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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Horry County

Thomas W. Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYRELL VANQUIZ HARRISON,

APPELLANT

APPELLATE CASE NO. 2022-000866

RECORD ON APPEAL

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1 STATE OF SOUTH CAROLINA) Court of General Sessions
2)
3 State of South Carolina) Fifteenth Judicial Circuit
4 Plaintiff,) Case No. 2021-GS-05560,
5 vs.) 2021-GS-00341 & 2021-GS-00342
6 Tyrell Vanquizz Harrison,)
7 Defendant.) Transcript of Record

8

9

10 June 13-16, 2022

11 Horry County, South Carolina

12 B E F O R E:

13 The Honorable Thomas W. Cooper, Presiding Judge, and a jury

14 APPEARANCES:

15 Christopher Helms, Esquire
16 Nancy Livesay, Esquire
16 For the State.17 Brana Williams, Esquire
18 For the Defendant.19 Official Court Reporter
20 Julie Kevish

21

22

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1	State's Exhibits (continued)			
2	<u>NO.</u>	<u>DESCRIPTION</u>	<u>ID.</u>	<u>EV.</u>
3	S-18	1 yellow envelope		not admitted
4	S-19	1 plastic evidence bag		not admitted
5	S-20	1 plastic evidence bag		not admitted
6	S-21	Yellow envelope		not admitted
7	S-22	Yellow envelope		not admitted
8	S-23	Plastic evidence envelope		not admitted
9	S-24	Yellow envelope		not admitted
10	S-25	Yellow envelope		not admitted
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12	S-27	Yellow envelope		not admitted
13	S-28	Yellow envelope		not admitted
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10	S-48	Photo	221	221
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17	S-55	Swabs from jacket	285	286
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20				
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1 (Whereupon proceedings convened Monday, June 13, 2022)

2 THE COURT: Madam Solicitor & Solicitor, you can call
3 your case.

4 MR. HELMS: Thank you, Your Honor, at this time the
5 State would call State of South Carolina, County of Horry,
6 versus Tyrell Harrison.

7 THE COURT: Thank you. Ladies and gentlemen, as you
8 have heard, the State has called the case of the State of South
9 Carolina versus Tyrell Vanquiz Harrison. Mr. Harrison has been
10 indicted by the grand jury of Horry County and charged in this
11 first indictment with the crime of Murder. That indictment
12 accuses Mr. Harrison here in Horry County on or about
13 January 3, 2020 willfully, feloniously and intentionally
14 killing the victim, Tyrone Tyrek Ford with malice aforethought
15 either expressed or implied by means of shooting him and that
16 he died as a proximate result thereof in Horry County in
17 violation of the law.

18 The next indictment charges Mr. Harrison with the
19 crime of Attempted Murder, and this says that he did in Horry
20 County on or about January 3, 2020 with the intent to kill
21 Hassan Benhamedane, attempt to kill him with malice
22 aforethought, either expressed or implied in violation of the
23 law.

24 The final indictment accuses Mr. Harrison on
25 January 3, 2020 being in possession of a firearm or visibly

voir dire

1 displaying what appeared to be a firearm during the commission
2 or attempting commission of a violent crime in violation of the
3 law.

4 (Voir Dire)

5 Now, ladies and gentlemen, the indictments which I've
6 just read to you are not evidence, nor are they proof of the
7 charges that they contain. The indictments are simply charging
8 documents, legal papers that tell you or me or anybody else who
9 reads them what these charges are all about. To the charges
10 contained in the indictments, Mr. Harrison has entered pleas of
11 not guilty and has requested a jury trial at your hands.
12 Mr. Harrison, would you please stand and face the jury behind
13 you? Thank you, sir, you can be seated. I need to know now,
14 ladies and gentlemen, if any of you all are related by blood or
15 connected by marriage to Mr. Tyrell Harrison or if you are a
16 friend of his or a business associate of his, a casual
17 acquaintance of his or a person who has any direct or indirect
18 contact with Mr. Harrison. If so, would you please stand?

19 MR. HELMS: Your Honor, may we approach on that
20 question?

21 THE COURT: Okay.

22 (Off the record discussion was held at the bench by
23 Court and counsel.)

24 If you would face the jury. The issue has been
25 raised that since his mask is on and you were asked to see if

1 you had any connection with him it would be hard for you to
2 identify him without the mask, but now the mask is off. Thank
3 you. So I'll repeat the question. Are any of you any related
4 by blood or connected by marriage to Mr. Harrison or are you a
5 friend of his, a business associate of his, a casual
6 acquaintance of his, or a person who has any direct or indirect
7 contact with Mr. Tyrell Vanquizz Harrison, if so please stand.
8 Thank you.

