Q. Okay. And just to confirm, if you could look through
19 all of the pages of this and confirm that that's your name
20 on the bottom and this is your incident report?

21 A. It is.

22 Q. Okay. Thank you, Lieutenant. And this is generated
23 as part of your procedure when you get a call or respond
24 to something, you create this incident report so there's a
25 written record?

1 A. Correct.

2 Q. Okay. So this is standard practice?

3 A. Yes.

4 Q. Okay.

5 MR. STANCIL: Your Honor, I would like to move
6 Defense 1 into evidence, the incident report.

7 MR. McNAIR: Objection.

8 THE COURT: Well, I -- can I talk to you-all at the
9 side.

10 (Proceedings held at the bench; not reported.)

11 THE COURT: All right. The motion to admit the
12 exhibit -- the objection's sustained. The exhibit will
13 not be admitted.

14 MR. STANCIL: Thank you, Your Honor.

15 THE COURT: I think since you moved to admit it, I
16 should have it as a Court's exhibit for the record.

17 MR. STANCIL: Understood.

18 (Court's Exhibit Number 5 was marked for
19 identification.)

20 BY MR. STANCIL:

21 Q. Lieutenant Rodgers, you interviewed multiple people in
22 the case, correct?

23 A. Correct.

24 Q. And was that done at the sheriff's office?

25 A. Yes.

1 Q. Okay. And you interviewed Aaron Hood, Shawn Pridgen,
2 I believe, Miracle Pridgen and Lavoris Hill?

3 A. Correct.

4 Q. I'm sorry. And Tyvon Leaphart as well?

5 A. Yes.

6 Q. Okay. And did you handle these interviews?

7 A. I did.

8 Q. Okay. Were these interviews recorded?

9 A. Yes.

10 Q. Do you remember your interview with Lavoris Hill?

11 A. I do.

12 Q. Okay. If I recall correctly it was about maybe forty,
13 forty-five minutes with Mr. Hill?

14 A. Yes, sir.

15 Q. Okay. What do you recall from that interview about
16 what he stated happened?

17 MR. McNAIR: Objection. Improper foundation.

18 THE COURT: Are you talking about -- rephrase your
19 question. What are you asking?

20 MR. STANCIL: Well, let me -- let me rephrase.

21 BY MR. STANCIL:

22 Q. Did he tell -- did he give you an account of the
23 incidents that happened that day?

24 A. He did.

25 Q. Okay.

1 MR. McNAIR: Objection. Again, he can't -- Lavoris
2 testified.

3 THE COURT: Right.

4 MR. McNAIR: He can't backdoor in through Lavoris's
5 testimony through this witness. He can ask him about
6 particular things Lavoris denied saying potentially, but
7 he can't just get Lavoris Hill's testimony in through
8 this witness. Lavoris has testified.

9 THE COURT: I agree with that. You're gonna have
10 to ask a more specific question, I believe, Mr. Stancil.

11 MR. STANCIL: Understood, Your Honor.

12 BY MR. STANCIL:

13 Q. Lieutenant Rodgers, do you remember when Mr. Hill
14 stated to you that he pointed the gun at me and fired?

15 A. I do.

16 Q. Okay. And he stated that was after him and
17 Mr. Pridgen struggled with the gun, correct?

18 A. Correct.

19 Q. Okay. And I believe he said, and correct me if I'm
20 wrong, that him and Mr. Pridgen struggled for the gun, went
21 to the ground, he got hit, he saw Mr. Hood pointing the gun
22 down at him and fired?

23 A. I remember him saying he got hit and then he heard the
24 gunshot.

25 Q. Okay. But you testified earlier that you remember him

1 saying he was pointing at Mr. Hill when he fired?

2 A. Say it again now.

3 Q. I'm sorry. Isn't it correct that you just testified
4 that Mr. Hill stated to you that Aaron Hood was pointing
5 the gun down at Mr. Hill when he fired?

6 A. I've got in my -- it said Hill stated that next thing
7 he knew was Hood was standing over him with the gun, he
8 struck him in the head with the gun and then pointed the
9 gun at Hill and said I'll kill you mother-fucker.

10 Q. Okay. Can you continue?

11 A. Sure.

12 THE COURT: Well, does that answer the question or --

13 THE WITNESS: Exactly.

14 MR. STANCIL: That answer, yes.

15 THE COURT: I mean, I don't want to have a
16 narrative. If you want to keep asking questions, that's
17 different.

18 MR. STANCIL: Sorry.

19 BY MR. STANCIL:

20 Q. What did Mr. Hill say directly after that, Lieutenant
21 Rodgers?

22 MR. McNAIR: Objection.

23 THE COURT: I think you have to --

24 MR. STANCIL: All right.

25 BY MR. STANCIL:

1 Q. Lieutenant Rodgers, did he say he then got up and ran
2 and just heard the shot?

3 MR. McNAIR: Objection. I don't recall him asking
4 Lavis Hill that question. He can ask -- if Lavis
5 denied making a statement or said he doesn't remember,
6 he can ask Lieutenant Rodgers about that particular
7 statement, but he can't ask for a narrative response
8 about everything he may have said.

9 THE COURT: I concur on the narrative --

10 MR. STANCIL: Yes, sir.

11 THE COURT: -- but I do know he spent a lot of
12 time with Mr. Hill yesterday and if you've got a
13 specific inquiry here for a matter that was testified
14 to, that's one thing, but the witness can't just testify
15 to everything Mr. Hill told him in his interview.

16 MR. STANCIL: Understood, Your Honor.

17 BY MR. STANCIL:

18 Q. So, Lieutenant Rodgers, let me ask you this way. Did
19 Lavis Hill tell you that he was hit first and then the
20 gunshot happened?

21 A. Correct.

22 Q. Okay. And Lavis Hill never told you that he saw
23 anybody get shot, correct?

24 A. Correct.

25 MR. STANCIL: I beg the Court's indulgence one

1 second.

2 BY MR. STANCIL:

3 Q. Lieutenant Rodgers, when you were interviewing
4 Mr. Hood, do you remember that as well?

5 A. Do I remember --

6 Q. Do you remember interviewing Mr. Hood?

7 A. Yes, I do.

8 Q. Okay. And did you request a gunshot residue test for
9 Mr. Hood?

10 A. I did.

11 Q. Okay. Did you request a gunshot residue test for
12 Mr. Pridgen or Mr. Hill?

13 A. I did not.

14 Q. Okay. Why not?

15 A. I just didn't.

16 Q. Okay. Was Mr. Hood given the gunshot residue test?

17 A. Mr. Hood?

18 Q. Mr. Hood.

19 A. Yes, by SLED.

20 Q. A SLED agent gave the test?

21 A. Yes.

22 Q. Is that standard?

23 A. Yes.

24 Q. Okay. Was Tyvon Leaphart given a gunshot residue
25 test?

1 A. No.

2 Q. To the best of your knowledge, was Mr. Hood the only
3 one given a gunshot residue test?

4 A. He was.

5 Q. And just to confirm, on the day of March 16, 2021,
6 the incident date, you didn't go to the crime scene. You
7 didn't go to the crime scene until March 17th?

8 A. Correct.

9 MR. STANCIL: No more questions, Your Honor.

10 THE COURT: All right. Any redirect?

11 REDIRECT EXAMINATION

12 BY MR. McNAIR:

13 Q. Now on March 16th after Mr. Hill had gotten out of
14 the hospital, you said he said he had been hit with the gun
15 first and then heard a shot.

16 A. Yes.

17 Q. When you met with him the next day on March 17th, did
18 that change?

19 A. It did.

20 Q. All right. And what did he say at that point?

21 A. Just the opposite.

22 Q. The opposite of that?

23 A. Yes, sir.

24 Q. Okay. And that's what he testified to yesterday?

25 A. Yes, sir.

1 Q. Now when he's talking about the gun being pointed at
2 him and Mr. Hood saying give me my mother F'ing clip or
3 whatever, was it your understanding that he shot at him at
4 that point or he just pointed the gun and threatened him?

5 A. I took it as he shot at him. Just -- you know, I
6 don't know if he's shooting at him. I mean, I take it for
7 what he told me.

8 Q. Okay. But he said he pointed the gun at him?

9 A. Pointed at him and said give me my mother fucking clip
10 or I'll kill you.

11 Q. Okay. And even though he didn't -- Lavoris Hill
12 didn't say he saw Zay got -- get shot, did he ever say
13 there was any more than one shot?

14 A. No.

15 Q. There was but one shot according to Lavoris Hill,
16 correct?

17 A. Correct.

18 Q. And he was asking you about why you didn't do gunshot
19 residue tests on these other people, including Tyvon
20 Leaphart, what information did you have about Tyvon
21 Leaphart being actually at the scene of the shooting?

22 A. The information I had was he was not on-scene.

23 Q. What information did you have about him?

24 A. That he was in the house at Miracle Pridgen's.

25 Q. Did you have information about him being on the phone

1 off from the scene?

2 A. I did not.

3 MR. McNAIR: That's all I've got, Your Honor.

4 THE COURT: Recross?

5 MR. STANCIL: Thank you, Your Honor. Briefly.

6 RECROSS EXAMINATION

7 BY MR. STANCIL:

8 Q. When you say you had information that Tyvon Leaphart
9 wasn't on the scene, what information was that?

10 A. When I interviewed him, he told me that he was -- he
11 told me that he was in the house. Miracle said he was in
12 the house.

13 Q. At -- during the whole time or?

14 A. Yes.

15 Q. Okay. And I just want to confirm a question I asked
16 earlier. In your interview with Mr. Hill, he stated that,
17 you know, he -- he had his hands on the gun, correct?

18 A. He said him and Mr. Pridgen were fighting.

19 MR. STANCIL: Thank you. No more questions.

20 THE COURT: All right. The witness may step down.

21 (Witness excused.)

22 MR. McNAIR: Your Honor, the State calls Nivea Hill.

23 THE COURT: Very well.

24 (Whereupon, Nivea Hill was duly sworn by the Clerk
25 of Court.)

1 NIVEA HILL,
2 having been duly sworn, testified as follows:

3 DIRECT EXAMINATION

4 BY MR. McNAIR:

5 Q. Good morning, Nivea.

6 A. Good morning.

7 Q. Will you state your full name and spell your last name
8 for the record?

9 A. Nivea Naquiche Hill.

10 Q. H-I-L-L?

11 A. H-I-L-L.

12 Q. Nivea, where did you grow up?

13 A. In Saluda.

14 Q. Did you go to Saluda High School?

15 A. Yes.

16 Q. Are you still living in Saluda?

17 A. Yes.

18 Q. Where do you live?

19 A. I stay in [REDACTED] Keisha Street.

20 Q. [REDACTED] Keisha Avenue?

21 A. Yeah.

22 Q. Who do you live there with?

23 A. Me and my boyfriend.

24 Q. And who's your boyfriend?

25 A. Dameon.

1 Q. Dameon Springs?

2 A. Dameon Springs.

3 Q. Now back in March of 2021, who all was living with you
4 at the time?

5 A. Me, Dameon, Cerika, Lavoris and their four kids.

6 Q. And their four kids?

7 A. Uh-huh.

8 Q. All right. And what is your relationship to Lavoris?

9 A. He's my brother.

10 Q. Okay. And who is Cerika?

11 A. Dameon's cousin.

12 Q. Dameon's cousin?

13 A. Yeah.

14 Q. And Lavoris's?

15 A. That's his girlfriend.

16 Q. Okay. And she had -- she had four children?

17 A. Yes.

18 Q. And do you remember what ages they were back then?

19 A. I'm not sure. The youngest was about like
20 seven months maybe.

21 Q. Okay. Had she just had a baby?

22 A. Not too long, yeah. The baby was some months, small.

23 Q. Now were you present on March 16th of 2021 when Zay
24 was shot and killed?

25 A. Yes.

1 Q. Who was there to start that day?

2 A. Me, Dameon, the kids, Lavoris and Cerika.

3 Q. Now were you aware that Lavoris was talking to
4 somebody on social media?

5 A. No, I wasn't.

6 Q. Okay. What were you doing?

7 A. Sleeping.

8 Q. You were sleeping?

9 A. I was in the bed.

10 Q. Okay. Did something wake you up?

11 A. I heard arguing outside.

12 Q. Arguing outside?

13 A. Yeah, of my house.

14 Q. What did you do at that point?

15 A. I peeped out the door to see what was going on and Zay
16 was out there.

17 Q. Was Zay out there initially when you first looked out
18 the door?

19 A. I'm not -- I'm not sure if he was out there right
20 then, but he was out -- he came out there.

21 Q. He came out there at some point?

22 A. (Nods head.)

23 Q. Okay. Who else was out there?

24 A. Lavoris and the guy -- you know, the guy with the
25 dreads.

1 Q. A guy with dreads?

2 A. Yeah.

3 Q. Had you ever seen that guy before?

4 A. No.

5 Q. So you didn't know his name or anything?

6 A. Unh-unh.

7 Q. Was he tall or short?

8 A. He was kind of tall.

9 Q. Tall with dreads?

10 A. Dark skin, yeah, with dreads.

11 Q. Did you see anybody else with him?

12 A. I didn't see nobody with him, but there was a guy

13 standing like across the street like on the next road, but

14 I didn't -- you know, he wasn't like close. They wasn't

15 standing together.

16 Q. Okay. So would that be back towards Myranda?

17 A. Yeah.

18 Q. And what did that guy look like?

19 A. He was kind of short, light-skinned with dreads.

20 Q. Okay. And where was the tall guy with dreads

21 standing?

22 A. At the corner of my -- at my trailer on the corner.

23 Q. And when you walked outside, what did you see him

24 doing and what was he saying?

25 A. He was talking, you know, with his hands in his

1 pocket. I don't know exactly what he was saying, but he
2 was -- you know, they was arguing. I don't know exactly
3 what was said, but they was arguing.

4 Q. Okay. What was he doing with his hands?

5 A. He had his hands in his pocket.

6 Q. And pocket, what do you mean? Like pants pocket?

7 A. He had hoodie.

8 Q. A hoodie?

9 A. Yeah, like a pullover with the pocket in the middle,
10 something like that. He had his hands in his pocket.
11 Like, you know, when you're arguing, you put your hands in
12 your pocket like.

13 Q. Could you tell if anything was in his pocket?

14 A. It looked like he had a gun.

15 Q. Okay. What was he saying when he had his hands in his
16 pocket?

17 A. I'm not sure exactly what he was saying, but he was --
18 they was arguing. I just know they was arguing.

19 Q. You don't remember him making any threats?

20 A. Yeah, when I -- actually when I went out, he -- they
21 was arguing and I was telling him they needed to get away
22 out of my yard. He needed to get out of my yard with that
23 arguing, so I acted like I was calling the police and he
24 still didn't -- you know, he wasn't listening to me. He
25 was like I don't care if you call the police, I'll shoot

1 all you-all out here. So I'm still trying to proceed
2 saying I'm gonna call the police, get out of my yard,
3 whatever, whatever, whatever, and he still didn't get out
4 the yard.

5 Q. Okay. So you never actually called the police at that
6 time, right?

7 A. Not at that time I didn't. I was just trying to, you
8 know, calm him down, like get away, you know, because when
9 you call the police everybody like, you know, gets a little
10 scared, so I'm thinking that he was gonna leave because I
11 was about to call the police.

12 Q. So you were trying to diffuse the situation and calm
13 it down by saying you're calling the police?

14 A. Yes. Yes, I was trying to, you know.

15 Q. And his response to that was what?

16 A. I don't care if you call the police. I'll shoot all
17 you-all out here.

18 Q. Okay. Now were you outside when Zay got there?

19 A. I'm not sure if I was outside. I was in and out
20 because I was, you know, still trying to check on the kids
21 and whatever. I was like in and out the house.

22 Q. And let me -- let me stop you. Like what is your
23 concern at this point? When this guy's in your yard, what
24 is your concern?

25 A. I'm thinking they about to fight and I'm thinking

1 about those kids and I know he had a gun and I'm just, you
2 know, concerned about the kids really. I didn't want
3 nothing -- none of this to happen.

4 Q. What is your mental state like going on right then?

5 A. I'm nerve -- nervous, but, I mean, I was just scared.
6 I was scared.

7 Q. So you're not all there the whole time, you're kind of
8 going back to attend to the children and then coming out?

9 A. Yeah.

10 Q. And trying to make this guy go away?

11 A. Yeah.

12 Q. Then while you're out there, did you see anybody
13 threaten the guy with dreads with a gun?

14 A. No.

15 Q. Or threaten to shoot him?

16 A. Unh-unh.

17 Q. Who was -- who would you say was the aggressor in this
18 whole argument?

19 A. The guy.

20 Q. The guy with the dreads?

21 A. With the dreads.

22 Q. What was -- after you pretending to call the police
23 and he made that comment, what happened after that?

24 A. They left out of the yard and I guess, you know, just
25 to get out of the yard. So I was in and out once again and

1 I saw them down there fighting. Like down the street from
2 my house. They was fighting.

3 Q. Okay. And that would be at the end of Keisha Avenue
4 where that dead end is?

5 A. Yeah.

6 Q. And who did you see fighting?

7 A. I saw Zay and the guy with the dreads fighting.

8 Q. Did you see anybody else?

9 A. Yeah, and Lavoris and the other guy, the light-skinned
10 guy fighting. Both of them was fighting. Like Lavoris
11 and the other guy was fighting and Zay and other guy was
12 fighting. I don't really know their names like that.

13 Q. Right. You knew Lavoris and you knew Zay?

14 A. Yeah.

15 Q. Did you continue to watch the fight or what did you
16 do?

17 A. I went back in the house because knowing they're out
18 there fighting and I'm trying to like stay here and watch
19 the kids at the same time and the next thing I know I heard
20 a gunshot, so that's when I went back outside and when I
21 went outside I saw my brother getting up off the ground and
22 I saw Zay still like, you know, on the ground but he was
23 reaching up, like reaching for, you know, somebody to help
24 him, and I didn't see the other guys no more. They was
25 gone.

1 Q. Did you see them run off or you just didn't see them
2 at all?

3 A. I didn't -- they had to run. Everybody -- when that
4 gunshot went off, everybody like scattered. Well, not
5 everybody. You know, the four of them. My brother was on
6 the ground, he was getting up, but the other guy was gone
7 and the one that Zay was fighting was gone.

8 Q. Okay. So after the gunshot, Lavoris was on the
9 ground, you say Zay was on the ground reaching his arm up
10 and the other two guys were gone?

11 A. They were gone, yeah.

12 Q. What did you think happened to Zay at that point?

13 A. I didn't -- I knew something happened because the
14 gun went off. I knew something happened. I just didn't
15 know like what. Like when he was on the ground, I knew
16 something. I knew it was something, you know. I knew it
17 had to be him shot because he was on the ground.

18 Q. What did do you then?

19 A. I was -- I panicked really. I was just like out of
20 it for a minute. I didn't know -- I got to crying and
21 everything. I was just -- I was real nervous and paranoid
22 really. I didn't know what to do really.

23 Q. Did you ultimately call 9-1-1?

24 A. Yeah, I -- a lot of people called 9-1-1, but I --
25 I tried to call, but I was crying and everything, but

1 somebody else was calling beside me and, you know, I was
2 just panicking -- in panic mode then.

3 Q. What did Lavoris end up doing when he got off the
4 ground?

5 A. He went to get Zay. He went to get Zay.

6 Q. What did he do with Zay?

7 A. He brought him up -- up the street to his car. He
8 brought him -- he put him on his car.

9 Q. Now did you ever hear any more than one shot?

10 A. I only heard one shot.

11 Q. Did you ever see anybody with a gun other than the guy
12 with dreads?

13 A. No.

14 Q. How often would Zay come over to your house?

15 A. Me and Zay was together almost every day. Every day.
16 I saw him every day.

17 Q. It wasn't unusual for him to be at your house?

18 A. No.

19 Q. So he wasn't invited over there to fight --

20 A. No.

21 Q. -- or anything like that?

22 A. No. Zay, he come to my house all the time. I don't
23 know like that particular day, but he always come to my
24 house. Like me and Zay were really cool. He was like my
25 brother. He was something like a brother to me.

1 Q. And prior to that gunshot you never saw anybody else
2 pull out at gun?

3 A. No.

4 MR. McNAIR: That's all I have. Please answer any
5 questions the defense attorney has.

6 THE COURT: Cross-examination.

7 MR. STANCIL: Thank you, Your Honor.

8 CROSS-EXAMINATION

9 BY MR. STANCIL:

10 Q. Good morning, Ms. Hill.

11 A. Good morning.

12 Q. You stated when you came outside you saw Lavoris Hill,
13 Mr. Cancer, the man with dreads and then another person, a
14 lighter skinned male with dreads standing further back?

15 A. I saw the one with the dreads, the dark-skinned one,
16 he was like right at the corner of my house. The other one
17 was on the other street. On Myranda Street.

18 Q. Okay. Do you remember what anyone was wearing that
19 day?

20 A. All I know is they had on hoodies. I can't really
21 remember like what color or what --

22 Q. I understand. And you also said the darker skin male
23 with dreads had his hands in the hoodie's pocket, correct?

24 A. Yeah.

25 Q. Okay. So you don't actually know if he had a gun?

1 A. Yeah, he had gun.

2 Q. When did you see it?

3 A. He was clutching it like, you know, with his hand in
4 his pocket and he said it. He was like I'll shoot all of
5 you-all. So what that mean? He had the gun, right?

6 Q. Ms. Hill, the question is did you see him with a gun?

7 A. I seen him with his hand in his pocket. He had a gun
8 in his pocket.

9 Q. Okay. Let me ask again. Yes or no. Ms. Hill, did
10 you see --

11 A. He had a gun. I seen -- I didn't actually see the
12 gun.

13 Q. So, no, you didn't see a gun?

14 A. Okay.

15 Q. You also said that you fake called the police.
16 Explain -- explain that.

17 A. Okay. You know, how you when you -- when you at when
18 -- when something's about to go down and somebody say I'm
19 about to call the police, right, and people are like oh,
20 no, let's don't do it because we're gonna call -- she's
21 gonna call the police on you-all if you-all do it. That's
22 -- that's what I'm trying to say.

23 Q. But you didn't call the police?

24 A. I didn't.

25 Q. Okay. Even after --

1 A. It was just to calm the situation down.

2 Q. Understood. Even after --

3 A. To scare them.

4 Q. Even after the dark skinned male with the dreads said,
5 according to you, I'm gonna shoot you-all, you still didn't
6 call?

7 A. No.

8 Q. Why not?

9 A. I was still trying to calm it down really. I thought
10 he was gonna like really listen like, you know.

11 Q. At what point did you go inside?

12 A. I was in and out.

13 Q. And how many times do you think?

14 A. I'm not sure. This happened -- it happened so fast.
15 Like I'm not sure how many times I went in and out. I'm
16 not sure.

17 Q. Okay.

18 A. It was a lot going on that day.

19 Q. Do you remember being interviewed by law enforcement?

20 A. A little bit.

21 Q. Okay. Do you remember telling them that you didn't
22 see any of the physical fight?

23 A. I mean, I'm not sure if I did. I'm not sure. It was
24 a lot that day. I mean, I was --

25 Q. Okay. So how far away were they?

1 A. Probably about -- who? Who you talking about? How
2 far was who?

3 Q. Well, let me -- I'm gonna show you what's been entered
4 into evidence as State's 41. Which house were you at?

5 A. Right here.

6 Q. 124?

7 A. Or no. Okay. I didn't know that was --

8 Q. I apologize. This is where you were staying, correct?

9 A. Yes.

10 Q. Okay. When you said people walked down, so maybe
11 around 120?

12 A. I guess, yeah. About right there. You say where they
13 walked to?

14 Q. Right.

15 A. About from here from where I am standing at probably
16 to about -- it wasn't that far. Like it's a small road.
17 It ain't that far.

18 Q. Right, but it's at least one -- two houses down,
19 correct?

20 A. Yeah. Just about, yeah.

21 Q. So not super close, but at least two houses down?

22 A. Yeah.

23 Q. Okay. You didn't see anybody shoot or see anybody get
24 shot, correct?

25 A. I didn't see. I heard the shot.

1 Q. Okay. But you didn't see anything at that point?

2 A. I didn't.

3 Q. Okay. And you said -- I guess after you heard that
4 you came back outside?

5 A. Yeah.

6 Q. Okay. How many people did you see when you came back
7 out?

8 A. Oh, God. I seen Zay, Lavoris and the two guys, but
9 they was -- they was leaving. Like they was running. They
10 left.

11 Q. Didn't you testify just a few minutes ago that you
12 only saw Lavoris Hill and Mr. Cancer?

13 A. I saw both of them.

14 Q. Right. But you testified just a few minutes ago that
15 that was the only two people you saw?

16 A. But before the fight --

17 Q. Right.

18 A. -- that's what I saw. They got -- I mean, of course,
19 they was gone after the gunshot, after everything popped
20 off. Of course, they were gonna leave.

21 MR. STANCIL: I beg the Court's indulgence.

22 BY MR. STANCIL:

23 Q. So you were living at [REDACTED] Keisha, correct?

24 A. Correct.

25 Q. Okay. When you came back out, did you notice any kind

1 of firearms on your porch?

2 A. No.

3 Q. Okay.

4 A. I was -- I was still trying to calm the situation
5 down. I was in and out. We had kids in the house.

6 MR. STANCIL: No more questions, Your Honor.

7 THE COURT: All right. Redirect?

8 MR. McNAIR: No, Your Honor.

9 THE COURT: All right. The witness may step down.
10 Thank you.

11 (Witness excused.)

12 THE COURT: All right. Ladies and gentlemen, we've
13 been going a little bit more than an hour at this point.
14 Let's take a short break. Let the bailiffs know when
15 you're ready to come back in. When you're back in the
16 jury room, please don't discuss the case, refresh
17 yourselves and we'll see you shortly.

18 Thank you.

19 (Whereupon, the jury retire to the jury room at
20 11:05 AM.)

21 THE COURT: All right. Let's all refresh ourselves.

22 (Recess taken at 11:06 AM.)

23 (Back on the record at 11:19 AM.)

24 THE COURT: All right. Are we ready to proceed with
25 the next witness?

1 MR. McNAIR: Yes, Your Honor.

2 THE COURT: Is the defense ready?

3 MR. STANCIL: We're ready, Your Honor.

4 THE COURT: Let's bring the jury in, please.

5 (Whereupon, the jury return to the courtroom at
6 11:20 AM.)

7 THE COURT: All right. Madam Forelady, ladies and
8 gentlemen, welcome back. We'll proceed where we left
9 off with the next witness in the State's case in chief.

10 MR. FENDER: Thank you, Judge. The State calls
11 Stephen Byrd to the witness stand.

12 (Whereupon, Stephen Byrd was duly sworn by the
13 Clerk of Court.)

14 STEPHEN BYRD,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MR. FENDER:

18 Q. Can you please state your name for the record and your
19 title?

20 A. Yes, sir. Stephen Byrd. I work for the Saluda County
21 Sheriff's Office. I'm a school resource officer.

22 Q. Okay. Can you tell us just a little bit about your
23 experience, your background, who you are?

24 A. Sure. I grew up here. I've lived in Saluda my whole
25 life. I went to school here. I started working for the

1 sheriff's office when I was twenty-four years old. I
2 started, I think, in 2001, corrections, moved to the road
3 fairly quick, end of 2001, 2002. I worked up to corporal
4 after four or five years and left. I did leave in 2011
5 to go to the South Carolina Highway Patrol for a year
6 and a half and I came back and I retired from here
7 February the 14th of 2022 as a captain over major crimes
8 and investigations and I came back February the 27th of
9 2023 as a school resource officer.

10 Q. Oh, wow. So you've been working in law enforcement
11 since 2001?

12 A. Yes, sir.

13 Q. And you're currently retired, but now you work as a
14 school resource officer?

15 A. Yes, sir.

16 Q. All right. During the course of your long law
17 enforcement career, what kind of work you were doing?
18 You mentioned being an investigator and working the roads.
19 Can you tell us about that?

20 A. Yeah, just worked the road and answering calls, just
21 calls for service every day, to investigating crimes. I
22 started out as, I believe, a corporal in investigations
23 and worked up to lieutenant and eventually captain.

24 Q. Okay. So were you working with the Saluda County
25 Sheriff's Office on March 16, 2021?

1 A. Yes, I was a lieutenant on the road then.

2 Q. You were a lieutenant on the road?

3 A. Yes, sir.

4 Q. Okay. Did you respond to a call at approximately
5 1:56 PM that day?

6 A. Yes, sir.

7 Q. Can you tell us and share with us what you remember
8 about responding to that call?

9 A. It just came out over the radio as a person shot in
10 town on Keisha Street. When I arrived, it was -- I think
11 I was the first one on-scene. It was chaotic, people
12 running around, hollering and screaming. Mr. Lavoris
13 Hill was -- had been doing some CPR for some time on the
14 victim. When I got up to him, I knew the victim had
15 passed. Lavoris obviously had been doing CPR. He was
16 tired because he had started using his shoulder to do CPR,
17 but, again, the young man had -- had already passed. So
18 I tried to secure the scene and get everything started.

19 Q. So the victim, he was dead on the scene?

20 A. Yes, sir.

21 Q. And how did Lavoris look? Do you remember what he
22 looked like?

23 A. He was just -- yes, sir. He was bleeding from the top
24 of his head. He had a skullcap on, but he was bleeding
25 from his head. Just blood all over him and his clothes.

1 Q. So Lavoris had a head injury?

2 A. Yes, sir.

3 Q. You said that it was a cut?

4 A. It was a laceration on the top of his head. A good
5 laceration on the top of his head.

6 Q. And you saw blood coming from that cut?

7 A. Yes, sir.

8 Q. All right. And you testified that you were the first
9 law enforcement officer on the scene?

10 A. I believe I was. Yes, sir.

11 Q. So when law enforcement, you know, comes upon a scene
12 like this where someone's been shot with a gun and a crime
13 may have been committed, you know, what kind of stuff is
14 going on? What do you-all do to secure the scene or --

15 A. Try to set up a perimeter to keep everybody out, to
16 secure -- try to put caution tape up to make sure that
17 everybody is outside of the caution tape, trying to make
18 it as big as we need it so we can keep all of the evidence
19 that we can. We had a lot of people that came there that
20 day with different -- EMS and law enforcement. Just, you
21 know...

22 Q. So after medical treatment has been given, your focus
23 shifts to collecting evidence. Was it -- was the area
24 searched in this case?

25 A. Yes, sir. Back down the street was -- was searched

1 where the incident started at and while we were down there
2 looking around, Officer Padgett, I believe, kicked over an
3 ammunition shell or the casing and so we marked it. He did
4 hit it with his foot, but it was the only casing that we
5 found there. We searched that -- the whole area the best
6 that we could and only found one spent casing.

7 Q. Yeah. Now for those of us who may not know much about
8 guns, can you tell us specifically, you know, what a casing
9 is?

10 A. It's just the -- the shell that the bullet's in, that
11 that the powder is in. It has a primer on the back side.
12 When the hammer on the inside of the gun hits the primer,
13 it ignites it and ignites the black powder, the bullet
14 comes out and leaves you with a casing. The casing gets
15 ejected from a semiautomatic handgun, a pistol.

16 Q. So that's kind of what we see on TV and in the movies
17 coming out of the side of the gun when it's shot?

18 A. Yes, sir.

19 Q. And how many of those did you find in this case?

20 A. Just one.

21 Q. Just one casing?

22 A. Yes, sir.

23 Q. Okay. So after you found the casing, did you search
24 -- continue to search the rest of the area?

25 A. We did. We searched that area back up to where I

1 found Mr. Lavoris doing CPR on the victim, Mr. Cancer.
2 Then we searched back to -- towards the Country Peddler
3 and we located evidence on the back side of LaSalle Street,
4 I believe, going towards 378.

5 Q. At any point was any gun found?

6 A. No, sir.

7 Q. Okay.

8 MR. FENDER: Your Honor, may I approach the witness?

9 THE COURT: Sure.

10 BY MR. FENDER:

11 Q. At this time I'd like to show you what's already in
12 evidence, State Exhibit 43. This map, can you tell us just
13 a little bit about what you see here on this map?

14 A. Yes. I see addresses, houses. I see a specific
15 address, 112 LaSalle Street, the Country Peddler, which is
16 a gas station across the main highway, but I see houses and
17 addresses and streets.

18 Q. Okay. Can you highlight for us just a little bit of
19 the area that was searched in this case?

20 A. So I do believe it would have been from this area down
21 to here, I think that's the last trailer, back to here, and
22 then we went in just a straight line towards LaSalle Street
23 and this house.

24 Q. Okay. So when you pointed down here, this is the
25 Keisha Avenue area?

1 A. Yes, sir.

2 Q. Is this the -- what would be considered the crime
3 scene or search-type area?

4 A. Yes, sir.

5 Q. Is this the area where you found the one casing?

6 A. Yes, sir.

7 Q. Okay. Do you also see the Country Peddler gas station
8 in this map?

9 A. I do. It's in the top left corner.

10 Q. Now these -- these homes at the bottom, are these
11 where people live? Would you describe that as like a
12 neighborhood?

13 A. It is.

14 Q. Now if someone was gonna walk from this area or run
15 up to the Country Peddler, can you describe how they might
16 go?

17 A. There's paths through the yards, through the houses,
18 through the woods where people just have paths to walk to
19 the grocery store or back to the convenience store or the
20 gas station or to the grocery store or to the post office,
21 so there's paths everywhere.

22 Q. Are those walking paths?

23 A. They are.

24 Q. Are they kind of beat down? Like the grass is worn
25 down and that sort of thing?

1 A. Yes, sir.

2 Q. And is that the shortest way to get, you know, from
3 this neighborhood over to the Country Peddler?

4 A. It would be.

5 Q. Okay. Did you-all also at any point conduct a search,
6 you know, in that direction on those paths?

7 A. We did.

8 Q. Can you tell the jury just a little bit about that
9 process?

10 A. Three of us that was just walking and looking five,
11 six feet from each other to try not to miss anything and
12 as we're working we cross over streets, through yards, and
13 we're just looking and looking for anything that could be
14 evidence, not just one specific thing, and when we got to
15 LaSalle Street and crossed over LaSalle Street and headed
16 towards the back side of the post office over towards the
17 gas station, we found a jacket up on a -- like a privy bush
18 in the woods where it was -- it looked like it was tossed.

19 Q. Do you remember the color of that jacket?

20 A. Yes, sir. It was blue.

21 Q. And I'll show you now what's been marked for
22 identification purposes as State's Exhibit 19. What does
23 this appear to be?

24 A. A blue jacket.

25 Q. All right. Is this the jacket that you found that

1 day?

2 A. Yes, sir.

3 MR. FENDER: At this time I'd move State's 19 into
4 evidence and publish.

5 MR. STANCIL: No objection, Your Honor.

6 THE COURT: State's 19 is admitted into evidence
7 without objection.

8 (State's Exhibit Number 19, a photograph, was
9 admitted into evidence.)

10 BY MR. FENDER:

11 Q. Sir, after you discover this jacket, you know, what,
12 if anything, did you-all do?

13 A. I had stayed with the evidence, didn't go any further.
14 I stayed there with it. It had -- I think it just started
15 a light midst that evening, so we needed to get the search
16 warrant to get the evidence and it was recovered, so.

17 Q. So you believe that this jacket was potentially an
18 item of evidence?

19 A. Yes, sir.

20 Q. And it was secured by law enforcement?

21 A. Yes, sir.

22 Q. Let me show you now what's been marked as State's 55.
23 If you could -- if you could please put on your gloves and
24 open this item for the jury.

25 A. I'm sorry you-all.

1 All right. Is it okay for me to open?

2 Q. Please do.

3 A. Okay.

4 Q. Okay. Does that appear to be the item that you
5 recovered that day?

6 A. Yes, sir.

7 Q. And was that found on a walking trail that connects
8 Keisha Avenue to the Country Peddler?

9 A. Yes, sir.

10 Q. Okay. After you secured that item of evidence, can
11 you tell us a little bit about what happened next?

12 A. We secured it, got a search warrant. A search warrant
13 was got for it. It was turned over to SLED.

14 Q. When you say SLED, what does SLED stand for?

15 A. State Law Enforcement Division.

16 Q. Can you tell us just a little bit about -- I know you
17 testified that you worked for the sheriff's office, you
18 know, who SLED is and what their role is in a situation
19 like this?

20 A. They help assist with any crimes that we call and ask
21 for and we'd certainly ask for assistance with this murder.
22 So they were there within forty-five minutes to an hour I
23 would think roughly and then -- and assisted us.

24 Q. And did they have a -- they helped process the crime
25 scene?

1 A. They did.

2 Q. And do they have a crime lab to process evidence?

3 A. They do.

4 MR. FENDER: And, Your Honor, at this time I would
5 enter that into evidence.

6 MR. STANCIL: Without objection, Your Honor.

7 THE COURT: State's Exhibit 55 is admitted into
8 evidence.

9 (State's Exhibit Number 55, a blue jacket, was
10 admitted into evidence.)

11 BY MR. FENDER:

12 Q. And do you recall approximately what time you arrived
13 on-scene?

14 A. 1:56, 1:58. I think in the 1:50 neighborhood.

15 Q. And you were the first law enforcement officer
16 on-scene?

17 A. I believe so.

18 Q. And, again, directing your attention to State's 43,
19 can you point out the Country Peddler gas station?

20 A. Country Peddler gas station.

21 Q. And can you point out Keisha Avenue?

22 A. Right here.

23 Q. And can you show us the approximate location of where
24 the jacket was found?

25 A. It would have been right back there.

1 Q. And that was along the walking trail that connected
2 the community to the Country Peddler?

3 A. Yes, sir.

4 Q. All right. And can you state that address for us?

5 A. Which address?

6 Q. Approximately where you found the jacket at.

7 A. 112 LaSalle Street, which is in Saluda County.

8 MR. FENDER: Thank you. Please answer defense
9 attorney's questions.

10 THE WITNESS: Yes, sir.

11 THE COURT: Cross-examination.

12 MR. STANCIL: Thank you, Your Honor.

13 CROSS-EXAMINATION

14 BY MR. STANCIL:

15 Q. Good morning.

16 A. Good morning, sir.

17 Q. So at the time of this incident, March 16, 2021, you
18 were a lieutenant on the road of Saluda County Sheriff's
19 Office, correct?

20 A. Yes, sir.

21 Q. And you were the first on-scene?

22 A. I believe so. Yes, sir.

23 Q. Okay. You testified that when you saw Mr. Lavoris
24 Hill he was wearing a skullcap, but there was blood?

25 A. (Nods head.)

1 Q. Okay. Did you actually see the injury or just see the
2 skullcap?

3 A. The cap come off a little bit during the process of
4 being hit.

5 Q. So you could see part of it?

6 A. Yes, sir.

7 Q. Okay. But you have no firsthand knowledge of how that
8 occurred, correct?

9 A. Unh-unh.

10 Q. So the search area that the Solicitor showed you on
11 there, it was fairly large?

12 A. Yes, sir.

13 Q. Okay. How many officers were involved in that search?

14 A. The one that I was doing that I was on was three of
15 us.

16 Q. Okay. And you stated that one casing was found?

17 A. Yes, sir.

18 Q. And it had been kicked?

19 A. Yes, sir.

20 Q. Okay. Were you the one who kicked it?

21 A. No, sir. Officer Padgett. Chuck Padgett.

22 Q. Okay. Did you see it get kicked or anything?

23 A. We saw it and heard it all about the same time.

24 Q. So where it was located was not where it was
25 originally?

1 A. Correct.

2 Q. Was -- was a gun ever found?

3 A. No, sir.

4 Q. What about an extended clip?

5 A. (Shakes head.)

6 Q. Did you search the -- I'm gonna show you what's been
7 marked -- what's been entered into evidence as State's 41.
8 Did you search this area? I'm assuming this area was part
9 of your search. This is Keisha and Myranda.

10 A. Okay.

11 Q. Okay. This area would have been part of the search,
12 correct?

13 A. Yes, sir.

14 Q. Did you search any of this area or were you mostly
15 searching the pathways?

16 A. I searched I'd say from -- first here to here and then
17 back here getting the game plan and then --

18 Q. Then you went towards the paths?

19 A. Yes, sir.

20 Q. Okay. When you were searching this area, did you look
21 on any of the porches of these houses?

22 A. I want to say we did. Yes, sir.

23 Q. Okay. Was any firearm located?

24 A. No, sir.

25 Q. How many walking paths are there in that woods heading

1 to the Country Peddler?

2 A. A good many.

3 Q. Okay. So multiple?

4 A. Yes, sir.

5 Q. Could you clarify again, you were searching one of the
6 paths when you found the blue jacket, correct?

7 A. Correct.

8 Q. Where was it located exactly?

9 A. On like a privy bush tree.

10 Q. Just kind of sitting on top of it?

11 A. Yes, sir.

12 Q. Okay.

13 MR. STANCIL: I beg the Court's indulgence.

14 BY MR. STANCIL:

15 Q. I believe one of the last questions the solicitor's
16 office asked you was what was the approximate address that
17 the jacket was found and you said 112 LaSalle Street; is
18 that right?

19 A. Yes, sir.

20 Q. But it wasn't found at that address. That was just
21 the closest address to where you found it in the pathways?

22 A. Correct.

23 Q. Okay.

24 MR. STANCIL: No more questions, Your Honor.

25 THE COURT: Any redirect?

1 REDIRECT EXAMINATION

2 BY MR. FENDER:

3 Q. And just for clarification, you did get a search
4 warrant?

5 A. Yes, sir.

6 Q. The casing, was its original location marked?

7 A. I think it was marked.

8 Q. Was it documented?

9 A. I believe it was documented where it was accidentally
10 hit by Officer Padgett. It just went a short piece. It's
11 not like it was kicked across a field.

12 Q. And on the day that you recovered the jacket that was
13 thrown in the woods, was that a warm day or a cold day?

14 A. I'm gonna think it was a cool day.

15 Q. Was it in the wintertime?

16 A. (Nods head.)

17 Q. So 112 LaSalle, is that where you got the search
18 warrant?

19 A. We got -- yes, sir. For the address where the jacket
20 was, that would have been for the lot right there. So,
21 yeah, it would have been 112, for that yard area, not for
22 the residence.

23 Q. And that area, is that the pathway towards the Country
24 Peddler?

25 A. Yes, sir.

1 Q. All right. So you did have an address?

2 A. Yes, 112 LaSalle.

3 MR. FENDER: Thank you.

4 THE COURT: Any re-cross?

5 MR. STANCIL: No recross, Your Honor.

6 THE COURT: All right. The witness may step down.

7 Thank you.

8 THE WITNESS: May I put that back in the box?

9 THE COURT: Yes. Please do.

10 (Witness excused.)

11 MS. FULLER: The State calls Dalila Cirencione.

12 (Whereupon, Dalila Cirencione was duly sworn by
13 the Clerk of Court.)

14 DALILA CIRENCIONE,

15 having been duly sworn, testified as follows:

16 DIRECT EXAMINATION

17 BY MS. FULLER:

18 Q. If you'll go ahead and state your name for the record.

19 A. Dalila Cirencione.

20 Q. And go ahead and spell your last name for the record.

21 A. It's a common spelling. It's C-I-R-E-N-C-I-O-N-E.

22 Q. Thank you. And we'll go ahead and introduce yourself
23 to the jury. Where are you currently employed?

24 A. I am currently employed with the South Carolina Law
25 Enforcement Division, also known as SLED. I am currently

1 in the behavioral science unit, but at the time of this
2 incident I was with the crime scene unit.

3 Q. Okay. And go ahead and describe for the jury what is
4 your -- how long have you been in crime scene, some of your
5 training, your experience and how long you were at SLED.

6 A. I've been with SLED for about seven years. I started
7 there with the sex offender registry, then became an agent
8 with the crime scene for about five and a half years and
9 transferred to the behavioral science unit in October of
10 '22. In crime scene, we do about a year-long process of
11 training where you get competent and certified as a --
12 sometimes as an expert. So you have go through firearms,
13 blood pattern analysis, footwear, tire tread training,
14 evidence collection, report writing and so forth. At the
15 end of your training, you get a mock scene where you
16 demonstrate your abilities and your capabilities to be
17 proficient in the job and then do a mock court where you
18 demonstrate your ability to testify in court. After that
19 you're deemed competent and all of this is being done
20 underneath an FTA or a field training agent that's already
21 been competent.

22 MS. FULLER: I beg the Court's indulgence one
23 moment.

24 Thank you so much.

25 BY MS. FULLER:

1 Q. Now generally can we go ahead and explain to the jury
2 how do you go about -- actually let me back up. At SLED
3 are you guys considered a State agency?

4 A. Yes, ma'am. The South Carolina Law Enforcement
5 Division. We're a State agency. We are an assisting
6 agency providing manpower and assistance to local law
7 enforcement agencies.

8 Q. Thank you. I realized I was saying SLED and I may not
9 have gotten the full title on the record. I apologize for
10 that.

11 And as it relates to providing crime scene assistance,
12 is that something typical across the state to local
13 agencies, providing that assistance?

14 A. Yes, ma'am, it is.

15 Q. Okay. So as it relates to this case here, did a call
16 requesting assistance to process the crime scene actually
17 come in to SLED?

18 A. Yes, March 16th of 2021.

19 Q. Okay. And now let's generally talk about, and then
20 we'll talk about the specifics of this case, but how do
21 you guys actually operate across the state in terms of
22 processing crime scenes?

23 A. So within the -- with SLED, with our crime scene
24 unit, we're centralized in the Columbia office, so we are
25 statewide. We cover all of the counties in the state of

1 South Carolina. We receive a call from our dispatch, also
2 known as the operations desk or OD. That call will come
3 from a local law enforcement. In this case, it was the
4 Saluda Police Department. Once we arrive at the crime
5 scene, we do a brief with whoever the lead investigator is
6 in terms of what we have, what they -- what they know to
7 have already happened. We'll do an initial walkthrough of
8 the scene just to see what we -- what measures we're gonna
9 take from there on. Then we document the entire scene
10 with digital photographs, with notes, with measurements,
11 preserve all evidence in that sense, and then we can start
12 the evidence collection process. From there on all gets
13 transferred back to the forensic laboratory and everything
14 is packaged accordingly and sent off for analysis with
15 different units or different departments and then crime
16 scene will create a report based on their findings and
17 observations from that scene or that day. Then that
18 goes through a technical process and an administrative
19 review process before the report is sent out to the lead
20 investigator.

21 Q. Thank you so much. And all of that was done in this
22 case, correct?

23 A. Yes, ma'am, it was.

24 Q. Back on March 16, 2021, what time did you receive the
25 call requesting assistance?

1 A. We got the call from our operations desk at
2 approximately 2:13 PM.

3 Q. And what location were you given in terms of where the
4 incident occurred in this case?

5 A. I believe it was 120 Keisha Avenue in Saluda.

6 Q. And what time did you arrived on-scene?

7 A. Approximately 3:14 PM -- or 3:04 PM. I'm sorry.

8 Q. And -- yeah, 3:04's what I had, but I didn't want to
9 get it wrong. And where were you coming from? Was it
10 Columbia?

11 A. Columbia. We're all stationed out of the Columbia
12 area.

13 Q. And did you arrive on-scene alone or were you working
14 with another SLED agent?

15 A. We work in tangent with a partner, so it was Special
16 Agent Melinda Worley at that time.

17 Q. And what were her duties on-scene that day?

18 A. Her duties were to document the scene with digital
19 photographs while I worked as the primary doing notes and
20 measurements and a sketch.

21 Q. And we'll get to that shortly. Photographs were taken
22 in this case, correct?

23 A. Photographs were taken, yes, ma'am. That's standard.

24 Q. And we're introducing a few, but there were probably
25 over a hundred?

1 A. Yes.

2 Q. Okay. Now once you arrived on-scene, can you describe
3 for the jury what the weather conditions were?

4 A. It was approximately 47 degrees Fahrenheit and
5 overcast conditions and throughout the day it ended up
6 being rainy conditions.

7 Q. And was it raining when you arrived on-scene
8 initially?

9 A. Not initially.

10 Q. And so for the sake of just commenting, was it cold
11 that day?

12 A. 47 degrees is chilly to me.

13 Q. Okay. Were you yourself wearing a sweatshirt or --

14 A. Yes, I was.

15 Q. Now you arrived on-scene, but your duty that day took
16 you to various locations, correct?

17 A. That is correct.

18 Q. I'm gonna talk about the actual scene last, but I
19 want to cover some of the other scenes that you did while
20 assisting Saluda County. As it relates to the defendant,
21 Aaron Hood, did you have any interaction with him?

22 A. Yes, ma'am, I did.

23 Q. And where did that interaction take place?

24 A. So I arrived initially at the scene at 120 Keisha
25 Avenue; however, I was requested by the sheriff's office

1 to respond to the Saluda County Sheriff's Office where the
2 suspect at the time was being held to document him with a
3 GSR or a gunshot residue kit and a collection of buccal
4 swabs, which is a DNA standard, and collect the blood that
5 was -- suspected blood that was on his hands, and this was
6 all done by a consent to search form signed by Mr. Aaron
7 Hood.

8 Q. Okay. And what time did that take place?

9 THE WITNESS: Your Honor, may I refer to my notes?

10 THE COURT: Sure.

11 THE WITNESS: Thank you.

12 A. I arrived at the Saluda County Sheriff's Office at
13 approximately 3:38 PM.

14 Q. Okay. And just so it's also clear for the record, you
15 initially received the call to assist from Saluda Police
16 Department and we also have a sheriff's office. So as it
17 relates to this case, SLED was involved with the police
18 department as well as the sheriff's office, all three; is
19 that correct?

20 A. Yes, ma'am. All three agencies.

21 Q. Okay. And so you're not misspeaking, you did go to
22 the sheriff's office?

23 A. Yes, ma'am. I went to the sheriff's office.

24 Q. And when you spoke earlier to initial law enforcement,
25 that was actually the police department?

1 A. Yes, ma'am. The request came in through the Saluda
2 Police Department.

3 Q. So now that you're at the sheriff's office, I'm gonna
4 show you a couple of photographs and ask if you recognize
5 them. I'm showing you State's 46 and 47 and ask if you
6 recognize them?

7 A. Yes, ma'am, I do.

8 Q. And how do you recognize those photographs?

9 A. I recognize these photographs because they appear to
10 be surveillance footage from the Saluda County Sheriff's
11 Office with my interaction with Aaron.

12 Q. And do they fairly accurately represent you as well as
13 Aaron Hood that day when you interacted with him?

14 A. Yes, ma'am, they do.

15 MS. FULLER: Okay. At this time, Your Honor, the
16 State seeks to introduce into evidence State's Exhibit 46
17 and 47.

18 MR. STANCIL: No objection, Your Honor.

19 THE COURT: State's Exhibit 46 and 47 are admitted
20 and you may publish.

21 (State's Exhibit Number 46 and 47, photographs, were
22 admitted into evidence.)

23 BY MS. FULLER:

24 Q. Publishing 46 for the record.

25 All right. And there's a little bit of a glare, but

1 similar photographs I won't have you stand down, but I'm
2 publishing one of them, State's 46. Can you describe what
3 you're wearing so that the jury knows where you are in the
4 photograph?

5 A. I am wearing a tan in color hoodie that says State
6 SLED police on the back of it.

7 Q. And you're standing near the table?

8 A. I'm standing near the table.

9 Q. And where is Aaron Hood in this photograph?

10 A. Mr. Aaron Hood is located to my right, so the far
11 right of the photograph as you're looking at it.

12 Q. Okay. And from that photograph can you tell what he
13 was wearing?

14 A. He is wearing a dark in color long sleeve shirt,
15 dark, possibly black in color, pants with white stripes,
16 and shoes.

17 Q. Okay. And does he have anything on his head or is
18 that just his hair?

19 A. I really can't tell from this picture.

20 Q. Okay. And then I'll publish 47 since that's what you
21 were testifying from. And so that was him that day when
22 you interacted with him; is that correct?

23 A. Yes, ma'am.

24 Q. Now you indicated that you were collecting swabs for
25 DNA as well as gunshot residue. Just briefly what is

1 gunshot residue and what was the purpose of collecting
2 that?

3 A. GSR, gunshot residue, it comes in like a little
4 envelope like this and it's sealed up. When you take it
5 out, there's two tabs. When you pop the -- it's kind of
6 like a vile, you pop it open and it has a sticky end on it
7 and you just tab the inside of someone's palm as well as
8 the outside of their hands and it gets sent back and --
9 sealed, initialled and dated and sent to the forensic
10 laboratory for the trace department to analyze. From my
11 training I can tell you it tests for antimony, barium and
12 lead, all components of gunshot residue. So if someone
13 had handled a firearm or been in the proximity of a handgun
14 being discharged, it is expected to find GSR traces on
15 their hands -- or on that GSR test.