9 Ladies and gentlemen, the indictments allege two
10 defendants, Tyrone Tyrek Ford -- Excuse me, two alleged
11 victims, I should say. Tyrone Tyrek Ford is a victim in one
12 indictment. The Alleged victim in the other is Hassan
13 Benhamedane. So now I need to know if any of you are related
14 by blood or connected by marriage to either of those alleged
15 victims or if you are friends, business associates, casual
16 acquaintances or people who have any direct or indirect contact
17 with either of those alleged victims, if so, please stand.
18 Thank you.

19 Now, ladies and gentlemen, potential witnesses who
20 may testify in the trial of this case, and I'm going to read to
21 you a list of potential witnesses who may testify. The list of
22 potential witnesses is rather lengthy, all of these witnesses
23 may not be called to testify, but they're all potential
24 witnesses, and I'll give you a chance to tell me what
25 connection, if any, you have with any of these potential

1 witnesses.

2 Potential witnesses who may testify in the trial of
3 this case are: Sean Wydra; Becky Phillips; Greg Lent; Ken
4 Marcus; Detective Sauls; Dr. Valentino Piacentino from Grand
5 Strand Hospital; Renisha Jackson; Tatina Thomas; Donnie
6 Williams; Brad Baker.

7 Are any of you related by blood or connected by
8 marriage to any of those potential witnesses? Are you friends
9 of theirs or business associates, casual acquaintances or
10 people who have any direct or indirect contact with any of
11 those potential witnesses? Yes, sir, your name and number,
12 please, sir?

13 THE JUROR: Jason Freer, 134.

14 THE COURT: Yes, sir?

15 THE JUROR: I was their captain at the Horry County
16 Police Department, sir, not at the time of this incident but I
17 just retired about a year ago.

18 THE COURT: And so that would have put you in contact
19 with some of these potential witnesses; is that right?

20 THE JUROR: Not today, sir. I haven't talked to them
21 over a year, I've retired, but I was working for them at the
22 time, sir, or they worked for me, I should say.

23 THE COURT: I'm going to be asking you another
24 question as it pertains to this case, particularly, and your
25 knowledge of this case, and that might be, Mr. Freer, a time

1 for us to explore that more in depth, okay?

2 THE JUROR: Okay.

3 THE COURT: Thank you.

4 THE JUROR: Yes, sir.

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

6 THE JUROR: 161, Diana Hicks.

7 THE COURT: Ms. Hicks, who is the connection with,
8 please, ma'am?

9 THE JUROR: I think you mentioned Dr. Piacentino?

10 THE COURT: Yes.

11 THE JUROR: He was my husband's surgeon.

12 THE COURT: Did you have any, other than through your
13 husband, did you have any direct dealings with Dr. Piacentino?

14 THE JUROR: Well, I was there for the surgery and
15 we've spoken on the phone.

16 THE COURT: Right. Would that association that you
17 just described, Ms. Hicks, make it difficult for you to be fair
18 and impartial as a trial juror in a case in which Dr.
19 Piacentino might testify?

20 THE JUROR: No, I don't think so.

21 THE COURT: Could you set aside your connection with
22 the doctor and make your decision based on what you hear in
23 court without regard to that association?

24 THE JUROR: Yes.

25 THE COURT: And would you do that, please, ma'am?

1 THE JUROR: Yes.

2 THE COURT: Thank you, Ms. Hicks. Other witnesses
3 who may testify in the trial of this case are Sara Waddell from
4 the Horry County Police Department; Detective Edwards from the
5 police department; Detective Wilson from the police department;
6 Jalisa Davis; Khyleem Bellamy; Eric Eason who is a pathologist;
7 Latifa Sadok, S-A-D-O-K, Brian Scales; Harry Mercer; Matthew
8 Tindel; Rashadd Chestnut. Are any of you related by blood or
9 connected by marriage to any of those potential witnesses or
10 friends, business associates, casual acquaintances or people
11 who have any direct or indirect contact with any of those
12 potential witnesses? And again, Mr. Freer, I take it that your
13 association with some of these obvious police officers, you
14 would know them?

15 THE JUROR: Yes, sir.

16 THE COURT: That association, standing alone, without
17 regard to this case, and I'll ask you about that at a later
18 time, with the association that you've had with any of those
19 witnesses who are employees of the police department make it
20 difficult for you to be fair and impartial as a juror in the
21 trial of this case?