16 Q. And in that interview, in that setting, is where he
17 gave consent and where that took place, correct?

18 A. Yes, ma'am.

19 Q. And as it relates to the DNA swab, can you describe
20 the method of collection and the purpose of collecting that
21 for the jury?

22 A. Yes, ma'am. A buccal swab, some people say bu-cal,
23 it essentially is a Q-tip like you would use for your ear,
24 it's just a little bit longer, and it comes out of a
25 sterile container. You swab the inside of an individual's

1 cheek when you're doing the DNA and it's used for
2 comparison purposes as well as excluding someone. So
3 comparing or excluding them to other DNA you may find on
4 evidence on a scene.

5 Q. Okay. I'm gonna hand you what's been premarked as
6 State's Exhibit 50 and 54. For the record, State's 50 is
7 SLED Item 1, and State's 54 is SLED Item 7, and ask if you
8 recognize them?

9 A. Yes, ma'am, I do.

10 Q. And what do you recognize those items to be?

11 A. State's Exhibit 50 is a coin envelope containing two
12 buccal swabs from Aaron Hood and State's Exhibit 54 is one
13 gunshot residue evidence collection kit collected from
14 Aaron Hood.

15 Q. And how are you able to recognize those items as the
16 ones that you actually collected that day during that --
17 during that -- in that interview room? I apologize.

18 A. Both of these items have my initials on it, as well as
19 the lab number and seals with my initials on them.

20 MS. FULLER: At this time, Your Honor, the State
21 seeks to introduce into evidence State's 50 and 54.

22 MR. STANCIL: Without objection, Your Honor.

23 THE COURT: State's Exhibit 50 and 54 are admitted
24 into evidence.

25 (State's Exhibit Number 50, Hood buccal swabs, and

1 State's Exhibit Number 54, a GSR collection kit, were
2 admitted into evidence.)

3 BY MS. FULLER:

4 Q. And can you point out where your name and initials are
5 on this envelope?

6 A. Yes, ma'am. My initials are right here. It's DJ.
7 My maiden name was Dalila Jazic, and it's more complicated
8 now because it's Cirencione, as well as another initial of
9 mine here, and then our item number and lab number and then
10 a seal on the back of the coin envelope also has the date
11 as well as my initials. And the same
12 for the GSR kit. It has my name here as the investigating
13 agent who collected it and it's sealed. You can't really
14 see here, but the seal on the back is gonna have my
15 initials on the GSR collection kit.

16 Q. Thank you. And you testified that you arrived at the
17 sheriff's office approximately at 3:38?

18 A. Yes, ma'am.

19 Q. And within that window that you were there, that's
20 when the GSR was collected, correct?

21 A. That's correct.

22 Q. Did you have a specific time of actually when it was
23 collected?

24 A. Yes, ma'am. That would be in a form inside of the GSR
25 kit.

1 Q. Okay. Maybe we can just go ahead and open it just so
2 we can publish that into the record as well.

3 Let me borrow the clerk's scissors.

4 A. The GSR was collected approximately 4:02 PM.

5 Q. Okay. Thank you for that.

6 Now eventually you left the sheriff's office. Where
7 did you go and did you actually return to 120 Keisha
8 Avenue?

9 A. Yes, ma'am. I would have responded back to 120 Keisha
10 Avenue after leaving the sheriff's office.

11 Q. And is that when the measurements and the additional
12 crime scene processing took place?

13 A. Yes, ma'am.

14 Q. And then you left there again and ended up going to
15 the Saluda County morgue, correct?

16 A. Yes, we then went to the Saluda County morgue.

17 Q. And approximately what time did you arrive there?

18 A. We arrived at the morgue at approximately 5:25 PM.

19 Q. And when you arrived at the morgue, was Xavier
20 Cancer's body there?

21 A. Yes, ma'am, it was.

22 Q. And did you also collect DNA swabs from him as well?

23 A. Yes, ma'am.

24 Q. I'm gonna show you what's been premarked as State's
25 51, for the record this is SLED Item 2, and ask if you

1 recognize it?

2 A. Yes, ma'am, I do.

3 Q. And how do you recognize it?

4 A. It is my handwriting with my initials on it and lab
5 number and the item number.

6 Q. All right. And then publishing for the record --
7 well, who do those DNA swabs belong to?

8 A. There are two buccal swabs from Xavier Cancer.

9 MS. FULLER: At this time, Your Honor, the State's
10 seeks to introduce into evidence State's Exhibit 51.

11 MR. STANCIL: Without objection, Your Honor.

12 THE COURT: State's Exhibit 51 is admitted into
13 evidence.

14 MS. FULLER: Thank you, Your Honor.

15 (State's Exhibit Number 51, Victim DNA swabs, was
16 admitted into evidence.)

17 BY MS. FULLER:

18 Q. And then just so the jury completely understands this
19 process as well, would you have collected those swabs a
20 similar way that you described collecting them from Aaron
21 Hood even though Xavier was deceased at the time of
22 collection?

23 A. Yes, ma'am. It's the same procedure.

24 Q. And is anything lost or -- I mean, considering that he
25 was deceased at the time, the DNA collection would still be

1 the same, correct?

2 A. It would still be the same.

3 Q. Okay. Now from there you relocated. Do you recall
4 processing a Kia Optima in this case?

5 A. Yes, ma'am. There was a burgundy Kia Optima at the
6 sheriff's office within a gated area, so really we just
7 walked across from the morgue to the sheriff's office where
8 the vehicle was located. We received a search warrant from
9 the Saluda County Sheriff's Office for the Kia and began
10 processing that.

11 Q. I'm gonna show you what's already been introduced into
12 evidence and identified as belonging to Miracle Pridgen,
13 State's Exhibit 12, 13, 14 and 15, and ask if you recognize
14 them?

15 A. Yes, ma'am, I do.

16 Q. Okay. And these are a few of the photographs of the
17 vehicle that you took, correct?

18 A. Yes, ma'am.

19 Q. But there are dozens more, correct?

20 A. Yes.

21 Q. And where those photographs were taken, that's the
22 actual location of where you searched that car, correct,
23 and processed it?

24 A. It is.

25 Q. Were you able to test for any blood in that car?

1 A. We use an ALS or alternate light source. It's
2 essentially an orange screen with different wavelengths
3 of light that you use with a flashlight to search for any
4 suspected blood. It tests for other things as well, but
5 in this case we were looking for blood and it was negative
6 for the vehicle.

7 Q. So it was tested, but none was located?

8 A. None was located.

9 Q. Were you able to locate any firearms in the vehicle?

10 A. No firearms were located.

11 Q. Were you able to locate any cell phones in the
12 vehicle?

13 A. Yes, ma'am.

14 Q. I'm gonna show you what's been marked for
15 identification only, and will just be for identification,
16 State's 62, and ask you if you recognize this device?

17 A. Yes, ma'am, I do.

18 Q. And what do you recognize that device as?

19 A. I'm sorry?

20 Q. What do you recognize this to be?

21 A. It's a -- may I open the bag to see?

22 Q. Yes. Do you need gloves or --

23 A. There is one cell phone with a multicolored case and
24 a charging cord that was collected from the vehicle.

25 Q. Okay. And that was collected from specifically that

1 Kia Optima that day, correct?

2 A. Yes, ma'am, from the driver's seat.

3 Q. Okay. And that's just for identification.

4 Now let's take us back to the crime scene where we'll
5 spend some time. So you testified you went back to the
6 crime scene at 4:15 and we'll go through a few photographs
7 and things of that nature and cover a few things for the
8 jury.

9 Now when you arrived on-scene, can you describe for
10 the jury what Keisha Avenue looked like when you arrived?

11 A. Keisha Avenue is a concrete road within a mobile home
12 park area. If you're -- if you're me right now facing down
13 this direction, you're gonna have [REDACTED] home residence as the
14 first residence where there is a black Ford Mustang vehicle
15 parked adjacent to that residence and as you travel down it
16 comes to almost like a dirt area to a dead end and that is
17 gonna be 120 residence of Keisha Avenue. There is a blood
18 trail that led from 120 all the way ending at the black
19 Ford Mustang. On the Ford Mustang hood was the victim's
20 body, which was covered with a white in color sheet.

21 Q. Thank you.

22 MS. FULLER: I beg the Court's indulgence.

23 BY MS. FULLER:

24 Q. I'm gonna show you what's been marked as State's 20
25 and ask if you recognize it? It's a two-page document.

1 A. Yes, ma'am, I do.

2 Q. And how do you recognize that?

3 A. This is the diagram that was prepared by me after the
4 scene for part of the report.

5 Q. And do you believe this would assist the jury in
6 understanding the scene?

7 A. Yes, ma'am.

8 Q. Okay.

9 MS. FULLER: At this time, Your Honor, the State
10 seeks to introduce into evidence State's 20, and I have
11 copies for the defense.

12 MR. STANCIL: Without objection, Your Honor.

13 THE COURT: All right. State's Exhibit 20 is
14 admitted.

15 MS. FULLER: Thank you, Your Honor.

16 (State's Exhibit Number 20, a diagram, was admitted
17 into evidence.)

18 BY MS. FULLER:

19 Q. Now looking at State's 20, and we'll get into the
20 numbers shortly. Looking at -- I'll give you your copy so
21 you don't have to step down.

22 A. Yes, ma'am.

23 Q. Can you go ahead and describe for the jury what
24 they're looking at? And we'll cover the actual markers
25 shortly in your testimony.

1 A. Yes, ma'am. You're looking at Keisha Avenue. As I
2 described earlier, Residence [REDACTED] is the one that the black
3 Ford Mustang is parked adjacent to. And the reason these
4 residences look quite small compared to the vehicle is
5 because they are going sideways, instead of up and down.
6 Marker 1 -- you've got markers 1 through 6. Marker 1 is
7 a cartridge case headstamped 40 -- RP40 S&W. Marker 2
8 is a roll of duct tape that was placed on-scene where
9 the cartridge case was initially located. It had been
10 inadvertently kicked prior to our arrival on-scene, so it
11 was marked just to show where that cartridge case initially
12 was. Markers 3 through 6, so 3, 4, 5 and 6, are suspected
13 blood.

14 Q. And then we'll get into that as well. So in terms of
15 the crime scene area, what we're looking at here is the
16 area where you determined the crime scene to be, correct?

17 A. Yes, ma'am.

18 Q. And generally this might seem -- I know sometimes on
19 TV we see crime scene tape and things marked off. Was that
20 done in this case?

21 A. Yes, ma'am. There was yellow barrier type and law
22 enforcement vehicles surrounding the crime scene. It was
23 secured.

24 Q. And now upon arrival you described seeing Xavier
25 Cancer's body on his vehicle. Did the crime scene -- in

1 terms of the determining the width and the extent of the
2 crime scene, how was that actually determined?

3 A. We used a measuring device and where you see RP1, that
4 stand for a reference point. We use two reference points,
5 that's two different poles, to measure each item of
6 evidence to the pole itself.

7 Q. Okay. And so within that area is where presumably or
8 assumingly the crime occurred as well as there was evidence
9 as relates to this shooting?

10 A. Yes, ma'am. And the -- the victim was also measured
11 to both of the reference points.

12 Q. Okay.

13 A. Typically head and feet. In this case, we used the
14 victim's head as well as his feet to Reference Point 1 and
15 2, which were the poles.

16 Q. And then we'll keep this diagram up here as we go
17 through because it will assist with some of these
18 photographs.

19 Now looking at State's 21 and 22, I'm gonna ask if you
20 recognize those two items?

21 A. Yes, ma'am, I do.

22 Q. And how do you recognize those two items?

23 A. These are digital photographs taken by crime scene at
24 the crime scene of 120 Keisha Avenue and [REDACTED] Keisha Avenue.

25 Q. And do they fairly and accurately represent the scene

1 at the time on March 16, 2021?

2 A. Yes, ma'am.

3 Q. Do they appear to be altered in any way?

4 A. No.

5 Q. Okay.

6 MS. FULLER: At this time, Your Honor, the State
7 seeks to introduce into evidence State's 21 and 22.

8 MR. STANCIL: Without objection, Your Honor.

9 THE COURT: State's Exhibit 21 and 22 are admitted
10 into evidence.

11 (State's Exhibit Number 21 and 22, photographs, were
12 admitted into evidence.)

13 BY MS. FULLER:

14 Q. And before I publish these photographs, can you
15 describe for the record what exactly the jury is about to
16 see?

17 A. For State's Exhibit 21, you're looking at [REDACTED] Keisha
18 Avenue with the black Ford Mustang parked adjacent with a
19 white colored sheet and you can see the crime scene tape
20 securing the crime scene itself. In State's Exhibit 22,
21 you will see another view of [REDACTED] Keisha Avenue, the black
22 Ford Mustang with a white sheet covering the victim's body
23 on the hood of the vehicle.

24 Q. Okay. Now publishing for the record State's 21. The
25 black vehicle that we saw on your crime scene diagram,

1 that's what's depicted there?

2 A. Yes, ma'am.

3 Q. And then looking at 22, the white sheet you talked
4 about, that was the sheet covering Xavier's body, correct?

5 A. Yes.

6 Q. I'll show you now what's been marked -- premarked as
7 State's 23 through 26 and ask if you recognize them?

8 A. Yes, ma'am, I do.

9 Q. And how do you recognize those photographs?

10 A. These are photographs taken by SLED crime scene at the
11 crime scene that day.

12 Q. And do they fairly and accurately represent the crime
13 scene that day?

14 A. Yes, ma'am.

15 Q. Do they appear to be altered in any way?

16 A. They do not.

17 MS. FULLER: Your Honor, at this time the State seeks
18 to introduce into evidence State's 23 through 26.

19 MR. STANCIL: Without objection, Your Honor.

20 THE COURT: State's Exhibit 23 through 26 are
21 admitted into evidence.

22 (State's Exhibit Number 23, 24, 25 and 26,
23 photographs, were admitted into evidence.)

24 BY MS. FULLER:

25 Q. Looking at State's 23, can you go ahead and orient

1 the jury on explaining 23, and then I'm gonna go back to
2 your crime scene diagram. It might be easier if you do
3 step down for this portion.

4 A. Yes, ma'am. No problem. And I'll stand on this side.

5 Q. And if you can orient the jury on that and I'll show
6 you the other one?

7 A. You're looking at 120 Keisha Avenue. That's the
8 building right there that you see with the Leprechaun green
9 near the mail box and in this area is where the cartridge
10 casing was located and there's a blood trail that -- I
11 don't know if you can see much on this photo, but there's a
12 blood trail that leads from here down to [REDACTED].

13 Q. And now looking at your diagram, can you point out
14 where 23 is on your diagram? Exhibit 23.

15 A. Yes, ma'am. It's this area right here.

16 Q. And on the diagram -- we also have an aerial map and
17 we have another one, too, that we'll show the jury, but
18 this area approximately -- you do have the reference
19 points, but what is the distance? How long did it take you
20 to walk from [REDACTED] to 120?

21 A. If I could look at my measurements.

22 From Reference Point 1 to Reference Point 2, which is
23 the pole over by 120 to the pole next to [REDACTED], is
24 approximately 77 feet and 1 inch.

25 Q. So less than a hundred feet. So standing here, when

1 you're at [REDACTED], you can see 120 when you're actually out
2 there, correct?

3 A. Oh, for Reference Point 2 to Reference Point 3 is
4 81 feet 11 inches.

5 Q. Okay. And so it's not a long road at all?

6 A. It's not a long road.

7 Q. So approximately 80 feet is what we're dealing with.
8 At any given location between [REDACTED] and 120, the longest is
9 80 --

10 A. From 1 to 2 is 77.1, 77 feet 1 inch, and then from 2
11 to 3 is 81.11, so.

12 Q. You'll have to do the math for me.

13 A. I can't do math very well.

14 Q. But not long?

15 A. It's not a long road. Yes, ma'am.

16 Q. All right. So now looking at State's 24 as it relates
17 to 23, if you can orient the jury. Where are we looking at
18 now?

19 A. This is still gonna be 120 Keisha Avenue right here,
20 the mailbox we were just looking at, and there's a
21 suspected pooling of blood right here as well as the trail
22 goes down and you can see the white sheet at the top right
23 corner of the photograph.

24 Q. So in this photograph, you're standing on the right
25 side of 120 --

1 A. Yes, ma'am.

2 Q. -- and you can see the car parked at 121 this
3 photograph, correct?

4 A. Yes, ma'am. You can see the white sheet with the
5 black Mustang in the bottom -- top right corner.

6 Q. And can you tell from this photograph if it's zoomed
7 in at all?

8 A. I can't tell if it's zoomed in.

9 Q. Okay. But the camera was able to capture that sheet.
10 You can actually see it in the photograph from where the
11 agent was standing when the photograph was taken?

12 A. Yes, ma'am.

13 Q. Now looking at State's 25, the closer view, and I
14 think the quality doesn't display well on there, but we can
15 start. What exactly do you see here and what's observed in
16 the photograph?

17 A. This is that mailbox area next to 120 Keisha Avenue
18 residence and in this area right here this is depicting as
19 well the suspected blood and a significant amount of
20 suspected right there.

21 Q. And looking at 26?

22 A. That's a more close-up photo of the suspected blood at
23 120 Keisha Avenue mailbox area.

24 Q. And I will display it by hand. If you can point out
25 for the jury here since it's sort of distorted?

1 A. This is suspected blood area.

2 Q. And what do we call that? Are those considered pavers
3 or something around there?

4 A. You could consider them pavers.

5 Q. Okay. So some garden stone or something there, but
6 the blood we're looking at is inside that, correct?

7 A. Yes, ma'am.

8 Q. And then it appears here is actual blood as well?

9 A. Yes, ma'am.

10 Q. Okay. We talked about the blood trail. I'm gonna
11 show you State's 27, 28, 29 and 30, and ask if you
12 recognize them?

13 A. Yes, ma'am.

14 Q. How do you recognize them?

15 A. These are digital photographs taken by crime scene
16 that day.

17 Q. And do they fairly and accurately represent the scene
18 and what's in those photographs that were taken that day?

19 A. They do.

20 Q. Do they appear to be altered in any way?

21 A. They do not.

22 MS. FULLER: Your Honor, at this time the State
23 seeks to introduce into evidence State's Exhibit 27
24 through 30.

25 THE COURT: 27 through 30?

1 MS. FULLER: Uh-huh.

2 MR. STANCIL: No objection, Your Honor.

3 THE COURT: All right. State's Exhibit 27 through
4 30 are admitted into evidence.

5 (State's Exhibit Number 27, 28, 29 and 30,
6 photographs, are admitted into evidence.)

7 BY MS. FULLER:

8 Q. Looking at State's 27, and we'll just probably have to
9 do it by hand because I know it's gonna get distorted, but
10 can you go ahead and point out to the jury what we're
11 looking at here?

12 A. We're looking, again, at that mailbox area where that
13 paver was knocked over in front of 120 Keisha Avenue's
14 residence and the suspected blood that's located on the
15 concrete street of Keisha Avenue.

16 Q. Let's make sure that all the jurors --

17 MS. FULLER: Judge, can you inquire of the jury if
18 anyone missed the agent pointing?

19 THE COURT: Ma'am?

20 MS. FULLER: Can you inquire of the jurors if any
21 juror didn't see where she was pointing?

22 THE COURT: Does anyone need to see where the witness
23 was pointing just now?

24 MS. FULLER: Thank you. I apologize.

25 BY MS. FULLER:

1 Q. Similarly for State's 28, can you point that out for
2 the jury?

3 A. Yes, ma'am. We're still looking at 120 Keisha
4 Avenue's residence at that same mailbox right there and the
5 pavers and the suspected blood trail going down Keisha
6 Avenue's concrete roadway.

7 Q. Moving down, what do we see here on State's 29?

8 A. Yes, ma'am. That's moving back down the street
9 heading towards [REDACTED] Keisha Avenue where the black Ford
10 Mustang is located with additional suspected blood drip
11 trail.

12 Q. And now looking at State's 30?

13 A. That is, again, another angle of the suspected blood
14 trail that leads down to -- you can see the white sheet
15 that the body is being covered by with the Ford Mustang
16 adjacent to [REDACTED] Keisha Avenue and the suspected blood on
17 the concrete roadway.

18 Q. Now going back to State's 27, we see the start of the
19 photograph where that blood trail is. Now referring to
20 your crime scene diagram, looking here from 120 going, I
21 guess, towards the end of the road, which I know we have
22 from an aerial -- I guess we can use this one -- if we
23 orient the jury we see 120 Keisha and it looks like it dead
24 ends like a cul de sac. So 120, what we're looking at
25 there, and it dead ends here?

1 A. Yes, ma'am.

2 Q. Looking at State's 27, the blood trail appears to
3 start here. Was there any blood coming from this direction
4 toward that garden area and that paver area?

5 A. No, ma'am. The only suspected blood we started to see
6 was right in this area of 120 Keisha Avenue and ending at
7 [REDACTED] Keisha Avenue next to where that black Ford Mustang is
8 located.

9 Q. So the blood trail appeared to just be leaving the
10 garden area and goes down the street. There was no blood
11 coming from this area where -- say this white vehicle is
12 here. There's no blood coming from this area over to the
13 garden?

14 A. None that was observed that day.

15 Q. And if it was observed, would it have been
16 photographed and documented?

17 A. Yes, ma'am, it would have.

18 Q. And it was searched, correct?

19 A. Yes, ma'am, it was searched.

20 Q. So the blood started in the garden area and then
21 trailed down the street; is that correct?

22 A. Yes, ma'am.

23 Q. Okay. Thank you.

24 Now we talked about those markers. I'm gonna show you
25 State's 31, 32, 33, 34 and 35. If you'd take a moment.

1 Same line of questions. Do you recognize them?

2 A. Yes, ma'am, I do.

3 Q. And how do you recognize them?

4 A. These are the digital photographs taken by crime scene
5 that day.

6 Q. Okay. And do they appear to be altered in any way?

7 A. No, ma'am.

8 Q. Fairly and accurately represent the scene?

9 A. Yes.

10 MS. FULLER: At this time, Your Honor, the State
11 seeks to introduce into evidence State's 31 through 35.

12 And I have copies for the defense and the judge.

13 MR. STANCIL: Without objection, Your Honor.

14 THE COURT: State's Exhibit 31 through 35 are
15 admitted into evidence.

16 MS. FULLER: Thank you, Your Honor.

17 (State's Exhibit Number 31, 32, 33, 34 and 35,
18 photographs, were admitted into evidence.)

19 BY MS. FULLER:

20 Q. Now looking at -- looking at State's 31, we're dealing
21 with the markers now, and I think these should be fine to
22 publish.

23 A. Yes, ma'am.

24 Q. Okay. And we'll go back and forth from your diagram,
25 but if you can point out for the jury what's marked and why

1 they're marked now using the actual photographs.

2 A. Yes, ma'am. These are markers 1 through 4. Marker 1,
3 Marker 2, Marker 3 and Marker 4. Marker 1 is the cartridge
4 case headstamped RP40 S&W, I believe it was. And Marker 2
5 is where there is roll of duct tape where the cartridge
6 case initially was before it got inadvertently kicked prior
7 to our arrival, so it was marked. Marker 3 right here is
8 the suspected pool of blood. Marker 4 is just one of the
9 suspected blood spots.

10 Q. Now we went through photographs showing the entire
11 blood trail back down from 120 Keisha to [REDACTED] where the
12 vehicle was parked. Did you mark every drop of blood along
13 the way?

14 A. No, ma'am.

15 Q. Why not?

16 A. That would be a lot of markers to put down for the
17 blood. We believed based on the trail that it would be the
18 same individual bleeding and it's more-so to orient the
19 trail of blood and where it's heading. I did take swabs of
20 at least two of those markers, Marker 3 and Marker 5, of
21 the blood just so we could confirm through tests that it
22 was the same individual.

23 Q. Okay. And so based on the crime scene -- what you
24 observed on-scene, that trail that we talked about started
25 at the garden area and came down the street appeared to be

1 -- the source appeared to be a single source. Not that you
2 know from testing, but based on the trail it appeared that
3 it would be the same?

4 A. Based on the trail, yes, ma'am.

5 Q. Okay. Now looking at 32, this is another angle, but
6 similar. If you can just orient the jury here on this
7 angle.

8 A. Again, you've got Marker 1, 2, Marker 3 and 4.

9 Marker 1 is the cartridge case, Marker 2 is the duct tape
10 roll, Marker 3 is that suspected blood and Marker 4 is also
11 suspected blood. Marker 3 is where the garden area had
12 been knocked over. And this is 120 Keisha on the side.

13 Q. And you said Marker 3 is that garden area where that
14 paver appeared to be knocked over and the blood was there,
15 correct?

16 A. Yes, ma'am.

17 Q. Now regarding Marker 1 and 2, we know where the shell
18 casing was initially and where it ended up, but is that a
19 far distance at all?

20 A. Not very far.

21 Q. Okay. And this is another angle of it looking at
22 State's 33 and now looking at State's 34. Once again, for
23 the record orient the jury on 34.

24 A. This is 120 Keisha Avenue. Marker 2 is the duct tape
25 roll. You can't see Marker 1 in this specific photograph,

1 but it's orienting you to that paver area with suspected
2 blood at Marker 3. Marker 4 is part of the suspected blood
3 trail, and I believe that -- I need glasses -- but I think
4 Marker 5 is the one that's down there. You can see the
5 black Ford Mustang at the end.

6 Q. I'm wearing glasses and I can't see, so you're fine.

7 Now looking at 35, orienting the jury as well as to
8 that white vehicle that's up there as well.

9 A. Yes, ma'am. This is if you were standing -- Keisha
10 Avenue would be behind you at 120. This is that paver area
11 with Marker 3 where that suspected blood was. Marker 4 is
12 part of the blood trip trail -- suspected blood drip trail
13 and to the right of Marker 4 is that dead end kind of
14 cul de sac area of Keisha Avenue.

15 Q. Now staying here on State's 35 for a moment, we see
16 that white vehicle that's coincidentally still in the
17 aerial photo, that white vehicle there, just to confirm
18 that looking at the actual photograph, there was no blood
19 coming from that area to the garden and then going down the
20 street, correct?

21 A. No, ma'am, there was not.

22 Q. And if there was any, it would be in the photograph,
23 correct?

24 A. Yes, ma'am.

25 Q. I might be done with that. I think that's all of the

1 photographs.

2 A. Thank you.

3 Q. Now when we talk about searching -- and I apologize.

4 You're good?

5 A. Oh, yeah. Yes, ma'am.

6 Q. When we talk about searching, are you aware metal

7 detectors, search dogs, a team of different agencies

8 assisting on this search as well as SLED crime scene?

9 A. I am aware of DNR, the Department of Natural
10 Resources, did bring in a K-9 search dog for this scene.

11 Q. Okay. And so not only with this scene, I know that
12 you focussed here, but that whole general area was searched
13 looking for evidence in this case, correct?

14 A. Yes, ma'am, to my knowledge from the other agencies.

15 Q. And as it relates to evidence of firearms, there were
16 no guns recovered, correct?

17 A. No, ma'am, not to my knowledge.

18 Q. No magazines recovered, correct?

19 A. Not to my knowledge.

20 Q. And we talked about that first marker -- that Marker 1
21 and 2 --

22 A. Uh-huh.

23 Q. -- that shell casing. Were there any other shell
24 casings recovered at that scene?

25 A. No, ma'am. I only recovered one cartridge case.

1 Q. And we went through it from different angles, that
2 whole area was searched looking for evidence -- like I
3 suppose a revolver wouldn't eject, but if it were a
4 semiautomatic, that there was more than one casing in that
5 -- in that area, correct?

6 A. I don't know of any other cartridge case in that area.

7 Q. Okay. I'm gonna show you -- we're looking at State's
8 Exhibit 52, SLED Item 3. We might not have to open it, but
9 if you can go ahead and see if you recognize it?

10 A. Yes, ma'am, I do.

11 Q. And how do you recognize it?

12 A. This is one cartridge case headstamped RP40 S&W. It
13 was initially collected by Melinda Worley in my presence
14 and my initials, the lab number, item number are on it and
15 my initials are on the seal for this cartridge case.

16 Q. And you indicated, again, just so -- I'm specifically
17 asking what was the caliber of the shell casing?

18 A. RP40 S&W. A 40-caliber.

19 Q. And usually I can do it -- when we're displaying it
20 here, can you come down and point out for the jury where
21 they would actually see that themselves on the casing?

22 A. It would show right here. That's the headstamp of the
23 cartridge case and from what I can see it is RP40 S&W.

24 Q. Okay. With that particular glare it's not gonna show
25 up. I apologize. And so you were able to physically look

1 at it to know what the caliber was, correct?

2 A. Yes, ma'am.

3 Q. Now when we're dealing with a 40-caliber
4 semiautomatic, do you -- can a firearm of that nature fire
5 without a magazine in it if there's a round in the chamber?

6 A. With my knowledge in firearms, I can say that most
7 firearms can fire without a magazine if there is a round
8 in the chamber, but it is beyond my expertise to go into
9 details or a further explanation of that. That would be
10 firearms.

11 Q. Okay. And now separately with -- dealing with an
12 actual firearm, let's say with a magazine or without, once
13 the last shot is fired, what typically happens to the
14 firearm?

15 A. Typically it's gonna lock back. The slide's gonna
16 lock back once it's emptied of all cartridges.

17 Q. Now I believe SLED Item 9 is already in evidence, so I
18 just need you to identify it, which is State's 55. I don't
19 know if you have to take it out to look at it. If you do,
20 I can get you some gloves.

21 A. Yes, ma'am. Could I have some gloves?

22 Q. We might be out. We're getting some.

23 A. I can --

24 Q. But you recognize the bag?

25 A. I recognize the bag.

1 Q. Okay. And while we're waiting on that, we'll just get
2 the testimony. This blue jacket, how did -- you ended up
3 in the chain for this jacket, correct?

4 A. Yes, ma'am. I ended up in the chain for one blue in
5 color Nike jacket with suspected blood. It was collected
6 by law enforcement at a different address and then -- it
7 was collected by one officer who then transferred it to
8 me while I was at the Saluda County Sheriff's Office
9 processing the vehicle. I then took that back to the lab
10 and I did additional photographs on it on a separate day
11 and submitted it to -- for forensic analysis.

12 Q. Okay. And that photograph -- I believe one of your
13 photographs of it is in evidence. Maybe it's over here.

14 What's the item number on the jacket?

15 MS. FULLER: I beg the Court's indulgence.

16 BY MS. FULLER:

17 Q. Looking at State's 19, is this one of the photographs
18 you took of the jacket?

19 A. Yes, ma'am.

20 Q. And the jacket now you're explaining out of
21 State's 55, is that the same photograph?

22 A. Yes, ma'am, that is.

23 Q. And this is the jacket that was recovered at
24 112 LaSalle Street and was turned over from an officer
25 to you that you then logged into SLED, correct?

1 A. That's correct.

2 Q. Okay. Now ultimately after visiting all these
3 locations, what time did you ultimately clear from Saluda
4 County?

5 A. I ultimately cleared from Saluda County at 7:14 PM and
6 transported all of this evidence back to the SLED forensics
7 laboratory.

8 Q. I'm gonna show you what's been premarked as State's 42
9 and ask if you've had an opportunity to look at this aerial
10 map that placed your crime scene items on them?

11 A. Yes, I did have the opportunity.

12 Q. Okay.

13 MS. FULLER: Your Honor, at this time the State
14 seeks to introduce in evidence State's 42.

15 MR. STANCIL: No objection, Your Honor.

16 THE COURT: State's Exhibit 42 is admitted in
17 evidence.

18 (State's Exhibit Number 42, a crime scene diagram,
19 was admitted into evidence.)

20 BY MS. FULLER:

21 Q. Now if you may step down one more time and then we're
22 done.

23 A. Yes, ma'am.

24 Q. And if you can -- this is a different angle looking
25 at Keisha Avenue if you can orient the jury and now just

1 overview describe what they're looking at taking your crime
2 scene diagram and merging it with an actual aerial map.

3 A. Yes, ma'am. I did not create this map, but I did have
4 an opportunity to review this prior to testimony. So this
5 is Keisha Avenue and [REDACTED] Keisha Avenue is that black Ford
6 Mustang with victim's body on top of the hood. The head
7 was on the windshield with the body and legs extended,
8 left arm was bent. If you keep going down, you've got
9 120 Keisha Avenue where we talked about the pavers and the
10 suspected blood and the cartridge case and Marker 2 you can
11 see the duct tape roll. 4, 5, 6 are the suspected blood
12 trail leading back down to [REDACTED] Keisha Avenue with the blood
13 stain.

14 Q. Okay. And then down there would be the same legend
15 that you have on your crime scene diagram, correct?

16 A. Not the same, but --

17 Q. But similar?

18 A. Similar. Yes, ma'am.

19 MS. FULLER: I beg the Court's indulgence.

20 Apparently I forgot to move the shell casing into
21 evidence.

22 Your Honor, for the record, if it's not in, the
23 State seeks to move into evidence State's 52.

24 MR. STANCIL: Without objection, Your Honor.

25 MS. FULLER: I apologize.

1 THE COURT: State's Exhibit 52 is admitted into
2 evidence.

3 (State's Exhibit Number 52, a cartridge case, was
4 admitted into evidence.)

5 MS. FULLER: All right. I believe that is it.

6 Thank you so much. Please answer any questions and
7 give me one opportunity to clean up.

8 THE COURT: Mr. Stancil.

9 Is everybody on the jury doing okay? Does anyone
10 need a break?

11 JUROR: Yes.

12 THE COURT: Okay. Let's take a short break.

13 Refresh yourselves and we'll finish with
14 cross-examination. Please don't discuss the case
15 while you're in the jury room.

16 Thank you.

17 (Whereupon, the jury retires to the jury room at
18 12:38 PM.)

19 THE COURT: All right. Let's just take five minutes
20 and as soon as they're ready we'll get started with cross.

21 You can obviously step down, but don't discuss your
22 testimony.

23 THE WITNESS: Thank you.

24 (Recess taken at 12:39 PM.)

25 (Back on the record at 12:46 PM.)

1 BAILIFF: Come to order.

2 THE COURT: Mr. Stancil, are you ready to proceed?

3 MR. STANCIL: I am, Your Honor.

4 THE COURT: Is the State ready to proceed?

5 MS. FULLER: Yes, Your Honor.

6 THE COURT: Let's bring the jury back in, please.

7 (Whereupon, the jury return to the courtroom at
8 12:47 PM.)

9 THE COURT: All right. Madam Forelady, ladies
10 and gentlemen, welcome back. We're just gonna pick up
11 where we left off now with the cross-examination of this
12 witness.

13 MR. STANCIL: Thank you, Your Honor.

14 CROSS-EXAMINATION

15 BY MR. STANCIL:

16 Q. Good afternoon.

17 A. Good afternoon, sir.

18 Q. I believe you testified that when SLED is called out
19 to a crime scene and the crime scene investigators come
20 out, they get briefed by the lead investigator?

21 A. Yes, sir.

22 Q. Okay. Who was the lead investigator in this case?

23 A. I got the point of contact as Chief Kess Holmes of the
24 Saluda Police Department. He was our point of contact and
25 he briefed me once I had arrived on-scene.

1 Q. Okay. And the point of contact is usually the lead
2 investigator on the case?

3 A. Yes. Typically.

4 Q. Okay. Thank you.

5 Now I want to start with, I guess, when you went to
6 the sheriff's office to do the gunshot residue test on
7 Mr. Hood. You only took the sample. You don't do the
8 actual testing, correct?

9 A. No, sir. I did not do the testing.

10 Q. So you just take the sample, seal it up and that's
11 what gets taken down to SLED for testing?

12 A. Yes, sir.

13 Q. Okay. Was Mr. Hood the only person you were requested
14 to do a GSR kit on?

15 A. Yes, sir.

16 Q. Okay. And the -- I'm gonna mispronounce it -- buccal
17 swabs?

18 A. That's right. Buccal swabs. Yes, sir.

19 Q. Did you also take blood samples from Mr. Hood's hand?

20 A. Yes, sir.

21 Q. Okay. How many?

22 A. It was one -- it was two swabs in an envelope of the
23 suspected blood on his hands. Yes, sir.

24 Q. Okay. And when you did that, that's from the
25 laceration that was on his hand?

1 A. I can't say it's from the laceration. He had a
2 laceration on his left hand, but he had suspected blood on
3 both of his hands. So I took a -- took a suspected blood
4 swab from his right hand just to say that it could be the
5 same one.

6 Q. I understand. Thank you.

7 A. Yes, sir.

8 Q. Now the crime scene, I know on your diagram you have
9 just a couple of blood spots marked, but you said you
10 didn't mark every -- every drop, just the ones showing like
11 the pattern, I guess?

12 A. Yes, sir. Just to orient the jury and the
13 investigators and solicitors and everyone into the trail
14 itself.

15 Q. And you also took swabs from, I believe, Placard 3
16 and 5?

17 A. Yes, sir, I did.

18 Q. Okay. Were you there when the search was being done
19 with the metal detectors and the DNR K-9?

20 A. No, sir. I wasn't there at the time.

21 Q. Okay. And on your diagram -- well, let's do it this
22 way. On your diagram you had two markings. One where the
23 casing was found and one where the casing you were told was
24 originally found but kicked?

25 A. Yes, sir.

1 Q. Okay. But you never saw where the original casing was
2 before it was kicked? You're just taking word of mouth, I
3 guess?

4 A. Yes, sir. Word of mouth from the lead investigators
5 and they had placed that duct tape roll in that area.

6 Q. Okay. So the duct tape roll was the general vicinity
7 of where they believed it was kicked from?

8 A. Yes, sir.

9 Q. Okay. And then where it was recovered from was, I
10 think, Placard 2?

11 A. No, sir. Marker 1 is gonna be where the cartridge
12 case is when I arrived on-scene and Marker 2 is where the
13 duct tape roll was.

14 Q. I apologize. I got them switched. So the -- for my
15 information and the jury's, when the casing is an RP40 S&W,
16 what does the RP and the S&W mean?

17 A. I can't testify to that. I'm not a firearms expert.

18 Q. Understood, but the forty is the caliber of the
19 casing?

20 A. Yes, sir. 40-caliber.

21 Q. And now let's go to that not a firearms expert. So
22 you -- you can't definitively say that a forty semi could
23 fire without a clip?

24 A. I can't say that with 100 percent accuracy. I'm not
25 a firearms expert.

1 Q. I understand.

2 MR. STANCIL: I beg the Court's indulgence.

3 BY MR. STANCIL:

4 Q. When you were at the crime scene, were you doing
5 mostly documentation or did you assist in the searching?

6 A. We did some searching, but my primary goal is gonna
7 be to search and then to document everything as well.

8 Q. Okay.

9 A. Melinda Worley did the digital photographs and I did
10 the rough sketch as well as the measurements of the crime
11 scene.

12 Q. Okay. Understood. And for the measurements, I
13 believe on your map it said from Reference Point 3 to 2
14 was 80 feet and the 2 to 1 was about 70 feet, so roughly
15 from [REDACTED] to 120 was around 150 to 160 feet? Roughly?

16 A. Math, I -- I couldn't. Possibly.

17 Q. But you would agree that --

18 A. It was not very far.

19 Q. Do you mind if I grab this?

20 A. Absolutely. Yes, sir.

21 Q. So Reference Point 3 was a utility pole and Reference
22 Point 2 was another utility pole and the distance between
23 these two was about 81 feet and then 2 to 1 was about 70,
24 so it's -- it's definitely over 100 feet from [REDACTED] to 120?

25 A. Okay. Yes.

1 Q. And at any time in assisting with the search and the
2 photographing, was anything other than the shell casing
3 found?

4 A. The suspected blood was found, the cartridge case was
5 found, the victim's body, the Ford Mustang.

6 Q. Okay.

7 A. But other than that, no firearms if that's what you're
8 asking?

9 Q. And no clip?

10 A. No magazine.

11 Q. No magazine. Sorry.

12 A. No, sir.

13 Q. Now you can't definitively say that that shell casing
14 was even from the day of March 16th, could you?

15 A. I can't say that.

16 MR. STANCIL: Okay. No more questions, Your Honor.

17 THE COURT: Any redirect?

18 MS. FULLER: Yes. Just briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. FULLER:

21 Q. Now when I asked you about -- generally speaking about
22 firearms being fired, if there's a round in the chamber
23 your testimony is based on your knowledge you're able to
24 answer to that they can be?

25 A. Yes, ma'am.

1 Q. You weren't specifically asked about the gun in this
2 case because we don't have the gun in this, correct?

3 A. Yes. That's correct.

4 Q. Now we talked about -- he talked about the shell
5 casing. I'm gonna show you a couple more photographs,
6 State's 36 through 40, and ask if you recognize them?

7 A. I do.

8 Q. And do they appear to be accurate and not altered in
9 any way?

10 A. They do.

11 MS. FULLER: At this time, Your Honor, the State
12 seeks to introduce into evidence State's Exhibit 36
13 through 40.

14 MR. STANCIL: Without objection, Your Honor.

15 THE COURT: All right. State's Exhibit 36 through
16 40 are admitted into evidence.

17 (State's Exhibit Number 36, 37, 38, 39 and 40,
18 photographs, were admitted into evidence.)

19 BY MS. FULLER:

20 Q. Now we talked about that roll earlier. When you
21 arrived on-scene -- and if you don't mind stepping down.

22 A. Absolutely.

23 Q. If you could point out that roll -- or empty roll of
24 tape.

25 A. Right here is the empty duct tape roll.

1 Q. And when you arrived on-scene, was the scene secured?

2 A. Yes, ma'am. The scene was secured. You can see in
3 the photos here the yellow barrier tape going all the way
4 from 120 down to [REDACTED] and it does wrap all the way around.

5 Q. Okay. And when a scene is secured, can you explain
6 to the jury what that means?

7 A. It's been secured and no one should be tampering
8 with it, no evidence -- it's all being secured by law
9 enforcement vehicles, tape, and that's for the scene not
10 to be touched.

11 Q. And so when you arrived on-scene, where that was
12 placed it was photographed in place, correct?

13 A. Yes. Everything was preserved with photographs
14 initially by us.

15 Q. And then looking at 37, another angle, we can see 2 in
16 the corner and then Marker 1, correct?

17 A. Yes. Marker 1 is the cartridge case and Marker 2 is
18 the roll.

19 Q. And then 38?

20 A. That is Marker 1, which is the cartridge case.

21 Q. And then zooming in?

22 A. This is a close-up now photo of Marker 1 with that
23 cartridge case.

24 Q. And then -- and then 40?

25 A. And that is a close-up photograph of the cartridge

1 case itself just to show the headstamp of RP40 S&W.

2 Q. Okay. Now with the testimony already being and what
3 you confirmed with the photographs as the scene was secured
4 and this is some dried blood, where exactly is that
5 located? I know that's a very poor question, but what is
6 it located on?

7 A. On Keisha roadway on a concrete road.

8 Q. On a road. Okay. And what happens on roads?

9 A. Cars drive on roads, people walk on roads, rain,
10 weather.

11 Q. And now looking at -- I'm not asking you an expert
12 question at all. Looking at what was collected here, did
13 it appear to be damaged or -- I don't want to say smashed
14 because that might not be the word, but that tires or cars
15 had driven over this shell casing?

16 A. Looking at the cartridge case, I don't know what
17 testing had been done to it since, but based off the
18 photograph as well it does not appear that a car would
19 have run over it at that time.

20 Q. Okay. And so law enforcement accidentally kicked it
21 while searching the area and marked it on the roadway where
22 cars would drive presumably at least once a day maybe. Do
23 cars have the potential of riding over objects on the road?

24 A. Unfortunately.

25 Q. Okay. And based upon what you've looked at, this

1 doesn't look like it has been driven over, correct?

2 A. It does not appear to be.

3 Q. So even though you can't say it wasn't -- you weren't
4 there, you didn't witness the shooting, you can't say that
5 this item was actually from the shooting. Based on you
6 just collecting the item --

7 A. That's right.

8 Q. -- there is nothing on this cartridge casing that
9 would suggest that it was there for a car to drive over it?

10 A. Not from my experience.

11 Q. Okay.

12 MS. FULLER: I beg the Court's indulgence.

13 I believe that is it. No further questions at this
14 time.

15 THE COURT: Recross.

16 MR. STANCIL: I beg the Court's indulgence.

17 No recross, Your Honor.

18 THE COURT: All right. The witness is excused.

19 Thank you.

20 THE WITNESS: Thank you, Your Honor.

21 (Witness excused.)

22 THE COURT: Counsel.

23 (Proceedings held at the bench; not reported.)

24 THE COURT: All right. Ladies and gentlemen, we'll
25 go ahead and take a lunch break at this time before we

1 call any other witnesses. I'd like you back in the jury
2 room at 2:10 so we can start the afternoon testimony at
3 2:15. And while you're out, please don't discuss the case
4 with anyone or amongst yourselves and please don't do any
5 independent research on your own of any of the -- of
6 anything involving the case or any of the parties involved
7 in the case. Otherwise, have a nice lunch. We'll see you
8 back out in an hour and ten or fifteen minutes.

9 (Whereupon, the jury was excused for lunch at
10 12:58 PM.)

11 THE COURT: Anything for the record before we
12 recess?

13 MR. STANCIL: Nothing from the defense, Your Honor.

14 MR. McNAIR: No, sir.

15 THE COURT: All right. You-all have a nice lunch.

16 (Whereupon, a luncheon recess was taken at
17 12:59 PM.)

18 (Back on the record at 2:22 PM.)

19 BAILIFF: All rise.

20 THE COURT: Good afternoon. Please be seated.

21 Thank you.

22 Okay. Anything of note before we call our next
23 witness?

24 MS. FULLER: Yes. Just briefly to put on the,
25 record, Your Honor, for our next witness it's gonna be

1 dealing with Miracle's cell phone. Normally I will put
2 the cell phone extraction, the entire thing just as
3 identification and then introduce certain parts of it.
4 I thought we had it burned, but we don't and it's taking
5 -- the screen says two hours to burn, so I didn't want to
6 delay things and so -- it's not moving into evidence, it's
7 just for the record, so I'm just requesting permission to
8 go through his testimony and just add that to the record
9 once it's finished burning.

10 THE COURT: The actual report?

11 MS. FULLER: It's burning onto a disk. A Blu-ray.

12 THE COURT: Okay. But this is the witness who would
13 otherwise get it admitted?

14 MS. FULLER: I wouldn't admit anyway.

15 THE COURT: Okay.

16 MS. FULLER: It's inadmissible what's on it entirely,
17 but we need it as part of the record for review purposes.
18 So usually I just have them identify it just for ID.

19 Just like the phone. It will just be for ID and so I'm
20 just requesting that it just be allowed to be marked for
21 ID, but -- so we don't sit here for another hour waiting
22 for it to burn, but I can do that once it's just ready.

23 THE COURT: Okay. So the bottom line is there is
24 testimony that will be about it, but the document will
25 be an identification exhibit later?

1 MS. FULLER: Yes.

2 MR. STANCIL: No objection since it's for
3 identification purposes.

4 THE COURT: Very well.

5 All right. Is the defense ready to proceed as well?

6 MR. STANCIL: We're ready to proceed, Your Honor.

7 THE COURT: All right. Let's bring them in, please.

8 (Whereupon, the jury return to the courtroom at
9 2:24 PM.)

10 THE COURT: All right. Madam Forelady, ladies and
11 gentlemen of the jury, welcome back. I hope you had a
12 nice lunch. We'll pick up where we left off with the
13 next witness in the State's case in chief.

14 MS. FULLER: Thank you, Your Honor.

15 The State calls Matthew Womack.

16 (Whereupon, Matthew Womack was duly sworn by the
17 Clerk of Court.)

18 MATTHEW WOMACK,

19 having been duly sworn, testified as follows:

20 DIRECT EXAMINATION

21 BY MS. FULLER:

22 Q. Go ahead and state your name for the record, spelling
23 your last name.

24 A. Matthew Womack, W-O-M-A-C-K.

25 Q. And where are you currently employed?

1 A. I'm employed by the Greenwood County Sheriff's Office.
2 I'm a lieutenant over the criminal investigations division.

3 Q. Can you, please, describe for the jury some of your
4 duties and responsibilities?

5 A. Me and my duties are -- obviously I have six
6 investigators that fall under my chain of command. We
7 investigate all types of crimes that come through the
8 sheriff's office. We also have the capability at the
9 sheriff's office to be able to extract and analyze cell
10 phone data and other devices.

11 Q. Okay. And how long have you been in law enforcement?

12 A. So I've been in law enforcement for twelve and a half
13 years. The first part of my career, six and a half years,
14 at the Newberry County Sheriff's Office. The second half
15 at Greenwood County. Of the total, ten and a half years as
16 an investigator.

17 Q. Okay. And in the area of digital forensics and cell
18 phone GPS mapping, what is your training and experience?

19 A. So in August of 2021, I attended Cellebrite's academy
20 for the certified Cellebrite operator, as well as the
21 Cellebrite physical analyzer operator. I completed that
22 course, which was extensive, hands-on training, as well as
23 testing, and then I recertified -- that certification runs
24 out every two years and I did recertify in that this past
25 August.

1 Q. Okay. And describe for the jury and for the record
2 what -- a little more detail about what type of training.
3 When you say hands-on, what exactly would you be doing?

4 A. So many times there's technology that will allow you
5 to image or mirror the device. Essentially what you do is
6 you take the device, plug it into the machine and extract
7 the data from it and then you use the physical analyzer,
8 which parses or sorts the data, if you will, into something
9 that's viewable to the human eye that's not, you know, the
10 computer version of it.

11 Q. And when you say computer version, if you were just
12 looking at the raw data, what would it look like?

13 A. So the raw data is like every computer. It's ones
14 and zeros. It's just a matter of parsing it and then
15 figuring out where this goes, where that goes, and then
16 it's hex values or binary that is used in the computers
17 and essentially what it does is it sorts it to certain
18 locations of the device.

19 Q. And as it relates -- you indicated a reader. What
20 kind of reader do you use?

21 A. So the reader that we use is physical analyzer.
22 Cellebrite, which is a private company, provides that for
23 a fee that the sheriff's office pays, and we use that
24 device to -- or that program and software to parse or sort
25 the data that we extract from the device.

1 Q. And in your career, how many devices have you
2 performed examinations on?

3 A. Close to three hundred.

4 Q. Okay.

5 MS. FULLER: And, Your Honor, at this time the
6 State seeks to offer Matt Womack as an expert in the
7 field of digital forensics and cell phone GPS mapping.

8 MR. STANCIL: No objection to that, Your Honor.

9 THE COURT: All right. Ladies and gentlemen, a
10 person testifying cannot give opinion testimony, but
11 testifies to what they personally saw, heard or did or
12 sensed by sense of smell or something of that nature.
13 However, there's an exception when someone's qualified
14 because of knowledge, education or experience, they're
15 permitted to give their opinion in certain areas if the
16 Court qualifies them that way. This witness will be
17 qualified in the area of digital forensics and cell
18 phone GPS mapping and give opinion testimony in that
19 area. It doesn't mean you must accept the opinion, but
20 it's evidence for you to use in any way you see fit.

21 BY MS. FULLER:

22 Q. Now you indicated you're employed by Greenwood County.
23 This is a Saluda County case. How did you become involved
24 in this case?

25 A. So I was contacted by an investigator from Saluda

1 County who knew that we had the technology and the
2 capabilities of performing the cell phone extractions and
3 parsing.

4 Q. Okay. As it relates to one of the devices in the
5 case, I'm gonna show you just for identification purposes
6 State's 62, and ask if you recognize this as one of the
7 devices you received?

8 A. I do, yes.

9 Q. And is this one of the devices that you were able to
10 perform a cell phone examination on?

11 A. It is.

12 Q. And in terms of the examination, you talked about
13 generally what happens. For this device, what did you have
14 to do to be able to examine the information or the data on
15 the device?

16 A. So this device was in a Before First Unlock state.
17 For example, it's an iPhone and many people have an iPhone.
18 If you swipe up instead of using your face recognition or
19 your finger, it will say password required. That's how you
20 know that it's in that state even though you have those
21 other parameters to be able to try and unlock it. So it
22 was in a Before First Unlock state, which means it had been
23 powered off at some point in time before I received the
24 device.

25 I then plugged the device into our GrayKey and in

1 GrayKey essentially what it does is it manipulates the
2 device and essentially it hacks into it breaking the
3 passcode. It was passcode protected and I completed a
4 brute force obtaining the passcode and a full file system
5 extraction was then completed on the device.

6 Q. Okay. Now when we say brute force, commonly I would
7 think about taking a hammer and taking it to the device.
8 Is that what you have to do to access this device?

9 A. The software, essentially the GrayKey software, is the
10 hammer so to speak.

11 Q. Okay. And so it's all digitally? It's a digital
12 brute force?

13 A. That's correct.

14 Q. And you mentioned -- I forgot the word you just
15 mentioned that I needed to clarify. I forgot, but it was
16 something you said about brute force. Maybe the members
17 of the jury understood, but it will come back to me. I
18 apologize.