22 THE JUROR: Not at all, sir.

23 THE COURT: Could you set aside that association and
24 decide this case based on the evidence that you would hear
25 without regard to that association?

1 THE JUROR: Absolutely.

2 THE COURT: Would you do that?

3 THE JUROR: Yes, sir.

4 THE COURT: Thank you. Other potential witnesses,
5 Edward Strickland from the police department; Josiah Doyle from
6 the police department; Michael Stackhouse from the police
7 department; Alicia Miller from the police department; Michael
8 Knapp from the police department; Summer Gasque from the police
9 department; Jude Benko from the police department; Damon
10 Vescovi from the police department; Heather Wilson from the
11 police department; Michelle Eichenmiller from S.L.E.D.; Megan
12 Fletcher from S.L.E.D.; David McClure from Richland County
13 Sheriff's Office. Are any of you connected by blood or
14 marriage to any of those potential witnesses or are you
15 business associates, casual acquaintances or people who have
16 any direct or indirect contact with any of those potential
17 witnesses, and I take it, Mr. Freer, you would have the same
18 connection. I asked you the same question regarding your
19 association with those members of the police department. Would
20 that make it difficult for you to be fair and impartial as a
21 juror in this case?

22 THE JUROR: No, it would not.

23 THE COURT: You could set aside that association and
24 decide this case based on the evidence that you will without
25 regard to that association?

1 THE JUROR: Yes, Your Honor.

2 THE COURT: Thank you. Finally, the additional
3 witnesses who may testify in this case are Lori Dudley from the
4 police department; Merrell Hawkins from the police department;
5 Heather Wilson from the police department; Jill Domogauer from
6 the police department; Chrissy Tompkins from the 911 operator;
7 Renee Hardwick from 911; Matt Stephenson from the police
8 department; Bethany Davidson from S.L.E.D.; Bailey Haynes from
9 S.L.E.D., Madison Willis from S.L.E.D.; Pete Cestare from the
10 police department; and Sandy Lowe from the Sheriff's Office.
11 Are any of you related by blood or connected by marriage to any
12 of those potential witnesses or friends, business associates,
13 casual acquaintances or people who have any direct or indirect
14 contact with any of those potential witnesses, and Mr. Freer,
15 I'll ask you the same question regarding your association with
16 those members of the police department. Would that association
17 make it difficult for you to be fair and impartial?

18 THE JUROR: No.

19 THE COURT: Could you set aside that association and
20 decide this case based on the evidence?

21 THE JUROR: Yes.

22 THE COURT: And would you do that?

23 THE JUROR: Yes.

24 THE COURT: Yes, ma'am?

25

1 MS. LIVESAY: Judge, we left off one witness, I
2 apologize. That young man's name Eric Hemingway. He is not
3 from the police department and he is a witness.

4 THE COURT: Are any of you related by blood or
5 connected by marriage to Mr. Eric Hemingway or a friend of his
6 or a business associate of his or a casual acquaintance or
7 people that have any direct or indirect contact with Mr.
8 Hemingway, if so, please stand.

9 THE JUROR: Yes.

10 THE COURT: Would that association make it difficult
11 for you to be fair and impartial, Mr. Freer, as a juror in this
12 trial?

13 THE JUROR: Not at all.

14 THE COURT: Could you set aside that association and
15 decide this case based on the evidence?

16 THE JUROR: Yes.

17 THE COURT: And would you do that, please, sir?

18 THE JUROR: Yes.

19 THE COURT: Thank you. Additional witnesses who may
20 testify in the trial of this case are Anthony Lee Dale; a Lloyd
21 Daniel Martin. Are any of you related by blood or connected by
22 marriage to any of those potential witnesses, or friends,
23 business associates or casual acquaintances or people who have
24 any direct or indirect contact with any of those potential
25 witnesses, if so, please stand. Thank you.

1 Now, ladies and gentlemen, I need to know if any of
2 you all know anything about this case. If you have seen or
3 read or heard anything about the case or have any knowledge
4 about the case from any source at all, would you please stand?
5 The indictment alleges that this crime occurred on January 3,
6 2020 here in Horry County. I've given you the name of, of
7 course, Mr. Harrison, whom you have met and of the alleged
8 victims. Based on that information do any of you know anything
9 about this case? Have you ever seen or heard or read anything
10 about this case or have any knowledge about the case from any
11 source at all, would you please stand?