19 And so with that you were able to actually access the
20 device, correct?

21 A. I was.

22 Q. And -- oh, I know what it was. You said file system.
23 What is a file system?

24 A. So there are several different extraction methods
25 that you can perform on a device. A logical or advanced

1 logical is the minimal. Essentially the minimal amount
2 of information you're gonna get from the device. You can
3 perform a physical or a file system. The fourth would be a
4 manual extraction, which would be us manually going through
5 the device, but the GrayKey performs a full file system,
6 which is a complete file system of the device itself, and
7 it pulls the most data.

8 Q. Okay. And as it relates to this device, how large was
9 the extraction?

10 A. So the extraction partition size was 29.05 gigabytes.

11 Q. Is that small or large?

12 A. Ten years ago it was large. Today it's small. The
13 minimum -- some phones can vary from 16 to 32 to 64 to a
14 128 to now 256. You know, when the phones come out they
15 ask you what size storage do you want. I think you pay a
16 little more for it. That's what that is.

17 Q. Okay. As it relates to this extraction, were you
18 able to retrieve text messages, call detail location
19 information, if there were apps, applications on the
20 device? Was your extraction able to retrieve that
21 information?

22 A. It was.

23 Q. I'm gonna show you now what's been premarked as
24 State's 63 and ask if you recognize this? Do you recognize
25 this?

1 A. Yes. So this is a report from the extraction that
2 shows the device information. It also has a summary of
3 what version of physical analyzer I used. It has my name
4 and it has the case information on there, as well as notes
5 that show the GrayKey extraction passcode.

6 MS. FULLER: At this time, Your Honor, the State
7 seeks to introduce into evidence State's 63.

8 MR. STANCIL: Without objection.

9 THE COURT: State's Exhibit 63 is admitted into
10 evidence.

11 (State's Exhibit Number 63, an extraction report,
12 was admitted into evidence.)

13 BY MS. FULLER:

14 Q. As it relates to that device, is there -- you
15 indicated it was an iPhone. Is there a device name
16 associated with that iPhone?

17 A. So this is an Apple iPhone XR. The device name is
18 named Miracle's iPhone.

19 Q. Okay. And do you recall her Apple ID? Is that on
20 that document?

21 A. It shows two Apple ID's; one being MiraclePridgen9 at
22 gmail and MiraclePridgen24 at gmail.com.

23 Q. Okay. I'm gonna go ahead and publish it for the jury.
24 If you don't mind pointing out for the jury where to look
25 to see -- help to verify that information.

1 MS. FULLER: Permission for the witness to step
2 down?

3 THE COURT: Yes, ma'am.

4 BY MS. FULLER:

5 Q. If you could point out where is the Apple ID for the
6 jury, as well as the device name.

7 A. So you can see here device name, Miracle's iPhone, the
8 model, and XR, and here are the Apple ID's.

9 Q. Okay. Thank you.

10 Now I'm gonna show you a couple of documents that are
11 already in evidence and I'm gonna ask you to review them
12 and see if you were able to verify them as being portions
13 of the report. If we were to print out entire extraction,
14 how many pages would that be?

15 A. Thousands.

16 Q. Okay. So we're only dealing with certain portions of
17 the actual report, correct?

18 A. That's correct.

19 Q. Looking at State's -- I'm sorry. I'm blocking myself.
20 Looking at State's 48, were you given that to review to
21 verify?

22 A. I was.

23 Q. And were you able to verify that that information was
24 on the device belonging to Miracle Pridgen?

25 A. I was.

1 Q. Now looking at this, publishing State's 48 again,
2 here it's logged as the source being Snapchat?

3 A. That's the application using the device.

4 Q. And it had a timestamp of when an image was posted to
5 Snapchat with a title out here. Were you able to verify
6 that timestamp as well?

7 A. I was.

8 Q. And publishing for the record, it indicates that it's
9 March 16th at 1:25 PM; is that correct?

10 A. That's correct.

11 Q. Now looking at State's 49, were you able to verify
12 that as a portion of the call log associated with the
13 device?

14 A. I was.

15 Q. Okay. And State's 49, publishing just a portion of
16 the call log filtered for Miracle Pridgen's communications
17 with Hubby that we discussed yesterday, were you able to
18 verify that information?

19 A. I was.

20 Q. Now yesterday during testimony we talked about a
21 device connecting by blue tooth to a vehicle. On the
22 extraction, were you able to review device connectivity to
23 a vehicle?

24 A. I was.

25 Q. And were you able to look at the report and verify

1 that that information was on there?

2 A. I was.

3 Q. I'm gonna show you what's been marked as State's 64
4 and 65 and it's a two-page document, each of them, and I'm
5 gonna ask if you can review it and verify that that is what
6 you reviewed and verified on your report?

7 A. It is.

8 Q. And does this appear to be two device connectivity
9 status updates that were on the extraction?

10 A. That's correct. One is the connection and the other
11 is a disconnection.

12 MS. FULLER: At this time, Your Honor, the State
13 seeks to introduce into evidence State's 64 and 65.

14 MR. STANCIL: Without objection.

15 THE COURT: State's Exhibit 64 and 65 are admitted
16 into evidence.

17 (State's Exhibit Number 64 and 65, device
18 connectivity reports, were admitted into evidence.)

19 BY MS. FULLER:

20 Q. Looking at State's 64 first, if you don't mind
21 stepping down, and at the top it says device connectivity,
22 so go ahead and tell us the time.

23 A. The time is showing 3-16-2021 at 1:41 PM.

24 Q. And then the connectivity method?

25 A. It's showing blue tooth and that the nature was it

1 connected at this timestamp.

2 Q. Now on there there's a lot of information like source,
3 source file. What does that all indicate?

4 A. So what this tells me is this tells me where it was
5 stored in the device itself. This is not information that
6 you would see physically on your phone.

7 Q. And now if we slide the document up, there's
8 recognized device connection, and what information is
9 maintained there?

10 A. So a device named Kia Motors connected -- I'm sorry --
11 connected to device Kia Motors at this time period.

12 Q. Okay. And on the second page of that document, can
13 you explain to the jury what's there?

14 A. Again, it's a source file showing the connectivity
15 of where the recognized device would be and then this MAC
16 address. This MAC address would be to the infotainment
17 system inside the vehicle, the Kia Motors vehicle,
18 whichever vehicle that may be. Each MAC address would be
19 unique to the vehicle.

20 Q. And looking at State's 65, a similar document, but a
21 little different. Can you explain that one to the jury?

22 A. So this timestamp shows March 16, 2021, at 2:07 PM.
23 The blue tooth is then disconnected. Again, the source
24 file is showing just where I can find it in my files and
25 then the recognized device that it disconnected from was a

1 Kia Motors with this MAC address.

2 Q. Okay. And I noticed something that we didn't explain
3 yet. I'm gonna go up here. For the timestamp there's a
4 parenthetical that has UTC minus 4. What is UTC?

5 A. UTC is the universal time. It's also known as
6 standard mountain time, but eastern standard time would be
7 a 4-hour difference from UTC time. So Universal minus 4.
8 So if it was, standard mountain, it would say zero plus
9 zero, but you will subtract four. So if you was to add
10 four to this, that would be the UTC time. It's how
11 electronic service providers and Internet service providers
12 they all have one time period by using universal rather
13 than eastern standard because they're all across all time
14 zones.

15 Q. Okay. And so when we're talking about devices, phone
16 records and all that, we typically -- 99 percent of them
17 come over in UTC time and you would have to convert it to
18 eastern time?

19 A. That's correct. And the Cellebrite physical analyzer
20 actually converted it for me to the device's time period.

21 Q. I just have a few more documents to cover. I'm
22 gonna show you State's 66 and 67. And do you recognize
23 State's 66?

24 A. I do. This is another report of calls and messages
25 from the timeline.

1 Q. Okay. And then State's 67, what is that?

2 A. This is a geographical map plotting the same call and
3 message data from the report.

4 Q. Okay.

5 MS. FULLER: At this time, Your Honor, the State
6 seeks to introduce into evidence State's 66 and 67.

7 MR. STANCIL: Without objection, Your Honor.

8 THE COURT: State's Exhibit 66 and 67 are admitted
9 into evidence.

10 (State's Exhibit Number 66, M. Pridgen call log,
11 and State's Exhibit Number 67, M. Pridgen iPhone location
12 map, were admitted into evidence.)

13 BY MS. FULLER:

14 Q. Now yesterday and just now we verified State's
15 Exhibit 49 and this was a report filtered with Miracle's
16 device and communication with Hubby. Now looking at
17 State's 66, this is a similar report filtered with Hubby
18 and there are three lines that are different. Can you
19 please explain that to the jury?

20 A. So if you'll look at this report here, you'll see
21 where you're -- it's referred to as Hubby; is this correct?
22 Is that correct?

23 Q. Yes.

24 A. Okay. And with that timeframe and then if you look at
25 this one, so this is an incoming call and it's showing the

1 same device number as wireless caller. So if you -- and,
2 again, this is the same information here. This is an
3 outgoing call to, this is an incoming. See the difference?
4 Incoming, outgoing. So if you're on an iPhone and you see
5 your favorites and it just says my husband, my wife, all
6 right, your phone knows it's my husband, all right, but
7 when it's incoming it knows the number coming in and it
8 takes a process to be able to recognize oh, yeah, that's
9 Hubby. So sometimes the data doesn't parse it to say
10 that's Hubby, it just shows a wireless caller coming in.
11 That's why you'll see an incoming call.

12 Q. And so when you compare these two documents and you
13 filter it just by the contact name, it generated less
14 information and when you actually filtered by the number,
15 it generated more?

16 A. That's correct.

17 Q. Yesterday we had testimony that Hubby is Tyvon
18 Leaphart and Miracle indicated that was the one call that
19 came in and so a second look at the device this morning,
20 last night --

21 A. Right.

22 Q. -- generated the additional call. Were you able to
23 find one call or more than one call?

24 A. It was more than one shown.

25 Q. Okay. So it actually in this timeframe showed three

1 phone calls, correct?

2 A. That's correct.

3 Q. Now looking at State's 67 -- well, let me back up.

4 Between 1:00 and 2:00 were you able to find location

5 information for Miracle's phone?

6 A. There was.

7 Q. And when you look at that location information, how
8 many data points of location information were you able to
9 find?

10 A. Between the timeframe of 1:00 PM and 2:00 PM it had
11 over 1,000.

12 Q. And what would account for that location information?

13 A. It's all dependent on applications. Whether you're
14 allowing locations to continuing being update, whether you
15 receive an e-mail or receive a text message, sending a text
16 message and calls, updating your health. I mean, a number
17 of things can have access to your location data which would
18 make multiple points.

19 Q. And as it relates to this device and that timeframe,
20 were we initially able to map or look at each of those data
21 points?

22 A. Yes. And many of the over a thousand are duplicates
23 just strictly because multiple applications can be running
24 at the same time. So a lot of them could be duplicate
25 information.

1 Q. And when you were looking at that location path, were
2 you able to see a general path of travel?

3 A. I was.

4 Q. Okay. And looking at State's 67, does this document
5 show a general path of travel with isolated times that line
6 up with the call log -- with this specific call log?

7 A. It does.

8 Q. Now looking at State's 67, if you can just walk the
9 jury through what they're looking at here and then I'll
10 have some specific questions on how that lines up with the
11 call log.

12 A. So if you see in the top left corner where it says
13 called number, so those would reference to the other
14 exhibit for what type of call, whether incoming, outgoing,
15 and then the timestamp, and then you'll see it plotted on
16 the geographical map that coincides with it.

17 Q. And we're gonna jump back and forth a little bit.
18 Looking at State's 66, starting with line 2, which is
19 what's plotted here for that 1:49 call that starts at
20 1:49:40, how long was that call?

21 A. Do you have the -- I don't have a copy of the --
22 Number 2?

23 Q. 2. Uh-huh.

24 A. 57 seconds.

25 Q. Okay. And now looking at this map, is that generally

1 capturing now the location devices? Let's make this clear
2 for the jury. Are these cell tower locations or GPS
3 locations?

4 A. These are GPS locations. So call detail records would
5 be determined from the carrier, the phone carrier, and they
6 provide you with the tower information. Now this that you
7 see is actually GPS locations of the device itself.

8 Q. And so this would be in simple terms more precise than
9 the tower locations?

10 A. In simple terms, yes.

11 Q. Okay. And in simple terms you can actually see dot
12 dot dot dot dot path of travel?

13 A. That's correct.

14 Q. Like, for example, if you were walking in the grocery
15 store and your phone had all your apps on, you can actually
16 see yourself walking through the grocery store?

17 A. That's correct.

18 Q. And so here, what's plotted here, are just the
19 location times that coincide and overlap with the time and
20 the length of the call, correct?

21 A. That's correct.

22 Q. And in looking at the actual data when she is on the
23 device for -- on this phone for 57 seconds, could you tell
24 if the device was actually travelling or moving?

25 A. Yeah, that would be the bottom left that you would see

1 there.

2 Q. And the next line, line 3, which is call 1:51:32, do
3 you see that? Was that also identified on this map? And
4 I think it's best to switch to the next page. So looking
5 at the second page, we see that call at -- we see that
6 location point that coincides with the call at 1:49:38,
7 correct?

8 A. That's correct.

9 Q. And can you publish for the record what street that
10 was on?

11 A. I think it's Bouknight Ferry Road. Is that correct?
12 Bouknight Ferry? Are you talking about the one that you --

13 Q. Oh, you skipped a page. I'm on 2.

14 A. I'm sorry. North Main Street.

15 Q. Okay. And then going to page 3 --

16 A. I apologize for that.

17 Q. No, you're fine. That 1:51:32 call, what street was
18 that on?

19 A. It's hitting at North Bouknight Ferry Road.

20 Q. And then does the device continue to travel at that
21 time?

22 A. It does.

23 Q. And we have information in that the 9-1-1 call was at
24 1:51. I don't know the seconds, but 1:51, and so generally
25 the device was travelling on that road at 1:51, correct?

1 A. That's correct.

2 Q. And she's actually on the phone, correct?

3 A. That's correct.

4 Q. And how long was that call, line 3?

5 A. 45 seconds.

6 Q. And the next point plotted, which is close to this
7 call, line 4, which is the call that starts at 1:52:56, is
8 that also plotted on this map?

9 A. It is.

10 Q. And is the device now on Miranda Avenue at that point?

11 A. It is.

12 Q. And does it continue to travel into what we've been
13 referring to as the trailer park?

14 A. It does.

15 Q. And how long was that call?

16 A. That call was 36 seconds.

17 Q. And the next information that came in were text
18 messages at 1:54:09?

19 A. That's correct.

20 Q. And they're duplicated?

21 A. That's correct.

22 Q. And then for the times that we see that are plotted,
23 we see at 1:53:37 the device is around Miranda Avenue
24 still?

25 A. So on these duplication messages, just to clarify, so

1 most devices have both SMS and MMS capabilities. Many
2 people run into this if you're sending a text message and
3 it says you don't have correct service or whatnot, you can
4 send it as a MMS message, and that's why it's showing a
5 duplication because it saves it incoming in case you can't
6 see through SMS or MMS. So that's why it's showing the
7 duplication. It's the same message. It's one message.
8 You view one message, but just for clarification on this
9 paperwork that's why it showed two.

10 Q. Thank you for that. And then at the 1:54:18, the
11 device is still there on Myranda Avenue when it received
12 that text message?

13 A. Yes.

14 Q. And what does the message say?

15 A. Come across the street.

16 Q. And then now looking at the last page of the exhibit
17 and we see that red line. That red line generally
18 indicates path of travel; is that correct?

19 A. That's correct.

20 Q. And on the red line would be hundreds of data points
21 that are plotted, right?

22 A. That's correct.

23 Q. And they're just not all plotted. So the next time
24 that we see plotted is 1:54:56 and then we see 1:55:45.
25 Looking at what's already in evidence as an aerial, which

1 is State's Exhibit 43, do you see that same establishment
2 where the red line goes through at 1:55:45?

3 A. I do.

4 Q. And what is it identified as on this aerial in State's
5 43?

6 A. It's showing Country Peddler, 437 Travis Avenue.

7 Q. Okay. And in terms of that call, that last call,
8 Line 7, how long was that call?

9 A. 30 seconds.

10 Q. And so you actually see the device turn into the
11 Country Peddler and then it eventually drives out of the
12 Country Peddler, correct?

13 A. Correct.

14 MS. FULLER: I beg the Court's indulgence.

15 No further questions at this time.

16 THE COURT: Cross-examination.

17 MR. STANCIL: Thank you, Your Honor.

18 CROSS-EXAMINATION

19 BY MR. STANCIL:

20 Q. Good afternoon, Detective Womack.

21 A. Good afternoon.

22 Q. The full file system, does that mean that everything
23 is collected off the phone?

24 A. Everything that's available to parse, yes.

25 Q. Okay. So some things can be missed?

1 A. I'm sorry?

2 Q. So some things can be not extracted?

3 A. Well, yes and no. Essentially, again, all of the
4 devices, whether it's -- any computer-type device is stored
5 with ones and zeros. So if you deleted something, that
6 deletion, you may not view it, but it can still be on your
7 device. So essentially the more you use your device, the
8 more you store your device that's deleted that you can't
9 see, eventually can be overlapped and erased.

10 Q. Okay. Thank you. And the map she was just showing
11 you with the red line showing the travel route, that's just
12 the phone. You actually don't know who had the phone or
13 who was with the person who had the phone, correct?

14 A. I do not.

15 MR. STANCIL: No further questions, Your Honor.

16 THE COURT: Any redirect?

17 MS. FULLER: No, Your Honor.

18 THE COURT: The witness can step down.

19 Thank you.

20 (Witness excused.)

21 MR. McNAIR: Your Honor, the State calls Megan
22 Fletcher.

23 THE COURT: Very well.

24 (Whereupon, Megan Fletcher was duly sworn by the
25 Clerk of Court.)

1 THE CLERK: If you will please have a seat.

2 MEGAN FLETCHER,

3 having been duly sworn, testified as follows:

4 DIRECT EXAMINATION

5 BY MR. McNAIR:

6 Q. Good afternoon, Agent Fletcher.

7 A. Good afternoon.

8 Q. Will you please state your full name and spell your
9 last name for the record.

10 A. It's Megan Fletcher, F-L-E-T-C-H-E-R.

11 Q. All right. Can you please tell the jury where you
12 work?

13 A. I work for the South Carolina Law Enforcement Division
14 in the forensic services laboratory in the trace evidence
15 department.

16 Q. All right. And how long have you been in that
17 position?

18 A. Almost sixteen years.

19 Q. Does trace evidence include what's known as gunshot
20 residue or GSR?

21 A. Yes, it does.

22 Q. All right. Can you tell the jury a little bit about
23 your educational background and training in gunshot
24 residue?

25 A. I have my bachelor's degree from Chatham College

1 in biochemistry and English. I also have a master's in
2 forensic science from Marshall University emphasizing
3 in computer forensics and forensic chemistry. Once I
4 started my job at SLED, I underwent in-house training on
5 the instrumentation and the overall aspects of gunshot
6 primer residue that included practical, written and oral
7 examinations, and that was about a year long.

8 Q. All right. And have you previously testified as an
9 expert in gunshot residue analysis in court?

10 A. Yes, I have.

11 Q. Approximately how many time?

12 A. About fifty-five.

13 MR. McNAIR: Your Honor, at this time we'd offer
14 Agent Fletcher as an expert in gunshot residue analysis.

15 MR. STANCIL: No objection, Your Honor.

16 THE COURT: All right. Ladies and gentlemen, this
17 witness will be qualified in the area of gunshot residue
18 analysis and give opinion testimony in that area. It
19 doesn't mean you must accept the opinion, but it's
20 evidence for you to use in any way you see fit.

21 MR. McNAIR: Thank you.

22 BY MR. McNAIR:

23 Q. Agent Fletcher, will you explain to the jury just
24 what gunshot residue is?

25 A. So gunshot residue is everything that comes out of

1 a gun when it's fired; the smoke, the soot, fragments of
2 the bullet, burned and unburned propellant, but it also
3 includes gunshot primer residue, and that's what we look
4 at at SLED. Gunshot primer residue are microscopic molten
5 particles that contain the elements lead, barium and
6 antimony.

7 Q. All right. And where can gunshot residue or the
8 particles come out of a firearm?

9 A. It depends on the type of firearm that's used. In a
10 semiautomatic, it would come out of the muzzle primarily,
11 but it can also come of the ejector port, but in a revolver
12 you have a couple more gaps like where the cylinder gaps
13 are and it would also come out of there.

14 Q. So pretty much any opening on a firearm?

15 A. That's correct.

16 Q. Okay. And how can somebody -- or I guess what does
17 the presence of gunshot wound residue on somebody indicate
18 to you?

19 A. That they were in the vicinity to the discharge of a
20 firearm, which includes firing, or they came into contact
21 with something that has gunshot primer residue on it.

22 Q. All right. As far as being in the vicinity of a
23 firearm, how close would you have to be to get gunshot
24 residue on you? Just generally.

25 A. So typically when a gun is fired, it goes about two

1 to three feet to either side, two to three feet behind and
2 outwards of 60 feet in front of the muzzle of the firearm
3 travelling along with the bullet.

4 Q. All right. Now tell the jury just about how fragile
5 gunshot residue is.

6 A. So gunshot primer residue is the type of evidence
7 that's very easily removed. Not only can you just wash it
8 off, but you can also transfer it to other objects by
9 touching them. So if you put your hands in your pockets,
10 you are removing gunshot primer residue. If you touch your
11 steering wheel, you're transferring that gunshot primer
12 residue to your steering wheel. So that's why we have a
13 timeframe in which we will analyze a kit because the
14 normal physical activity of an individual will actively
15 remove that GSR.

16 Q. And is there any like common household item that we
17 would be familiar with that's similar to gunshot residue as
18 far as how fragile it is?

19 A. I think like you could think of a transfer moment like
20 if somebody put their hands in flour when they're baking,
21 you can actually see that transfer happening from their
22 hands to their apron or to the countertop.

23 Q. Okay. How long would you expect -- I guess it depends
24 on the location, but how long would you expect gunshot
25 residue to remain on a person?

1 A. So on a living individual, we only expect it to remain
2 up to four to six hours. SLED's policy is that we will not
3 analyze a GSR kit after six hours because it is so actively
4 removed while you're just doing your daily activities.

5 Q. Okay. And if it's on an area like your hands like
6 you said that you regularly use or put in your pockets or
7 something like that, how long would you expect gunshot
8 residue to be on somebody's hands?

9 A. From the time of an incident up to four to six hours.

10 Q. Up to four to six?

11 A. Correct.

12 Q. Okay. And it could be less than that, correct?

13 A. Correct. It just depends on how much activity you
14 were doing.

15 Q. Now some items were submitted to you to analyze in
16 this case; is that correct?

17 A. That's correct.

18 Q. And did that include clothing identified as belonging
19 to Mr. Hood?

20 A. That's correct.

21 Q. And also a gunshot residue from Mr. Hood's hand?

22 A. Yes, sir.

23 Q. And did you also get clothing belonging to a Shawn
24 Pridgen?

25 A. Yes, I did.

1 Q. All right. Now, Agent Cirencione, formerly Jazic, was
2 here earlier and testified about taking the GSR kit from
3 his hands and how that's done. How do you collect gunshot
4 residue off of items like clothing?

5 A. So the process is very similar. Using the same
6 particle lifts that are used on the hands, we use those to
7 collect potential evidence off of clothing. So from like
8 a T-shirt we would select areas from the right sleeve and
9 the right chest area on one particle lift and the left
10 sleeve and the left chest on another particle lift.

11 Q. All right. And these boxes were opened today in
12 court, but I want to show you State's 58, which was
13 identified as clothing belonging to Mr. Hood, and have you
14 look at that and tell me whether or not that's the clothing
15 that you analyzed for this case. And we've got some gloves
16 right here if you need to --

17 A. From the outside of the box, I can tell that it's
18 associated with SLED Lab L21-04523 and I see the forensic
19 technician's initials on here that processed this clothing.

20 Q. Okay. And that was the clothing belonging to
21 Mr. Hood, right, that was analyzed?

22 A. Yes, sir.

23 Q. And State's -- do you see the exhibit number on there?
24 State's 59.

25 A. State's Exhibit 59 is a container labeled with the

1 SLED barcode L21-04523, Container C, and I also recognize
2 the initials of the forensic technician on this as well.

3 Q. Okay. And now State's 60. Can you identify that?

4 A. State's Exhibit 60 is a heat-sealed pouch with SLED
5 barcode L21-04523, Container D, and I can also identify it
6 based upon my initials and the date in which I sealed it.

7 Q. And are those all of the particle lifts that were
8 taken from Mr. Hood's clothing?

9 A. Yes.

10 MR. McNAIR: Your Honor, we'd offer State's 60 into
11 evidence at this time.

12 MR. STANCIL: No objection, Your Honor.

13 THE COURT: State's Exhibit 60 is admitted into
14 evidence.

15 (State's Exhibit Number 60, Hood particle lifts, was
16 admitted into evidence.)

17 BY MR. McNAIR:

18 Q. And State's Exhibit 61.

19 A. State's Exhibit 61 is labeled with SLED barcode
20 label L21-04532, Container E. I can also identify it with
21 my initials and the date in which I sealed this heat-sealed
22 pouch.

23 Q. And are those the particle lifts taken from
24 Mr. Pridgen's clothing that were analyzed by you?

25 A. Yes, they are. Yes, sir.

1 MR. McNAIR: Your Honor, we'd offer State's 61 into
2 evidence.

3 MR. STANCIL: Without objection, Your Honor.

4 THE COURT: State's Exhibit 61 is admitted into
5 evidence.

6 (State's Exhibit Number 61, S. Pridgen particle
7 lifts, was admitted into evidence.)

8 BY MR. McNAIR:

9 Q. And State's 54, which is already in evidence and
10 identified as a GSR kit taken from Mr. Hood, is this also
11 an item that you analyzed?

12 A. State's Exhibit 54 is labeled as SLED Lab L21-04573,
13 Item Number 7, and I can also identify it based upon my
14 initials and the date in which I sealed this heat-sealed
15 pouch.

16 Q. All right. Thank you.

17 Let's talk about -- let's talk about this kind of
18 in whole. As far as the clothing submitted to you as
19 belonging to Mr. Hood, did you find any gunshot residue on
20 his clothing?

21 A. May I refer to my notes?

22 Q. Yes, ma'am.

23 A. In the samples collected from the clothing for items
24 6, 7, 8 and 9 from Mr. Hood -- I'm sorry -- particle
25 characteristics of gunshot primer residue were found.

1 Q. Okay. How many and on what items of clothing?

2 A. Okay. Two particles were found on the pants and one
3 was on the right side of those pants and one was on the
4 left side of those pants, and that was the total number of
5 particles.

6 Q. Okay. Now in regards to the GSR kit from his hands,
7 did you find any GSR on Mr. Hood's hands?

8 A. From the GSR kit collected from Aaron Hood, particles
9 characteristic of gunshot primer residue were found.

10 Q. On his hands?

11 A. Yes, sir.

12 Q. Okay. All right. How about the clothing belonging to
13 Mr. Pridgen?

14 A. In the samples collected from the items belonging to
15 Pridgen, particles characteristic of gunshot primer residue
16 were found.

17 Q. Okay. And do you know where those particles were
18 found?

19 A. Yes, sir. One particle was found on the right side
20 of the jeans, one particle was found on the right chest of
21 the North Face jacket and one was found on the left sleeve
22 of the North Face jacket.

23 Q. Okay. Now I guess if somebody was wearing a jacket
24 over another shirt, would you expect to find gunshot
25 residue on the T-shirt underneath?

1 A. No, sir. We typically only expect that gunshot primer
2 residue to land on immediate objects. So if you have an
3 intervening object like a jacket over a shirt, the majority
4 of it should land on the jacket over the shirt.

5 Q. Okay. Just to reiterate what you testified to
6 initially, the presence -- you said that if somebody was
7 within, I guess, three feet to either side of a firearm
8 when it was discharged or up to 60 feet in front or three
9 feet behind, that would be within the zone of -- I guess
10 the range where you could get gunshot residue on you?

11 A. Yes, sir, that is correct.

12 Q. Okay. So that would indicate if somebody could
13 potentially have been present when a shot was fired or
14 fired the shot themselves?

15 A. Or it could have got on them from touching an object
16 that had gunshot primer residue on it.

17 Q. Okay. But in this case, the particles were located
18 in different -- several different locations on Mr. Hood,
19 right? His hands and his pants?

20 A. On Mr. Hood, yes, there was particles on his hands and
21 on his pants.

22 Q. Okay.

23 MR. McNAIR: That's all the questions I have.

24 Please answer any questions the defense has.

25 THE COURT: Cross-examination.

1 MR. STANCIL: Thank you, Your Honor.

2 CROSS-EXAMINATION

3 BY MR. STANCIL:

4 Q. Good afternoon, Ms. Fletcher.

5 A. Good afternoon.

6 Q. I want to start with the zone of or vicinity where you
7 said gunshot primer residue could be found. You said give
8 or take three feet on sides, back, and maybe up to 60 feet
9 from the barrel?

10 A. Correct.

11 Q. But that's not an exclusion zone. It could be more or
12 less, correct?

13 A. Yes, sir.

14 Q. Okay. Now on the clothing submitted for Mr. Hood and
15 Mr. Pridgen, gunshot primer residue was found on every
16 article you tested?

17 A. No, sir. Only on the articles that I described.

18 Q. Which ones didn't have particles?

19 A. So Item 6, the Nike -- black Nike hooded sweatshirt,
20 I did not detect any gunshot primer residue particles.
21 The black Nike tennis shoes, our Item Number 8, did not
22 contain any gunshot primer residue particles. And the blue
23 Nike T-shirt, Item Number 9, did not contain any particles
24 characteristic of gunshot primer residue.

25 And then from Mr. Pridgen, the lifts from the Air

1 Jordan tennis shoes did not contain any gunshot primer
2 residue, the lifts from the white brand Pink sweatshirt
3 did not contain any gunshot primer residue particles, and
4 the lifts from the gray shorts did not have any gunshot
5 primer residue particles.

6 Q. Thank you. So just to clarify, Item 6, the black
7 Nike hooded sweatshirt that Mr. Hood was wearing, did not
8 have particles?

9 A. I did not detect any gunshot residue particles.

10 Q. Did not detect particles?

11 A. Correct.

12 Q. Okay. Can you get gunshot residue or GSR on your
13 hands just from touching something?

14 A. If that object had gunshot primer residue on it to
15 begin with, yes.

16 Q. So if you were to touch another, I guess, item of
17 clothing that someone was wearing that had gunshot residue
18 on it, it would be very possible for you to get gunshot
19 residue on your hand?

20 A. Yes, sir.

21 MR. STANCIL: No more questions, Your Honor.

22 THE COURT: Any redirect?

23 MR. McNAIR: One second, Your Honor.

24 No further questions, Your Honor.

25 THE COURT: All right. The witness may step down.

1 Thank you.

2 (Witness excused.)

3 MS. FULLER: The State calls Rachel Nguyen.

4 (Whereupon, Rachel Nguyen was duly sworn by the
5 Clerk of Court.)

6 RACHEL NGUYEN,

7 having been duly sworn, testified as follows:

8 DIRECT EXAMINATION

9 BY MS. FULLER:

10 Q. Can you go ahead and state your full name spelling
11 your last for the record?

12 A. My name is Rachel Nguyen, N-G-U-Y-E-N.

13 Q. And where are you currently employed?

14 A. I'm currently employed at the South Carolina Law
15 Enforcement Division.

16 Q. In what department?

17 A. I work within the DNA casework department.

18 Q. And in what capacity?

19 A. I am a forensic scientist.

20 Q. In what field?

21 A. So primarily I do serology, which is body fluid
22 identification, as well as evidence processing. I also
23 do a portion of the DNA analysis.

24 Q. And can you go ahead and describe for the jury what
25 your training, education and your background is in the

1 field of serology?

2 A. So I have two bachelor's of science degrees from the
3 University of New Haven; one in forensic science and one
4 in biology. Upon being employed within the DNA casework
5 department, I underwent approximately a year-long training
6 program under court-qualified present serologists. So
7 during that time I was able to observe the different types
8 of testing and evidence collection processes, as well as
9 practice them. I was also able to observe courtroom
10 testimony and at the end of my training period, I then
11 underwent competency testing. So that's testing my
12 knowledge and ability to perform all these different
13 types of processes and analysis independently. Our
14 competency testing has four components; a written exam,
15 an oral exam, a mock case and a mock court. Once I
16 successfully complete all the components, then I am able
17 to perform the different types of analysis and evidence
18 processing independently.

19 Q. Thank you. Have you testified in court before?

20 A. I have.

21 Q. Approximately how many times?

22 A. Twenty-five.

23 Q. And that was in the field of serology, correct?

24 A. Approximately twenty of them were in the field of
25 serology.

1 Q. Thank you.

2 MS. FULLER: Your Honor, at this time the State
3 seeks to offer Agent Rachel Nguyen as an expert in the
4 field of serology.

5 MR. STANCIL: No objection, Your Honor.

6 THE COURT: All right. Ladies and gentlemen, this
7 witness will be qualified in the area of serology and give
8 opinion testimony in that area. It doesn't mean you must
9 accept the opinion, but it's evidence for you to use in
10 any way you see fit.

11 BY MS. FULLER:

12 Q. And I know in the qualifications you indicated what
13 serology was. Can you elaborate on actual -- simple terms
14 what exactly is serology?

15 A. Yes. So serology is body fluid identification, so
16 that means we have different types of tests either,
17 presumptive, meaning to indicate the possible presence of
18 a body fluid, or confirmatory, which is confirming the
19 presence of a body fluid. The three body fluids that we
20 have testing for at SLED are blood, semen and saliva.

21 Q. As it relates to the SLED's Lab Number L21-04573, did
22 you have an opportunity to process SLED Item 3 and 9?

23 A. I did.

24 Q. And what exactly is evidence processing? What do you
25 have to do as far as to process SLED Item 39?

1 A. So evidence processing is the general term we use.
2 It can apply to anything that needs body fluid testing. In
3 addition, there are touch and ownership requests. So as it
4 applies to this case, Item 3 is a cartridge case, so that
5 was submitted with a touch analysis request. So I'm going
6 to swab the exterior of the cartridge case to collect any
7 DNA left behind from handling that object.

8 Q. And then as it relates to Item 9, what was the
9 request?

10 A. So Item 9 came in with a blood and ownership request,
11 so I did look for staining that would be consistent with
12 blood and did a presumptive test to look for blood. I also
13 did the ownership testing. So ownership is processing an
14 item to try to determine the primary wearer of that item.
15 So for Item 9, it is a jacket, so I'm going to scrape the
16 -- sorry -- I scrape the interior cuffs, collar and zipper
17 slider of the jacket because those are areas that are
18 commonly touched while wearing that item coming in friction
19 with your body where you might leave behind lots of skin
20 cells.

21 Q. Okay. And when a request for ownership is done,
22 that's the typical process, correct?

23 A. Yes. And we also look for hair when we do ownership
24 processing.

25 Q. Now looking at State's 55, go ahead -- it's already in

1 evidence, so I just need you to recognize it.

2 A. State's 55 is consistent with SLED Item 9, which is
3 the blue Nike jacket.

4 Q. And then I'm gonna show you State's 52 that's already
5 in evidence as well and see if you recognize it as well?

6 A. And State's 52 I do recognize. It's consistent with
7 Item 3, which is that cartridge case. What I was looking
8 for is the unique SLED lab number, item number, and then
9 when I open an item I put my initials and date as well.

10 Q. Now I'm gonna show you what's been marked for
11 identification at this time State's 53 and have you take
12 a moment to recognize that.

13 A. I do recognize State's 53. It is SLED Item 3.1, which
14 are the swabs that I took off of the cartridge casing.

15 MS. FULLER: At this time, Your Honor, the State
16 seeks to introduce into evidence State's 53.

17 MR. STANCIL: Without objection, Your Honor.

18 THE COURT: State's Exhibit 53 is admitted into
19 evidence.

20 (State's Exhibit Number 53, DNA swabs/cartridge
21 case, was admitted into evidence.)

22 BY MS. FULLER:

23 Q. I'm gonna show you what's been marked for
24 identification as State's 69, and then specifically
25 State's 56 and 57 inside, and ask you if you recognize

1 them?

2 A. You said State's 56 and 57?

3 Q. Yes.

4 A. Yes, I do recognize them. These are items I created,
5 so they have the unique SLED lab number, item number, my
6 initials and date on the seal. State's Exhibit 56 is
7 consistent with SLED Item 9.1, which is a cutting from the
8 interior back of the blue Nike jacket, and State's 57 is
9 SLED Item 9.2, which is consistent with the swab from those
10 areas I mentioned that I collected ownership from.

11 MS. FULLER: At this time, Your Honor, the State
12 seeks to introduce into evidence State's Exhibit 56 and
13 57. 69, the bag, will be for identification.

14 MR. STANCIL: Without objection, Your Honor.

15 THE COURT: So that will be State's Exhibit 56 and
16 57 are admitted into evidence.

17 MS. FULLER: Thank you, Your Honor.

18 (State's Exhibit Number 56, a cutting from jacket,
19 and State's Exhibit Number 57, scraping/swabs from
20 clothing, are admitted into evidence.)

21 BY MS. FULLER:

22 Q. Looking at Exhibit 56, where would I see your
23 initials? That would be on the back?

24 A. Yes, the initials and date.

25 Q. And on the front here for 9.1 of the jacket, the

1 interior back, and then blood is requested on that. Was
2 there any presumptive testing done on 9.1?

3 A. Yes. So the jacket came in with a blood request, so
4 I visually examined the jacket for any staining that may
5 be consistent with blood. I located a stain, which is
6 now identified as Item 9.1. I removed it from the jacket
7 because when I presumptively tested it for the possible
8 presence of blood it was positive.

9 Q. And I'm gonna use a photograph versus you having to
10 handle the item if it will help. If not, we can go ahead
11 and take the item out. I'm looking for State's Exhibit 19,
12 which is a photograph of the item, and do you see on there
13 the item of where Item 9.1 was collected?

14 A. I do not.

15 Q. Okay. Do we need to take the actual item out?

16 A. Possibly.

17 Q. Okay. Let me get you some gloves.

18 A. I have gloves.

19 Q. Okay. And if you can, just point out for the jury --
20 sorry, I was trying to save you the gloves --

21 A. That's okay.

22 Q. -- but point out for the jury where 9.1 was generated.

23 A. May I stand?

24 THE COURT: Yes, ma'am.

25 A. So it's right here. I labeled it presumptive blood

1 test result with a positive staining and then as well as
2 the sub item that I labeled it once it was removed.

3 Q. And then while we're there, we'll just do 9.1 at the
4 same time.

5 A. Okay.

6 Q. So 9.1, similarly, State's Exhibit 57, the back with
7 your initials. On the front it has A, DNA, 9.2, and if
8 you can just show the jury where exactly you would have
9 collected -- generated 9.2 from.

10 A. So 9.2 came from scraping the interior cuffs, collar
11 and zipper, so I labeled them 9.2 on the cuffs, on the
12 collar and then very small on the zipper.

13 Q. Okay. And all of that for 9.2 was done to determine
14 ownership, correct?

15 A. Yes, that's correct.

16 Q. And you can go ahead and box it up.

17 A. (Witness complies.)

18 Q. And then just so it's clear for the jury as well,
19 when we talk about identifying ownership of who wore that
20 jacket or who it belonged to, are those locations the
21 accepted locations to test in the field?

22 A. Yes. So obviously you interact with different
23 articles of clothing different ways. For a jacket, ideally
24 most times you have a shirt underneath, so your skin is
25 gonna be coming into contact with probably the cuff, your

1 collar as it's rubbing against your neck, and then you're
2 using the zipper to pull it up and down, so those are the
3 best areas to try to collect any skin cells that are left
4 behind.

5 Q. Okay.

6 MS. FULLER: I believe that's it, but I beg the
7 Court's indulgence.

8 Okay. No further questions at this time.

9 Thank you so much.

10 THE COURT: Cross-examination.

11 MR. STANCIL: Thank you, Your Honor.

12 CROSS-EXAMINATION

13 BY MR. STANCIL:

14 Q. Good afternoon, Ms. Nguyen.

15 A. Good afternoon.

16 Q. When you tested the cartridge case, did any match come
17 back?

18 A. I did not do any testing per se. I just did the
19 evidence collection, so I would have swabbed the exterior.

20 Q. Okay. So you just swabbed the exterior of the
21 cartridge?

22 A. So I swabbed the exterior of the cartridge with a
23 swab. I then prepared them for DNA analysis, which
24 involved just cutting a portion of the swab, placing it
25 into a tube, labeling that tube with the SLED item number

1 and case number, packaging it all together, sealing it up
2 and then forwarding it for further analysis to a DNA
3 analyst.

4 Q. And just for clarification, that's the same thing you
5 did with the jacket parts as well, correct?

6 A. That's correct. So all of the collection that I took
7 off of the jacket was prepared in a similar matter and then
8 forwarded for further analysis.

9 MR. STANCIL: Thank you. No more questions, Your
10 Honor.

11 THE COURT: Any redirect?

12 MS. FULLER: No, Your Honor.

13 THE COURT: All right. The witness may step down.
14 (Witness excused.)

15 MS. FULLER: Thank you, Your Honor.

16 The State calls Sarah Zapata.

17 THE COURT: Everybody on the jury doing okay?
18 Okay.

19 (Whereupon, Sarah Zapata was duly sworn by the
20 Clerk of Court.)

21 SARAH ZAPATA,

22 having been duly sworn, testified as follows:

23 DIRECT EXAMINATION

24 BY MS. FULLER:

25 Q. You can go ahead and state your name, spelling your

1 last on the record.

2 A. Sarah Zapata, Z-A-P-A-T-A.

3 Q. And can you introduce yourself to the jury? Where are
4 you employed?

5 A. I'm employed by the South Carolina Law Enforcement
6 Division, commonly known as SLED.

7 Q. Okay. Can you pull the mic a little bit closer?

8 A. (Witness complies.)

9 Q. Perfect.

10 And how long have you worked at SLED?

11 A. A little over eight years.

12 Q. In what capacity?

13 A. I am an analyst in the DNA casework department.

14 Q. And can you explain to the jury what is your training,
15 education and your background as it relates to the field of
16 DNA analysis?

17 A. I have a bachelor of science in forensic science
18 from Pennsylvania State University. Upon employment at
19 SLED, I went through a training process for approximately
20 a year and a half under a qualified DNA analyst and that
21 training consisted of our different laboratory procedures,
22 the interpretation process, calculating statistics and
23 preparing a report. In order to successfully complete that
24 program and be authorized to perform casework, I had to
25 complete several training samples, pass multiple written

1 exams, complete several mock cases, a mock trial, an oral
2 exam, as well as a competency, and then any time we bring
3 any kind of new technology or technique online, I also
4 have to read all of the supporting documentation for that,
5 undergo training and successfully pass a competency test in
6 that as well. And then we're also required to successfully
7 pass two proficiency tests each year, which is like a mock
8 case that an external agency will send us and we have to
9 take it through all of our laboratory procedures, submit
10 our results to them and then they confirm that we got the
11 right answers. And then we have to have several hours of
12 continuing education, so going to conferences, attending
13 different trainings, all to just stay up to date on new
14 developments in the field.

15 Q. And have you testified in court before?

16 A. I have.

17 Q. And approximately how many times in the field of DNA
18 analysis?

19 A. Twenty-one.

20 Q. And you've been offered as an expert all twenty-one
21 times, correct?

22 A. Yes.

23 MS. FULLER: Your Honor, at this time the State
24 seeks to introduce Agent Sarah Zapata as a expert in the
25 field of DNA analysis.

1 MR. STANCIL: No objection, Your Honor.

2 THE COURT: All right. Ladies and gentlemen, this
3 witness will be qualified in the area of DNA analysis
4 and can give opinion in that area. It doesn't mean you
5 have to accept the opinion, but use it any way you see
6 fit.

7 BY MS. FULLER:

8 Q. And I apologize. Did I pronounce your name wrong?

9 A. I don't think you did. Zapata.

10 Q. Zapata. I apologize. Thank you.

11 And can you go ahead and let's start with what is DNA.

12 A. DNA is a chemical that is found throughout your body.
13 You inherit half from your mom and half from your dad and
14 it's unique to you as an individual unless you have an
15 identical twin.

16 Q. And how are you able to, I guess, isolate or test DNA
17 on, I guess, an item when a request comes in?

18 A. Do you mean like the laboratory procedures?

19 Q. Yes.

20 A. So when item is submitted with a DNA request, first
21 we'll see what the item request is, what is the kind of
22 request that is on it, and that will determine how we do
23 our DNA extraction, which is just how we separate the
24 DNA from the actual item of evidence whether that's a
25 swab or a cutting or something else. The next step is

1 quantitation, which is where we're trying to determine the
2 amount of DNA that is present on that sample because we
3 want to optimize the amount of DNA that we're using for
4 the next step, which is amplification. And so when we're
5 looking at our DNA profiles, we're just looking at specific
6 areas that have been shown to vary among individuals, and
7 so during amplification, we are targeting those specific
8 areas and making lots and lots of copies of that so that
9 the last instrument can actually separate those areas
10 into the DNA profile, and then we will interpret that DNA
11 profile, determine if it's suitable for use for comparison
12 according to our protocols. If it is, then we'll compare
13 it to any known standards which have undergone the same
14 laboratory procedures and then calculate the appropriate
15 statistics and prepare a report.

16 Q. Let's talk about specifics. And you say the report?

17 A. Okay.

18 Q. How exactly are the results reported out?

19 A. We'll prepare a report of all the evidence that was
20 tested, any presumptive or serology testing that is
21 conducted, and then the statistics that are calculated are
22 listed on the report for each individual that is being
23 compared to the item.

24 Q. Okay. We're gonna go back and forth a little bit,
25 but back in the day when I started you could say a match.

1 Now you guys do proposition sets, correct?

2 A. Right. The way that we calculate statistics is
3 different now.

4 Q. Okay. And so it can be overwhelming for people who
5 have never dealt with DNA before, correct?

6 A. A little bit.

7 Q. So we're gonna try to break it down. As it relates
8 to SLED Lab Number L21-04573, specifically SLED Item 3
9 and SLED Item 9, specifically SLED 3.1, 9.1 and 9.2, as it
10 compares to SLED Item 1 and 2, we'll be talking about those
11 results. I'm just gonna give you them all collectively
12 right now to recognize and identify and then we'll discuss
13 the results.

14 A. Okay. Do you want me to read the exhibit numbers?

15 Q. That would be helpful.

16 A. Exhibit State's Exhibit 50 is our Container C, which
17 contains items 1 and 13. State's Exhibit 51 is our
18 Container D, which contains items 2 and 14.

19 Q. And then let's go back to the first one. That first
20 one, who was that associated with?

21 A. Item 1 is two buccal swabs from Aaron Hood.

22 Q. Okay. And then Item 2, who is that associated with?

23 A. Buccal swabs from Xavier Cancer.

24 Q. Okay. And now let's look at SLED Item 3.1, which is
25 State's Exhibit Number 53. And do you recognize that?

1 A. Yes. This is our Container E, which has Item 3.1 and
2 Item 15.

3 Q. And then the last two, 9.1 and 9.2, SLED item numbers,
4 do you recognize those?

5 A. Yes. State's Exhibit 56 is 9.1 and State's Exhibit 57
6 is 9.2.

7 Q. And we just heard that 3.1 and the process of how
8 that was generated. When it comes to your analysis, do you
9 actually see the original items, Item 3 and Item 9?

10 A. No, I do not.

11 Q. Okay. And so when it comes to your analysis, you're
12 dealing with the SLED-generated .1's or .2's, correct?

13 A. Typically, yes.

14 Q. And so when you see a point in an item number, that
15 means it was created in the laboratory, correct?

16 A. Yes, and it was taken from whatever that first number
17 item was.

18 Q. So as it relates to the swabs from the cartridge
19 casing, what were your results?

20 A. That's for 3.1?

21 Q. 3.1.

22 A. For item 3.1, no DNA profile was developed.

23 Q. And when it comes to a cartridge casing like the one
24 in this case, is it likely to get DNA off of a spent casing
25 or what factors would impact the ability to not develop any

1 profile?

2 A. So for items such as cartridge casings, we're
3 typically looking for what we call touch DNA, which is
4 DNA that is left behind when an individual touches an
5 item. And there are many different factors that can
6 affect whether any touch DNA is left behind such as the
7 personal hygiene of the person who may be touching the
8 item. You know, if they've washed their hands recently
9 they may not leave as many skin cells behind as someone
10 who has not washed their hands recently. There are also
11 some people who just shed naturally more skin cells than
12 other people and so they could leave more DNA behind.
13 There's environmental factors such as humidity or rain or
14 sunlight. All the of those can limit the amount of DNA
15 that we can collect from an item. It is possible to get
16 DNA off of cartridge cases, which is why we attempt to
17 recover a DNA profile from those items, but not -- I'm
18 not a firearms expert, but it's my understanding that as
19 cartridges are leaving the weapon they undergo some pretty
20 extreme conditions, so that can affect whether any DNA is
21 recovered.

22 Q. Okay. And then just thinking commonly here, I'm
23 touching this podium. There's a potential, depending on
24 how I'm sweating or how I, I guess, leave my skin cells,
25 say I'm touching it all day and you may not find my DNA on

1 it; is that correct?

2 A. Correct.

3 Q. Okay. And so when we watch CSI or Law and Order and
4 every case has DNA, how does that compare to real life?

5 A. I mean, they have to make it fit into a nice story
6 line for a TV show, so it's not ever exactly like that in
7 real life.

8 Q. Okay. Now let's talk about the jacket. There was
9 an ownership request as well as DNA requests, correct, on
10 that? Ownership and there was a presumptive positive for
11 blood as it relates to 9.1?

12 A. Yes, there was a DNA blood and DNA ownership request
13 on that.

14 Q. So let's first talk about the blood results as 9.1,
15 and that was positive for blood. Were you able to develop
16 a DNA profile suitable for comparison?

17 A. Yes.

18 Q. And were you able to determine if it was a single
19 source or a mixed source?

20 A. For 9.1 the DNA profile was interpreted as single
21 source.

22 Q. And what does that mean when it's a single source?

23 A. So when we are determining if the profile is suitable
24 for comparison, the first thing we do is see how many
25 individuals does it appear that this profile is according

1 to our protocol. So single source would be it looks like
2 DNA from just one individual based upon our protocol and
3 what we know of biology and a mixture it looks like there
4 is more than one individual's DNA present.

5 Q. And as it relates to the DNA found on the jacket, and
6 we already saw the portion of where it was cut from on the
7 jacket, were you able to determine whose DNA that was? I
8 know.

9 A. So we don't ever say the DNA is from this exact
10 person. The way that we do our comparison is we calculate
11 something called the likelihood ratio and that is just
12 given the result that we have, in this case the DNA
13 profile that is interpreted as single source, what are
14 some possible explanations for that DNA profile. And so
15 we will have Scenario A and Scenario B, kind of like on
16 a seesaw, and the likelihood ratio will be in support of
17 one scenario over the other being a better explanation
18 for the profile that we have.

19 And that sounds very complicated, but you do these
20 kind of comparisons all the time subconsciously. So,
21 for example, if there's a plate of cookies on the table
22 and you have a 5-year-old and a newborn and you walk away
23 and come back and all the cookies have been eaten, there's
24 two explanations for how the cookies were eaten, right?
25 Either the 5-year-old ate them or the newborn ate them,

1 and it's very obvious which scenario is more likely right,
2 the 5-year-old was eating the cookies, so that is kind of
3 how the statistic works.

4 It's looking at the actual DNA profile in evidence
5 and then comparing that person to the profile, and so the
6 way we set up a scenario is on one side of the seesaw is
7 the person who's being compared and then to have something
8 to contrast that with is an unidentified unrelated
9 individual.

10 So for a single source profile, which actually
11 answers the question on the comparison, the first scenario
12 is the DNA -- or sorry. The first scenario is Aaron Hood
13 contributed the DNA profile and the second scenario is an
14 unidentified unrelated individual contributed the DNA
15 profile, and the results of that comparison is the DNA
16 profile is approximately 430 septillion times more
17 likely if Aaron Hood contributed the profile than if an
18 unidentified unrelated individual contributed the profile.

19 Q. So a reasonable inference is that the blood belongs to
20 Aaron Hood? I know.

21 Next question. So when we talk about septillion, how
22 many zeros are we talking about?

23 A. It would be twenty-four zeros after the 430.

24 Q. So the results here, and I understand the seesaw, but
25 the proposition set the way it's reported out indicates

1 that the DNA profile, which is a single source, is
2 approximately 430 plus twenty-six zeros?

3 A. Twenty-four after the 430.

4 Q. So twenty-four after the 430 times more likely to be
5 Aaron Hood's DNA than an unidentified unrelated individual?

6 A. So we don't every say it is that person's DNA because
7 we're not matching anymore --

8 Q. Correct.

9 A. -- but the better explanation of the DNA profile is
10 the DNA profile is approximately 430 septillion times more
11 likely if Aaron Hood contributed the profile than if an
12 unidentified unrelated individual contributed the profile.

13 Q. And let's talk about likelihood ratios so we can gauge
14 what this means also. When we -- how are -- based on your
15 standards, are there different levels of likelihood ratios?

16 A. Are you referring to the verbal scale?

17 Q. I am.

18 A. So what we include on our reports to kind of explain
19 what the numbers mean is a verbal scale and that scale
20 gives a range for the strength of the support. And that's
21 any -- the scale goes from one to a million and so a
22 million is our highest level of support and we call that
23 very strong support. So anything greater than a million
24 would be very strong support.

25 Q. And how many zeros are in a million?

1 A. Six.

2 Q. And for your results it was twenty-four after the 430,
3 correct?

4 A. Correct.

5 Q. And so based on the verbal support for this first
6 proposition set, this is very strong support in favor of
7 it more likely being Aaron Hood than another unrelated
8 unidentified individual contributing to the single source
9 DNA profile?

10 A. It's very -- it's very strong support for Aaron Hood
11 being included as a contributor over an unidentified
12 individual.

13 Q. And then when we say contributor, this is a single
14 source, correct?

15 A. Correct.

16 Q. Okay. Now let's look at 9.2, which is the ownership
17 request here, and just so it's clear again, this scraping
18 included the interior cuffs, the collar and the zipper
19 slider, correct?

20 A. Correct.

21 Q. And so the slider is not necessarily interior, but
22 it's what we're looking at going up and down that you would
23 grab on the exterior of the jacket, correct?

24 A. Correct.

25 Q. So looking at 9.2, were you able to develop a DNA

1 profile suitable for comparison?

2 A. Yes.

3 Q. And were you able to determine if this mixture was a
4 single source or a non-single source?

5 A. The DNA profile was interpreted as a mixture
6 originating from three individuals.

7 Q. And I gave you SLED Item 1 and 2 and you had DNA
8 profiles -- you were able to develop DNA profiles as it
9 relates to Aaron Hood and Xavier Cancer to compare to this
10 sample, correct?

11 A. Correct.

12 Q. And on this result, your result reported out three
13 different proposition sets, correct?

14 A. Yes.

15 Q. And can you go ahead and explain those to the jury and
16 then we'll talk about your results.

17 A. Sure. So for a mixture when we are making a
18 comparison with an individual, we are going to also account
19 for the other individuals who are possibly present in that
20 mixture. So the first scenario in this case would be the
21 person being compared and two unidentified unrelated
22 individuals contributed to the mixture versus three
23 unidentified unrelated individuals contributed to the
24 mixture. Those are two sides of our seesaw. And because
25 we have multiple people being compared, there will be a

1 proposition set with results for each individual and then
2 if multiple people are included when making that comparison
3 individually, we also need to make sure that we calculate
4 the statistic for those people together to make sure that
5 the DNA profile can still be explained by a contribution of
6 DNA from all the people who were included individually.

7 Q. So I guess we'll take it one at a time. As it relates
8 to the Proposition Set Number 1, can you describe to the
9 jury what the scenarios were, as well as what your results
10 were?

11 A. Yes. So Proposition Set 1 is the comparison to Aaron
12 Hood. So the DNA profile was interpreted as a mixture
13 originating from three individuals. So the first scenario
14 is Aaron Hood and two unidentified unrelated individuals
15 contributed to the mixture versus three unidentified
16 unrelated individuals contributed to the mixture and
17 the result of that comparison is the DNA profile is
18 approximately 23 septillion times more likely if Aaron
19 Hood and two unidentified unrelated individuals contributed
20 to the mixture than if three unidentified unrelated
21 individuals contributed to the mixture.

22 Q. So just so we're clear, that means there's very
23 strong support of Aaron Hood being included in the mixture,
24 correct?

25 A. Correct.

1 Q. And septillion, again, is how many zeros?

2 A. This would be twenty-four zeros after the 23.

3 Q. Okay. And now for Proposition Set Number 2, what were
4 -- what was included?

5 A. So we're setting it up exactly the same way, but this
6 time we have Xavier Cancer being used for the comparison.
7 So the first scenario is Xavier Cancer and two unidentified
8 unrelated individuals contributed to the mixture versus
9 three unidentified unrelated individuals contributed to
10 the mixture and the result of that comparison is the DNA
11 profile is approximately 140 million times more likely if
12 Xavier Cancer and two unidentified unrelated individuals
13 contributed to the mixture than if three unidentified
14 unrelated individual contributed to the mixture.

15 Q. And, again, this is less zeros, of course, than
16 septillion, but 140 million, there's six zeros after that,
17 that would indicate that Xavier Cancer is potentially a
18 contributor to the mixture, correct?

19 A. He was included as a contributor.

20 Q. He was included as a contributor.

21 Now for the third proposition set, did you compare
22 Aaron Hood and Xavier Cancer together with a third
23 unidentified unrelated individual?

24 A. Yes.

25 Q. And similarly, again, it was interpreted as a mixture

1 containing three individuals and it would have compared
2 Aaron Hood, Xavier Cancer and an unrelated compared to
3 three unidentified unrelated individuals, correct?

4 A. Correct.

5 Q. And what were your results?

6 A. The DNA profile is approximately 18 decillion
7 times more likely if Aaron Hood, Xavier Cancer and an
8 unidentified unrelated individual contributed to the
9 mixture than if three unidentified unrelated individuals
10 contributed to the mixture.

11 Q. And is this more zeros than septillion?

12 A. Yes. So typically when you have two people who are
13 included individually, when you combine them that number is
14 greater together because it is a combination of the two.

15 Q. And how many zeros after the 18?

16 A. After the 18 it would be thirty-three zeros.

17 Q. Thirty-three zeros?

18 A. Yes.

19 Q. Okay. And so thirty-three zeros after the 18 would
20 suggest that based on your results that Aaron Hood and
21 Xavier Cancer both are contributors to the mixture,
22 correct?

23 A. They were both included as contributors to the
24 mixture.

25 MS. FULLER: Thank you so much.

1 No further questions.

2 THE COURT: Cross-examination.

3 MR. STANCIL: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. STANCIL:

6 Q. Good afternoon, Ms. Zapata.

7 A. Good afternoon.

8 Q. So I want to go back to the shell casing. Did you
9 only test the shell casing for -- did you only compare it
10 to Aaron Hood and Xavier Cancer's DNA result?

11 A. The shell casing did not have any DNA profile that was
12 suitable for comparison.

13 Q. So none whatsoever?

14 A. Right.

15 Q. Okay. Perfect. And just because, I guess, in the
16 three probabilities from the cuffs, the collar and the
17 zipper, just because it shows that it's more likely that
18 Mr. Hood and Mr. Cancer were contributing, that doesn't
19 explain in any way how the DNA got there?

20 A. Correct.

21 MR. STANCIL: No more questions, Your Honor.

22 THE COURT: Any redirect?

23 MS. FULLER: No, Your Honor.

24 THE COURT: The witness may step down.

25 (Witness excused.)

1 THE COURT: All right. We've been going about an
2 hour and a half, folks. Let's take a short recess.

3 Please step into the jury room, refresh yourselves
4 and we'll get you back in here in a little bit and
5 continue on.

6 Please don't discuss the case.

7 Thank you.

8 (Whereupon, the jury retires to the jury room at
9 3:50 PM.)

10 (Recess taken at 3:50 PM.)

11 (Back on the record at 4:08 PM.)

12 BAILIFF: Keep your seats.

13 THE COURT: Thank you.

14 All right. Are we ready for our next witness?

15 MS. FULLER: The State's ready, Your Honor.

16 THE COURT: Defense ready?

17 MR. STANCIL: Defense is ready, Your Honor.

18 THE COURT: Bring them on in, please.

19 (Whereupon, the jury return to the courtroom at
20 4:10 PM.)

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, welcome back.

23 We'll continue right where we left off with the next
24 witness in the State's case in chief.

25 MS. FULLER: Thank you, Your Honor.

1 The State calls Dr. Kelly Rose.

2 (Whereupon, Kelly Rose was duly sworn by the Clerk
3 of Court.)

4 KELLY ROSE,

5 having been duly sworn, testified as follows:

6 DIRECT EXAMINATION

7 BY MS. FULLER:

8 Q. Can you go ahead and state your name, spelling your
9 last on the record, please.

10 A. Kelly Rose, R-O-S-E.

11 Q. And can you introduce yourself to the jury? Where are
12 you currently employed?

13 A. I work in Newberry for Newberry Pathology Group. I do
14 autopsies there and I do the autopsies in Newberry County
15 Memorial Hospital.

16 Q. And do you do autopsies for other counties in the
17 state?

18 A. I do autopsies for about thirteen counties, the
19 Federal Bureau of Prisons and the South Carolina Department
20 of Corrections.

21 Q. Okay. Can you go ahead and explain to the jury what
22 is your training, your background, your education and your
23 experience in the field of -- well, I'll just say forensic
24 pathology?

25 A. A pathologist is a medical doctor, so I went to

1 medical school at MUSC in Charleston. Before that, I was
2 at College of Charleston where I got my bachelor of science
3 in biology. I went onto MUSC for medical school, started
4 my fellowship in pathology at MUSC and then I transferred
5 to Emory and I finished my fellowship, and that's just
6 specialized training in pathology, and then I stayed at
7 Emory to the Fulton County Medical Examiners Office in
8 Atlanta and did an entire extra year of just forensic
9 pathology.

10 Q. And what exactly is forensic pathology?

11 A. So pathology means the study of disease and
12 pathologists basically diagnose diseases through tissues,
13 through when you have to give your doctor a urine sample.
14 Forensic pathology is determining the cause of death and
15 the manner of death through an autopsy.

16 Q. And approximately how many autopsies have you done
17 throughout your career?

18 A. I'm approaching six thousand.

19 Q. Okay. And in terms of years, number of years, what
20 is the total number of years in this field?

21 A. So I've been a doctor since 2005 and a pathologist
22 since 2010. So I don't like to think of the years because
23 I feel old.

24 Q. Okay. And have you testified in court before in this
25 area?

1 A. I have.

2 Q. Approximately how many times?

3 A. Approximately fifty times.

4 MS. FULLER: Your Honor, at this time the State
5 seeks to offer Dr. Kelly Rose as an expert in the field
6 of forensic pathology.

7 MR. STANCIL: Without objection, Your Honor.

8 THE COURT: All right. Ladies and gentlemen,
9 this witness will be qualified in the area of forensic
10 pathology and give opinion testimony in that area. It
11 doesn't mean you must accept the opinion, but it's
12 evidence for you to use in any way you see fit.

13 BY MS. FULLER:

14 Q. And as it relates to this case, on March 17, 2021,
15 did you have an opportunity to perform an autopsy on Xavier
16 Cancer?

17 A. I did.

18 Q. And where did that autopsy take place?

19 A. It was in Newberry County Memorial Hospital morgue.

20 Q. And how old was Xavier Cancer at the time of death?

21 A. He was twenty-nine years.

22 Q. And at -- during the autopsy do you gather information
23 like his height or his length at the time of death?

24 A. I do. We do a complete external exam, and that is
25 part of it, looking from head to toe at the body and we

1 will get a -- what we call length because they're on the
2 table, they're not standing, so I'll get the length and
3 approximate weight.

4 Q. And what was his approximate weight at the time?

5 A. 140 pounds.

6 Q. And what was the approximate length?

7 A. He was about five-seven and a half.

8 Q. And you performed this autopsy and at the end of this
9 autopsy were you able to determine the cause and manner of
10 death?

11 A. I was.

12 Q. And what did you determine the cause and manner of
13 death to be?

14 A. Perforation of aorta and right lung due to perforating
15 indeterminate range gunshot of chest.

16 Q. And manner of death?

17 A. Homicide.

18 Q. Now I'm gonna show you what's been premarked as
19 State's Exhibit 45 and ask if you recognize this?

20 A. I do.

21 Q. And what do you recognize this to be?

22 A. This is a body diagram that I filled out during the
23 autopsy to document injury.

24 Q. And document the injury of Xavier Cancer, correct?

25 A. Yes.

1 MS. FULLER: Your Honor, at this time the State
2 seeks to introduce into evidence State's Exhibit 45.

3 MR. STANCIL: Without objection, Your Honor.

4 THE COURT: State's Exhibit 45 is admitted into
5 evidence.

6 (State's Exhibit Number 45, an autopsy diagram,
7 was admitted into evidence.)

8 MS. FULLER: And publish.

9 THE COURT: Very well.

10 BY MS. FULLER:

11 Q. And, Doctor, I might stand here for a second --

12 A. Okay.

13 Q. -- just to ask you a few questions. Starting at the
14 top, there's an FA number. Can you explain that to the
15 jury?

16 A. Every case that comes in we assign them an autopsy
17 number. So in this he was FA21-166, so he was the 166th
18 case I'd done in 2021. And then his name and the date.

19 Q. Okay. And then we see some red writing here. We see
20 this is considered the front of the individual?

21 A. Yes.

22 Q. And obviously it's not the actual individual, but this
23 is a diagram that you use, correct?

24 A. Correct.

25 Q. And what does the dot here indicate?

1 A. That is the entrance. That's a gunshot wound and it's
2 a gunshot wound of entrance, so it's the entrance wound.

3 Q. And let's talk about that. How are you able to
4 determine at autopsy -- because you're not there at the
5 scene or witnessing the case -- the shooting, correct?

6 A. Correct.

7 Q. Okay. And at autopsy how are you able to determine
8 that that is the entry wound?

9 A. Entry wounds have certain characteristics and some --
10 there are general patterns. So an entrance wound, what
11 I find to be the most helpful, is when a bullet goes in a
12 body it is travelling so fast it actually takes some of
13 that skin and tissue that's under the skin with it, so that
14 tissue is gone. They've done studies and it's actually
15 vaporized. So a gunshot wound will have tissue that's
16 missing. You cannot put it back together and make it go
17 back together like a puzzle, you know? An exit wound, in
18 general, the velocity has slowed down and it's coming from
19 inside the body through the skin and it pops it open like
20 this and a lot of times those will go back together and you
21 can put it right back together like a puzzle. So that's --
22 that's the most helpful. There are other characteristics
23 like what we call abrasion borders helps you determine kind
24 of directionality and then, I don't know, a certain look of
25 the wound.

1 Q. And sometimes we hear about beveling. Is that
2 something that you use to indicate -- identify entrance?

3 A. I do. Beveling really applies when the bullet goes
4 through the skull or a hard bone though, but what the --
5 what would be comparable in a soft tissue would be the
6 abrasion border.

7 Q. And you testified about -- we talked about the cause
8 of death and can you identify on here what, I guess, organs
9 or part of the body that bullet would have travelled
10 through? Since you indicated there was an exit wound, so
11 you're able to determine the general pathway, correct?

12 A. Yeah, the body will show you bullet pathway. That
13 cannot be hidden. There will be hemorrhage throughout, so
14 this bullet went in left upper chest and went -- came in at
15 an angle, so not like this, but like this, went through the
16 muscles here, went through the chest plate and right
17 underneath the chest plate you have your heart and you have
18 the -- your heart's in a sac. It's called the pericardial
19 sac. So to get through to the heart, it has to go through
20 that sac. So it went through this path. It went through
21 the muscle, through a rib right as it joined the chest
22 plate, it went through the pericardial sac, and then it
23 got the aorta as it was coming out of the heart. The aorta
24 is the biggest artery in your body. It's the size of a
25 garden hose. Sometimes they're bigger than that. It

1 starts at your heart there. So you have your heart here
2 and your aorta is coming out. And it went through the
3 aorta as it was coming out of the heart, then it traveled
4 and went through the right lung, then it came out over here
5 on this side through muscle in between ribs. It didn't hit
6 a rib on the way out. You have muscles in between your
7 ribs. You know how you can feel your ribs? So it came out
8 through one of those muscles.

9 Q. And looking here on the anatomical diagram, we're
10 looking at the back, is that what's indicated there?

11 A. This is. That is just an abrasion that I noted.

12 Q. Okay. So here that would be the exit wound?

13 A. Yes. So on my diagrams, I use a circle for entrance
14 and an X for exit wound.

15 Q. Okay. And are you able to measure -- well, how do you
16 measure the -- I guess from the top of the head to where
17 the entry wound is? Do you actually use a ruler?

18 A. I do. I'll put a board on their head and then I'll
19 take the measuring tape and go from the board to the center
20 of the wound and then I'll do the same on the exit wound.

21 Q. And what were the measurements for the distance from
22 the head to the entry wound and the exit wound?

23 A. So it was thirteen inches from the top of the head on
24 the way in and on the way out it was fifteen and a half
25 inches from top of the head.

1 Q. Okay. And you testified and you demonstrated to the
2 jury, and we'll go over that one more time as well, but you
3 demonstrated that it went across the body?

4 A. Yes.

5 Q. Approximately how many, I guess -- I don't know if
6 it's good to calculate this, but how many inches apart did
7 it enter versus exit when it went from across the body?

8 A. A little over eight it looks like.

9 Q. Okay. And we're talking about that, but let me also
10 put this specifically on the record. Were you able to
11 specifically determine the pathway?

12 A. Yes.

13 Q. And what was the pathway?

14 A. You mean the direction?

15 Q. The direction, yes.

16 A. Okay. So the direction was front to back, right --
17 left -- left to right and downward. So -- and I could
18 have just as easily said left to right, front to back and
19 downward.

20 Q. And then let's talk about that. And so is it
21 travelling, and I don't know if you can answer this the
22 way -- if I'm gonna get this out right, but when you're
23 talking about travelling left to right and front to back,
24 is it moving left front, right back at the same time or how
25 are you able to tell when it shifts going backwards?

1 A. Well, that to me just -- this wound in particular told
2 me that it was coming in at a bit of an angle. So instead
3 of coming from front to back and not -- I have some wounds
4 that don't go left or right at all. They just go in the
5 front and out the back. This one went significantly left
6 to right. So as it was -- it was coming at an angle like
7 this to have that trajectory or direction.

8 Q. Okay. I'll put this down.

9 MS. FULLER: And I'm gonna request permission for
10 the witness to step down to stand in front of the jury.

11 THE COURT: Very well.

12 BY MS. FULLER:

13 Q. So when we talking about a shooting like we have in
14 this case, and I'll be the potential shooter and you be
15 Xavier.

16 A. Okay.

17 Q. Now when we're talking about the distance, we're
18 talking about the distance of the gun, right?

19 A. Right.

20 Q. Not the actual person. At autopsy are you able to
21 determine that?

22 A. We can if it's within three feet. We will see
23 evidence that it was close range or what we call
24 intermediate range.

25 Q. And what evidence would you see if it was close range?

1 A. You'd see soot. So, you know, guns use gunpowder and
2 soot is gunpowder that's completely burned up. It like
3 soot in your fireplaces, right? That's what you see close
4 range. If you get -- if you step back greater than a foot
5 up to about three feet, you will see stippling, and what
6 stippling is, is there's some gunpowder that does not catch
7 fire, it doesn't burn up all the way. So it might be on
8 fire, but it hasn't burned up, and it hits the skin and
9 leaves little tiny abrasions, and it looks like pepper, so
10 that's what stippling is.

11 Q. And we're gonna get a little close, but that's okay.

12 A. That's fine.

13 Q. If I was here extending the gun -- well, you said it
14 was an angle.

15 A. Uh-huh.

16 Q. So I'm here this close to you and let's say I have the
17 gun here --

18 A. Uh-huh.

19 Q. -- you would see evidence of the --

20 A. I would.

21 Q. -- soot and stippling?

22 A. Yes.

23 Q. Okay. And you indicated three feet -- it has to be
24 greater than three feet because you didn't see that,
25 correct?

1 A. Correct.

2 Q. And we're talking about not the person, but the
3 actual --

4 A. The end of the barrel.

5 Q. -- the end of the barrel. And so based on autopsy,
6 the gun had to be -- and obviously we're standing
7 stationary, the body can move --

8 A. Correct.

9 Q. -- so I'm not going to the actual scene, I'm just
10 going through scenarios here, the end of the gun had to
11 be -- assuming we're standing like this, it had to be
12 approximately this far from the individual when this
13 happened?

14 A. Greater than three feet, yes.

15 Q. Greater than three feet.

16 I'm getting a little close again. Is that -- is what
17 you found at autopsy consistent with us fist-fighting,
18 tussling and the gun going off?

19 A. No.

20 Q. Okay. Is what you determined at autopsy based on
21 the trajectory, what we just went over and all that,
22 consistent with the gun falling on the ground and
23 accidentally shooting?

24 A. No.

25 Q. And why not?

1 A. Well, A, I have never had a case where a gun
2 accidentally shot unless it was in a fire, so that's a
3 little bit nonsensical. B, if it is falling and hitting
4 the ground, it would have been coming up. This was going
5 across and down.

6 Q. Okay. And I don't know -- I wish I had an easel where
7 I could keep this up for the jury.

8 Maybe I'll get Doug. Doug, can you hold this for me?

9 I apologize. This will be helpful to see at the same
10 time.

11 And so -- and that is based on where we're talking
12 about it going across the body left to right, correct?

13 A. And downward.

14 Q. And then going down?

15 A. Uh-huh.

16 Q. And so if --

17 MS. FULLER: Doug, how tall are you?

18 MR. FENDER: Five foot ten.

19 BY MS. FULLER:

20 Q. So if the gun drops on the ground and then you grab it
21 and it accidentally goes off down here, what position would
22 the gun have to be to cause that injury?

23 A. It would have to be suspended in the air somehow.

24 Q. Okay. So it could not happen from the ground?

25 A. Not in this scenario, no.

1 Q. Okay. And so --

2 MS. FULLER: Doug, can you turn sideways for me?
3 The other way.

4 BY MS. FULLER:

5 Q. Because you said at a bit of an angle?

6 A. Uh-huh.

7 Q. So if we are standing like this three feet apart,
8 where would -- assuming stationary, standing straight up,
9 where would now me, the shooter, have to be to accomplish
10 that angle?

11 A. About like you are right now.

12 Q. Okay. Not closer, correct?

13 A. Not closer.

14 Q. And if you're standing here and there are, I don't
15 know, other people fighting on the ground in front of you,
16 would this be consistent with the distance of pointing the
17 firearm over people on the ground and resulting in that
18 angle?

19 A. Yes, that could have happened.

20 Q. Okay. Now assuming standing upright, five-seven, I
21 think you said at autopsy, Doug's height is five-ten, so
22 that's why I tried to lower it a little bit --

23 MS. FULLER: Are you sure you're five-ten? Okay.

24 Okay. So try to lower it a little bit. No, no.

25 You keep yours.

1 BY MS. FULLER:

2 Q. And so if we're standing here, tell me this. Is there
3 a scenario where Doug and I -- I have on three and a half
4 inch heels, so I should be about Doug's height, where we're
5 the same height, but I guess I'll be five-seven where I can
6 just stand straight like this and accomplish that angle?

7 A. With both of you-all being stationary?

8 Q. Yes.

9 A. No.

10 Q. Okay. Why not?

11 A. Because it would not go down.

12 Q. So it has to go down?

13 A. (Nods head.)

14 Q. Okay. If I was taller than Mr. Fender here -- I
15 apologize for saying Doug -- Mr. Fender, could I accomplish
16 that at this angle?

17 A. If you-all were -- if he was stationary, yes.

18 Q. Okay. If he was stationary.

19 MS. FULLER: Okay. Your Honor, permission for the
20 Defendant to stand up pursuant to State v. Hart?

21 THE COURT: Very well.

22 MS. FULLER: If you'll step up.

23 And the record will reflect I'm taking my shoes
24 off. So I'm standing next to him and I'm just shy of
25 five-seven.

1 Now I'll ask the question.

2 Thank you.

3 BY MS. FULLER:

4 Q. Would this angle be consistent with someone
5 approximately the defendant's height standing here with
6 Xavier's body that way to accomplish that shot?

7 A. Yes, it would.

8 Q. Okay. Thank you.

9 Oh, I'm not done with you. I'm sorry.

10 Now in your report you noted and we talked about
11 additional injuries. I had pulled the photo I wanted to
12 show you.

13 At autopsy you noted additional injuries, correct?

14 A. I did.

15 Q. Can you describe them for the jury?

16 A. They were what we call abrasions. They're kind of
17 like when you rub your skin on the carpet or something,
18 it takes off superficial layers, and they were dried
19 abrasions.

20 Q. Okay. And were you able to determine or what they
21 actually looked like, what caused those abrasions?

22 A. With me not being at the scene most of the time I
23 kind of have to say oh, it's consistent with this or could
24 be consistent with this, you know, so at the time of
25 autopsy I was not.

1 Q. Are you able from looking at the abrasions tell when
2 they could have occurred?

3 A. I am. Your body, as it's dying, will give a reaction,
4 but it's not the type of reaction that you or I would have,
5 and then once someone has died the injuries don't have
6 reaction. We call it no vital reaction. So an abrasion
7 just turns yellow. We don't see any hemorrhage or redness.
8 If the person is in the process of dying, there will be
9 little bit of redness, but it's not much of an abrasion on
10 someone who is very healthy and alive.

11 Q. I want to show you what's been introduced in evidence
12 as State's 25 and 26, and there's been testimony about
13 blood here. Looking at this area, is what you found at
14 autopsy consistent with Xavier Cancer after he had been
15 injured and simply collapsing in this area?

16 A. It's very, very consistent. This -- there was a line.
17 The abrasion had a linear -- there was a linear abrasion
18 that looks like this.

19 Q. Okay. And I'm gonna show the jury what you're
20 actually pointing at. In 25 and 26 if you could show them
21 what you were talking about.

22 A. This right here. It was a very regular abrasion like
23 a straight line.

24 Q. And that would be consistent.

25 And let's talk about the actual aorta. I didn't do

1 well in science or is that biology?

2 A. Both.

3 Q. Okay. And when you actually hit the aorta, what is
4 happening?

5 A. So that -- your heart is pumping. It's sends all the
6 blood to your body through the aorta. So if you perforate
7 the aorta or you were to puncture it, the heart is still
8 pumping and instead of all the blood going into the aorta
9 and through body it's squirting out into the chest cavity.
10 So blood is -- some probably makes it down the aorta, but
11 a lot of it is gonna come straight out that hole.

12 Q. And would the injury once it -- and obviously the
13 speed of the bullet I'm not gonna have you testify to, but
14 commonly we know it's fast?

15 A. Very fast.

16 Q. Would that have caused him or allowed him to take any
17 steps and/or collapse?

18 A. Oftentimes the adrenaline is so high and if the
19 person's healthy, they are able to take several steps
20 before they collapse.

21 Q. Okay. Is looking at these pictures now, obviously
22 you weren't there, and what you saw -- noted at autopsy
23 consistent with collapsing here?

24 A. Yes. I would say that is probably where he came to
25 rest.

1 Q. Okay. And when we talk about -- I lost where I was
2 going next.

3 MS. FULLER: I'm sorry. I beg the jury and the
4 Court's indulgence.

5 Okay. I'll move on.

6 BY MS. FULLER:

7 Q. So would he have been able to communicate after he
8 collapsed?

9 A. Yes, somewhat definitely. It would have been briefly
10 and then he would have started to have the -- what we call
11 agonal respirations. But, yes, oftentimes you're able to
12 say help or whatever.

13 Q. And based on where he was injured, if he was --
14 perfect scenario -- well, not perfect scenario, but in a
15 scenario where if he were to sustain this gunshot on the
16 operating table at the hospital, his chances of survival?

17 A. At an average hospital very low. They classify
18 this type of injury as catastrophic. If he was at a
19 heart transplant hospital and they had a bypass machine
20 they could hook him up to really quickly, he might have
21 survived.

22 Q. Okay. And so him being pronounced deceased at the
23 scene would be consistent with the injury that he
24 sustained?

25 A. Yes. You cannot usually make it to the ER with that

1 kind of injury.

2 MS. FULLER: I beg the Court's indulgence.

3 BY MS. FULLER:

4 Q. And then just to -- just to be clear on this, is there
5 any scenario -- and I might have asked it already -- is
6 there any scenario of Xavier Cancer sustaining this gunshot
7 from someone shooting from a lower position?

8 A. Not any likely scenario, no.

9 Q. And what makes you say that?

10 A. The direction. I mean, there's always a possibility
11 for something, but in all the autopsies that I've done,
12 which have been a lot, and with gunshot wounds like this,
13 it is not consistent with someone shooting up. So he -- so
14 for this -- for the person that received the gunshot to be
15 down -- wait. I got myself confused.

16 Ask me the question again.

17 Q. For the -- I guess, the gun, the shooter, to have been
18 in a downward position.

19 A. Okay. Right. No, it is inconsistent with that.

20 Q. Okay. And that is because also the angle and the
21 trajectory, correct?

22 A. Uh-huh. Correct.

23 Q. Now I asked this early, I just want to be clear, is
24 there any situation where you are face to face with the
25 shooter, the gun is straight on, knowing that we can move,

1 our heads can move, our hands can move, our bodies can
2 move, is there any situation that he sustained this gunshot
3 while in a fight with the shooter at the exact time of the
4 shooting or in looking at the shooter face on?

5 A. No, that is inconsistent with that scenario.

6 Q. Okay. And, lastly, is it consistent with potentially
7 Xavier and the person with the gun about to shoot and
8 turning away trying to retreat, maybe even crouching down,
9 to get away from the gunshots?

10 A. Turning and crouching are both consistent with that
11 wound.

12 MS. FULLER: Okay. Thank you.

13 No further questions at this time.

14 THE COURT: Cross-examination?

15 MR. STANCIL: Thank you, Your Honor.

16 CROSS-EXAMINATION

17 BY MR. STANCIL:

18 Q. Good afternoon, Dr. Rose.

19 A. Hello.

20 Q. You listed the manner of death as homicide?

21 A. I did.

22 Q. Okay. What led you to list homicide?

23 A. In forensic pathology, we have five manners of death.
24 Suicide. This is inconsistent with a suicide of all the
25 suicides I've ever done. Natural. A gunshot is not

1 natural. Accident. Gunshots, there's like one scenario
2 where a gunshot can be an accident, and it was not this
3 one. And then undetermined. That means I don't know the
4 manner of death. Or homicide, where death resulted at the
5 hand of another.

6 Q. What is the accident scenario you just spoke of?

7 A. Technically for a gunshot to be considered an
8 accident, it has to occur at a supervised shooting range
9 and it ricochets off something. That's the purest
10 definition of an accidental gunshot wound.

11 Q. What would you classify the manner of death if two
12 people were struggling over a firearm, it went off and a
13 third person was hit? What would that be classified as?

14 A. Homicide.

15 Q. Homicide. I want to go back to the range of soot and
16 stippling. What was the range for soot again?

17 A. It's up to twelve inches generally.

18 Q. Okay. And that's from the barrel of the gun, correct?

19 A. From the barrel of the gun, yes.

20 Q. Okay. And stippling you said was generally about
21 three feet?

22 A. Up to three feet, yes.

23 Q. And there was no soot or stippling on Mr. Cancer's
24 body?

25 A. No.

1 Q. Okay. So that would generally lead you to believe
2 that the barrel of the gun was anywhere from three feet to
3 however far away?

4 A. Correct.

5 Q. Okay. Would this wound be consistent with someone
6 pointing the gun down at another person, not Mr. Cancer?
7 If the gun was fired at the ground, is that consistent with
8 the wound?

9 A. If Mr. Cancer was on the ground? Well, if you're
10 shooting at the ground at someone else, I wouldn't see how
11 Mr. Cancer would have been shot.

12 Q. Okay. How many abrasions did he have on his back
13 again?

14 A. I'll have to refer to my report for that.

15 Q. Yes, ma'am.

16 A. I have one on the body diagram as an abrasion.

17 Q. Okay. And you said that could be consistent with the
18 pictures you were shown?

19 A. The ones that were consistent with the pictures that I
20 was shown was -- were the ones on his front side.

21 Q. Okay. But that doesn't mean that that's exactly what
22 it was, correct?

23 A. Correct. It could have been something similar to
24 that.

25 MR. STANCIL: Okay. I beg the Court's indulgence.

1 BY MS. STANCIL:

2 Q. And just for clarification, was any bullet or bullet
3 fragments found inside the body?

4 A. No.

5 MR. STANCIL: Thank you. No more questions.

6 THE COURT: Any redirect?

7 MS. FULLER: No, Your Honor.

8 THE COURT: All right. The witness may step down.
9 Thank you, Doctor.

10 (Witness excused.)

11 MR. McNAIR: Your Honor, at this time the State
12 rests.

13 THE COURT: Okay. Let me just speak with you-all
14 real quick.

15 (Proceedings held at the bench; not reported.)

16 THE COURT: All right. Ladies and gentlemen, the
17 State has rested their case. I've got some matters I've
18 got to take up with the attorneys at this time. It's
19 also a good time for me to let you go for the day.

20 We will continue tomorrow. Please be back -- I've
21 told you 9:15. Just be in your jury room at 9:30.

22 You-all have been on time every day, so try to be there
23 just before 9:30 and we will start shortly thereafter.

24 Have a nice evening. Please don't do any
25 independent research of the case or the parties or the

1 law. Don't discuss this case with anyone else at all,
2 but we'll see you tomorrow morning.

3 Thank you.

4 (Whereupon, the jury was excused for the day at
5 4:43 PM.)

6 THE COURT: All right. Mr. Stancil.

7 MR. STANCIL: First, I'd like to renew all my
8 previous motions. Also I'd like to move for a directed
9 verdict on the ABHAN and the murder. For the ABHAN, I
10 don't believe it fits the statutory description of assault
11 and battery of a high and aggravated nature basically
12 because the injury to Mr. Lavioris Hill does not meet the
13 requirements of great bodily injury, which means bodily
14 injury which causes a substantial risk of death or which
15 causes a serious permanent disfigurement or protracted
16 loss or impairment of the function of a bodily member or
17 organ.

18 The testimony we heard is just that he had, I think,
19 a few staples in his head and a deep laceration, which
20 I don't believe meets the definition of great bodily
21 injury.

22 As to the murder, with the testimony we heard, Your
23 Honor, we did not hear any testimony of anyone actually
24 seeing Aaron Hood shoot Mr. Cancer. Also, I don't believe
25 the testimony we heard meets the requirement of malice

1 aforethought.

2 THE COURT: Very well.

3 State's response.

4 MR. McNAIR: In regards to the murder indictment,
5 Your Honor, I think the testimony of Lavoris Hill, if
6 believed, is enough. He testified that there was one
7 shot and after that shot -- or he saw Mr. Hood shoot and
8 then after Mr. Hood shot Xavier Cancer was dead. We had
9 the testimony of Dameon Springs who said he saw Mr. Hood
10 with the gun in hand after the shooting striking Lavoris
11 Hill over the head. That testimony, if believed, is
12 sufficient to send this to the jury.

13 Regarding the ABHAN of Lavoris Hill, he was hit over
14 the head with a firearm. There was the EMT testimony
15 about him vomiting as a result of that. He got eight
16 staples as a result and he has a permanent scar on his
17 head still to this day, which I think satisfies the
18 requirement of a permanent disfigurement of a bodily
19 part or organ. So I think there's sufficient evidence
20 to send it to the jury.

21 THE COURT: All right. Anything else or response?

22 Actually, just before, the record will reflect that
23 all your pre-trial motions and objections are renewed for
24 the record.

25 MR. STANCIL: Nothing further, Your Honor.

1 THE COURT: All right. As to both the murder and
2 the ABHAN indictments, at this stage the trial court is
3 concerned with the existence of evidence and not its
4 weight. To the extent there's direct or circumstantial
5 evidence reasonably tending to prove the guilt of the
6 accused from which guilt may be fairly and logically
7 deduced, the case should be submitted to the jury,
8 and I certainly find that based upon the direct and
9 circumstantial evidence in combination we've heard
10 throughout this trial, I think granting a directed
11 verdict would be inappropriate and this case should be
12 submitted to the jury, and that's what we'll do.

13 Tomorrow morning I told the jury we can start at
14 9:30.

15 Mr. Stancil, I'll withhold doing any sort of Fifth
16 Amendment colloquy with your client at this time. I
17 want him to have the opportunity to meet with you the
18 rest of the day and this evening and you-all make an
19 informed decision on how to proceed forward. So we'll
20 do that at probably 9:30 tomorrow morning.

21 MR. STANCIL: Yes, Your Honor.

22 THE COURT: Anything else for the record today?

23 MR. STANCIL: Nothing from the defense here today,
24 Your Honor.

25 MR. MCNAIR: No, Your Honor.

1 THE COURT: All right. We'll recess until tomorrow
2 morning.

3 Thank you.

4 (Whereupon, the proceedings were concluded for
5 September 13, 2023, at 4:46 PM.)

6 (The following proceedings were held September 14,
7 2023, beginning at 10:15 AM.)

8 BAILIFF: All rise.

9 THE COURT: All right. Good morning, ladies and
10 gentlemen. Please be seated.

11 Okay. When we left yesterday, Madam Solicitor,
12 there was something you need to tell me first?

13 MS. FULLER: Yes, Your Honor. Just for the record,
14 State's Exhibit 68 is the full extraction report that we
15 discussed yesterday.

16 THE COURT: Very well.

17 We left yesterday with the State resting and went
18 through directed verdict motions and defendant renewed
19 all his pre-trial motions and objections. We're now at
20 the point now where the defense may present a case if
21 they choose so.

22 Mr. Stancil, would you have your client stand up.

23 Madam Clerk, will you place him under oath.

24 (Whereupon, Aaron Sincere Hood was duly sworn by
25 the Clerk of Court.)

1 THE COURT: Mr. Hood, at this time I'm gonna explain
2 to you some of your rights. If you do not understand
3 anything I say, please let me know. If you want me to
4 explain anything in more detail, please let me know that
5 as well.

6 Do you understand that?

7 THE DEFENDANT: Yes, sir.

8 THE COURT: Okay. We've reached the stage of the
9 trial where you may present your defense. You have
10 the right to claim your protections given to you by the
11 Fifth Amendment to the Constitution of the United States.
12 This amendment states, in part, that no person shall be
13 compelled in any criminal case to be a witness against
14 himself. This means you cannot be required to testify
15 in this case. You have the right to testify on your own
16 behalf, however, no one can make you testify. This is
17 a personal right and no one can waive this right except
18 you.

19 Do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: Okay. If you decide to testify, you
22 will be subject to the same rules that govern other
23 witnesses and you may be examined and cross-examined on
24 any relevant issue in this case.

25 In addition, if you have any convictions involving

1 dishonesty or a false statement or crimes punishable by
2 imprisonment for more than one year and this Court
3 determines that the probative value of admitting this
4 evidence outweighs its prejudicial effect to you, the
5 Solicitor will be able to introduce your record to
6 attack your credibility.

7 Do you understand that, sir?

8 THE DEFENDANT: Yes, sir.

9 THE COURT: If you decide to testify, this decision
10 must be freely, voluntarily and intelligently made with
11 knowledge of the protections given to you by the Fifth
12 Amendment and the consequences of your decision to
13 testify.

14 If you decide not to testify, I will instruct the
15 jurors that they cannot give the fact that you did not
16 testify any consideration whatsoever and there is to
17 be absolutely no prejudice to you because you did not
18 testify. It's left entirely up to you whether or not
19 you testify. You may talk with your attorney, your
20 family or friends or anyone else, but the final decision
21 will be left entirely up to you.

22 Do you understand what I've explained to you, sir?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you wish to discuss this with your
25 attorney any further?

1 THE DEFENDANT: No, sir.

2 THE COURT: Do you have any additional questions?

3 THE DEFENDANT: No, sir.

4 THE COURT: Do you wish to testify?

5 THE DEFENDANT: No, sir.

6 THE COURT: All right. Mr. Stancil, your client's
7 indicated he does not wish to testify. Do you intend to
8 put up any other evidence or case?

9 MR. STANCIL: The defense rests, Your Honor.

10 THE COURT: All right. So the record will reflect
11 that the defendant does not wish to testify and the
12 defense has rested.

13 Just since we're here, since you have officially
14 rested, for the record do you wish to renew once again?

15 MR. STANCIL: Yes. Renew all pre-trial motions and
16 objections, Your Honor, and directed verdict motion.

17 THE COURT: So noted.

18 All right. At this time is the State ready to
19 proceed with closing arguments?

20 MR. McNAIR: Yes, sir, Your Honor.

21 THE COURT: Is the defendant ready to proceed?

22 MR. STANCIL: Yes, Your Honor.

23 THE COURT: I should note that we did have a -- we
24 sent out a proposed jury charge last night and made some
25 revisions to the charge this morning in consultation with

1 the attorneys and just this moment I did add a paragraph
2 about the defendant's decision not to testify. That
3 paragraph is not in your draft, we didn't print out three
4 new ones, but it is in mine that I will read to the jury
5 and I'll give a copy to them before they begin their
6 deliberations.

7 And, Mr. Stancil, as I mentioned earlier, I'm gonna
8 tell them we now have the opportunity to hear from you,
9 you can stand up and formally rest and then pivot right
10 into closing arguments, okay?

11 MR. STANCIL: Yes, Your Honor.

12 THE COURT: Anything else before we bring in the
13 jury?

14 MR. STANCIL: Nothing from the defense, Your Honor.

15 THE COURT: All right. Let's bring them in, please.

16 (Whereupon, the jury enter the courtroom at
17 10:21 AM.)

18 THE COURT: Okay. Madam Forelady, ladies and
19 gentlemen, welcome back. When we left off yesterday,
20 the State had just rested. We'll have an opportunity
21 to hear the defense case at this time.

22 Mr. Stancil.

23 MR. STANCIL: Your Honor, the defense rests.

24 THE COURT: Very well.

25 Ladies and gentlemen, the defense has rested.

1 Ladies and gentlemen, the parties have presented
2 their evidence in this case. It is now time for the
3 attorneys to make their closing arguments.

4 The arguments of the attorneys are not evidence in
5 this case. Their statements and arguments are meant to
6 help you understand the evidence and apply the law to the
7 evidence. You should disregard any remark, statement or
8 argument which is not supported by the evidence presented
9 during the trial or the law that I will explain to you
10 after the arguments.

11 The State may proceed with closing argument.

12 MR. McNAIR: Thank you, Your Honor.

13 May it please the Court?

14 THE COURT: Yes, sir.

15 MR. McNAIR: Ten seconds. It took Aaron Hood all
16 of ten seconds to decide to end Xavier Cancer's life.
17 If he'd had another bullet, Lavoris Hill wouldn't be here
18 either. And for what? For something that back in the
19 day would have resulted in a scuffle in the schoolyard.
20 Say what you will, about Lavoris Hill and Xavier Cancer,
21 at least they were willing to go fight like men.

22 But not Aaron Hood. He's not a man. The biggest
23 mistake Xavier Cancer made was taking Aaron Hood at his
24 word that he would fight like a man. He never wanted to
25 fight like a man. He had been wanting to shoot. He

1 wanted to shoot when he texted Lavoris Hill earlier that
2 day. I'm in the trailer park. Lavoris said me, too.
3 Aaron Hood says: So if it's pressure, you know I'm not
4 hiding from you, cuss. Aaron Hood: If you talking about
5 guns -- Lavoris Hill: If you're talking about guns, I
6 ain't want no part of it. Aaron Hood: Pussy ass.

7 He wanted to use that gun. He came to [REDACTED] Keisha
8 wanting to use that gun.

9 Ladies and gentlemen, all the evidence points towards
10 Aaron Hood being the shooter in this case because the
11 shooter in this case is the same person that hit Lavoris
12 Hill over the head with the gun. There's six people down
13 there, right? There's Lavoris Hill, Xavier Cancer and
14 their friend, PP or Elijah Smith. On the other side,
15 there's Mr. Hood, Shawn Pridgen and Tyvon Leaphart.

16 Let's start with Lavoris Hill did not hit himself
17 over the head with a gun. Xavier Cancer did not hit
18 Lavoris Hill over the head with a gun. Lavoris's friend,
19 Elijah, did not hit him over the head with a gun. Shawn
20 Pridgen is underneath Lavoris holding him down. He didn't
21 hit Lavoris over the head with a gun. And nobody said
22 Tyvon Leaphart did anything other than stand somewhere
23 in the background towards Myranda. He didn't hit Lavoris
24 Hill over the head with a gun.

25 Who's left? The man taunting about posted in the

1 trailer park is left. The man who sent the messages on
2 Facebook about wanting to use a gun and fight with a gun.
3 The man who threatened to kill everybody who lived at
4 [REDACTED] Keisha. The man who tried to hide his jacket with
5 Xavier Cancer's DNA on it. The man who had gunshot
6 residue all over his hands. The man who tried to flee
7 the county. How clear can it be?

8 And he didn't run because he was scared. He ran
9 because the police were coming. 9-1-1, 1:51. First
10 officer on-scene, 1:56. Wayne Bryan sees them running
11 across the road at 2:01 away from where the sirens were.
12 And if he's scared, why did he take off his jacket?
13 If you're scared, why are you even thinking about taking
14 off your jacket? He took off that jacket because he
15 didn't want the police to find it and started heading
16 to Newberry County away from the sirens, away from the
17 police, away from the people who could have helped him
18 if he was really scared.

19 Who wasn't at the Country Peddler? Who wasn't in
20 Miracle Pridgen's vehicle? Shawn Pridgen. Because after
21 the shooting they all ran by Shawn Pridgen's house and he
22 stayed behind at the house and they went to the Country
23 Peddler. That's where that gun went. The police didn't
24 search Shawn Pridgen's house until the afternoon of the
25 next day. Is it too far-fetched to believe that the same

1 guy who tried to give Aaron Hood his gun during the middle
2 of the fight also hid his gun? That's not too far-fetched
3 to believe, is it?

4 And are we really to believe that Miracle Pridgen
5 just happened to be at the Country Peddler at the exact
6 time they ran across the road? Are we really to believe
7 that? You know, what's interesting is that Snapchat
8 video you-all watched that Miracle posted was posted at
9 the exact same time that Aaron Hood sent that message to
10 Lavoris Hill saying he's in the trailer park. The exact
11 same time. You don't think she knew what was gonna
12 happen? She's the getaway driver.

13 And that timeline, that phone timeline that
14 Ms. Fuller was asking about, at 1:46 PM Aaron Hood is
15 calling Lavoris on that video chat showing him the gun
16 on these Facebook messages. At 1:49 Miracle is on the
17 phone with Tyvon. As this is going on, as Tyvon is
18 standing out there watching, she's getting a play-by-play
19 from Tyvon.

20 Now she testified that he called her after the fact,
21 but that's not even -- that's not true. That is not true
22 based on the phone record. Then at 1:51, the same time
23 as the 9-1-1 call, she is on the phone with Tyvon passing
24 Keisha Avenue. She may have even seen what happened.
25 She's out there ready. Ready to pick them up. Ready

1 to flee. Worse case scenario, she at least knew what
2 happened. Excuse me. Best case scenario she at least
3 knew what happened. Worse case scenario she knew what
4 was gonna happen beforehand, and she was ready. She was
5 ready to pick them up. Then at 1:54 there's a text from
6 Tyvon. Come across the street. Because they see her.
7 They see her. Come across the street. Pick us up.

8 Then she testified that she went to Myranda and her
9 mom told her that Aaron had been shot, but then when
10 Aaron jumps in her car at the Country Peddler they don't
11 talk anything about what happened? So she thought Aaron
12 had been shot but then when Aaron gets in her car she
13 said they didn't talk anything about what happened.
14 The only discussion was Tyvon telling her how to get to
15 Newberry, giving her directions. They didn't talk because
16 she knew. She knew what they had done and she knew what
17 her role was. To drive them away from there. But she
18 did say that Aaron Hood said he cut his hand when he was
19 running and fell. Do you believe that? Or is that from
20 that slide bite?

21 Let's talk about you as the jury get to judge who's
22 believable and who's not. Credibility. And, ladies and
23 gentlemen, I submit to you that just because a witness
24 can't remember exactly how things happened during a
25 traumatic event like this, that doesn't mean they're

1 lying. Just because witnesses may remember different
2 things at different times about the same event, that
3 doesn't mean they're lying. I submit to you if everybody
4 told the exact same story with the exact same details,
5 that would indicate they're lying. But these are real
6 people who saw a real-life tragedy and I hope you can
7 understand that.

8 Think about even something like a football game and
9 there's a touchdown. Everybody watches the same play.
10 One person may notice the great catch, one person may
11 notice the great block, one person may see a penalty at
12 the line of scrimmage. You all saw different things, but
13 you saw the same play. And that applies even more-so to
14 an event like this that's so traumatic.

15 And Lavoris Hill in particular, he's not trying to
16 polish up anything for you. He's not exaggerating. If
17 he was trying to make up a story, he'd say yeah, I saw
18 that man shoot Xavier Cancer. He didn't say that. He
19 said I saw that man with a gun, I heard a shot, next
20 thing I know Xavier Cancer is dead. He told you Zay came
21 there with a gun and put it down before he walked down
22 there to fight. He wouldn't tell any of that to you-all
23 if he's trying to polish up and tell you some good story.
24 He's telling you the truth. And you can see him on the
25 stand. He's struggling. No, I wouldn't -- I don't think

1 I said that. That's not the way it happened. If he made
2 mistakes about how he remembered things initially after he
3 got out of the hospital, after he had been in a struggle
4 for his life over a gun initially, then he got hit over
5 the head with a gun, then he carried his dying friend
6 on his shoulder to his vehicle and tried to perform CPR
7 until he couldn't even do it any more, good job, Aaron
8 Hood, for turning these people's lives upsidedown. It's
9 unfair to expect them to remember every little detail
10 about an event like that, but they all remember the main
11 thing, the man with the gun, the man who threatened to
12 kill them all.

13 And what Lavoris said is corroborated by the
14 evidence, ladies and gentlemen. He said he was hit in
15 the head and he's got a scar to prove it. Those Facebook
16 messages prove that man had the gun. Nivea and Dameon
17 both say he had the gun. He was the one making the
18 threats. Dameon saw him hit Lavoris over the head with
19 the gun. Everybody says one shot. Lavoris says I think
20 it was a forty. Well, what's found at the scene? One
21 40-caliber shell casing. The important stuff that
22 Lavoris said is corroborated by the evidence. The stuff
23 that matters.

24 Ladies and gentlemen, he's charged with murder.
25 Murder is the unlawful killing of another person with

1 malice aforethought. Malice is defined as ill will,
2 hostility, hatred, indifference to human life.

3 Now we can't dissect someone's brain to know what
4 they were thinking, so it's provable by what they said,
5 what they did. Well, he told you what was in his heart.
6 I'll kill all of you-all. I'll fire all of you-all up.
7 He told you what was in his heart in these Facebook
8 messages when Lavoris said I didn't want to play -- I
9 don't want to fight with guns. Pussy ass. Lavoris said
10 call it what you want. If you want to fight, we can do
11 that, but I've got a family. I ain't about to play with
12 no gun. So you want to fight or shoot? Aaron Hood said
13 it's whatever. But he wanted -- he wanted to shoot. He
14 wanted a reason to shoot. He'll shoot for nothing.

15 And, ladies and gentlemen, unlike what most people
16 think of murder, you don't have to preplan something or
17 have like premeditation, okay? You can have malice the
18 moment you decide to pull the trigger. It doesn't have
19 to be something premeditated or preplanned. The moment
20 you pull the trigger if you have malice in your heart,
21 that's murder.

22 He's also charged with assault and battery of a high
23 and aggravated nature for hitting Lavoris over the head
24 with that gun. That's defined as the unlawful injury to
25 another person and great bodily injury resulted or could

1 have resulted. Now I submit to you when you smack somebody
2 over the head with a gun, that could cause great bodily
3 injury.

4 Great bodily injury is also defined as a substantial
5 -- it's an injury which causes a substantial risk of death
6 or causes serious permanent disfigurement or impairment
7 to a bodily member or organ. And that's -- that's legal
8 talk, but Lavoris Hill does have permanent disfigurement
9 to his head because he still has that scar from that.

10 Now everybody knows that in a criminal case the
11 standard of proof is beyond a reasonable doubt. I
12 want to talk about that because a lot of people have
13 misconceptions about what that really means. I heard
14 somebody the other day say the State didn't prove their
15 case to a hundred percent certainty. Well, that's not
16 required. We don't have to prove things to an absolute
17 certainty to you because does that even exist in this
18 world? We don't have to prove things to you beyond any
19 doubt you may have or beyond all doubt. What's required
20 is just that you are firmly convinced of his guilt, the
21 same standard you would use in making any important life
22 decisions, okay? It's not some impossible standard. And
23 you're allowed to use your common sense to fill in gaps.
24 This isn't some science experiment. You're allowed to
25 use your common sense to connect the dots.