12 THE JUROR: Yes, Your Honor. I heard about it on the
13 radio.

14 THE COURT: Was this a newscast about the time it
15 happened?

16 THE JUROR: Yes, I do believe so, Your Honor.

17 THE COURT: Would you give us your name, please, sir?

18 THE JUROR: William Gerbich, 142.

19 THE COURT: Mr. Gerbich, let me ask you a very
20 specific question and I need a specific yes or no answer.
21 Based on what you heard on the radio, I take it that was at or
22 about the time this happened; is that right?

23 THE JUROR: That is correct.

24 THE COURT: Did you form in your own mind or express
25 any opinion to anyone else as to the guilt or the innocence of

1 Mr. Harrison?

2 THE JUROR: No.

3 THE COURT: Would you be able to set aside what you
4 heard on the radio and make your decision as a juror in this
5 case based on what you would hear in this courtroom without
6 regard to what you heard on the radio?

7 THE JUROR: Yes.

8 THE COURT: And would you do that, please, sir?

9 THE JUROR: Yes.

10 THE COURT: Thank you, Mr. Gerbich.

11 Now, ladies and gentlemen, you've told me, with the
12 exception of Mr. Gerbich, that none of you have heard anything
13 about this case, you don't know anything about this case. You
14 understand what the charges are, and you understand that the
15 allegations are alleged crimes of personal violence against the
16 two alleged victims in this case, and so I need to know if any
17 of you all or any members of your immediate family have ever
18 had any involvement with a crime of personal violence. Crimes
19 of personal violence, as the name applies, are crimes against
20 the person. Murder or attempted murder alleged in these two
21 indictments are crimes of personal violence. There are other
22 crimes of personal violence: Criminal domestic violence, armed
23 robbery, kidnapping, these are examples of crimes of personal
24 violence. So I need to know if any of you or any members of
25 your immediate family have ever had any involvement as a crime

1 of personal violence. So first of all, the question applies
2 not only to you, it applies to any members of your immediate
3 family, members of your household. Secondly, it applies to a
4 wide range of possible involvement in the crime of personal
5 violence. You or your family member could have been the victim
6 of the crime, that is a person against whom the crime was
7 committed. You or your family member could have been the
8 defendant in the crime, that is the person who is charged with
9 committing the crime. You or your family member could have
10 been a witness to the crime, that is somebody who is directly
11 involved, either saw it or was involved in the crime itself or
12 in its prosecution. So if that question applies to you in any
13 of those respects I want to get you identified as to your name
14 and your number and then I'm going to bring you forward
15 individually up here and in the relative privacy of the court
16 reporter and the lawyers and myself and ask you further
17 questions about your involvement. I'll start right over here.
18 Yes, sir? You name and number, please?

19 THE JUROR: Yes, I'm Ken, Mcmichael, my number is
20 249.

21 THE COURT: 249, thank you. Thank you, Mr.
22 Mcmichael, you can have a seat, and I'll get back with you in
23 just a moment. Yes, ma'am? On the aisle, your name and
24 number, please?

25 THE JUROR: Sherrie Aldridge, number four.

1 THE COURT: Sherrie Aldridge, number four. Yes, you
2 can have a seat, Ms. Aldridge. Yes, ma'am, your name and
3 number?

4 THE JUROR: Janeen Krystofolski, 209.

5 THE COURT: Thank you, Ms. Krystofolski, you can have
6 a seat. Yes, sir, Mr. Gerbich, number 142, I've got you noted,
7 you can have a seat. Yes, ma'am, on the front, your name and
8 number, please?

9 THE JUROR: Keeley Blaine, number 40.

10 THE COURT: Is it Ms. Blaine?

11 THE JUROR: Yes, sir.

12 THE COURT: Thank you, Ms. Blaine, you can have a
13 seat. Yes, sir?

14 THE JUROR: David Farrell, 123.

15 THE COURT: Yes, sir, Mr. Farrell. Yes, on the back
16 against the wall?

17 THE JUROR: Juror Number 359, Andrew Terranova.

18 THE COURT: Thank you, Mr. Terranova, you can have a
19 seat. Yes, ma'am? Your name?

20 THE JUROR: Synthia Jarrett, 182.

21 THE COURT: 182?

22 THE JUROR: Yes, sir.

23 THE COURT: Thank you. Yes, sir, against the wall?

24 THE JUROR: Josh Kuppart, 210.

25 THE COURT: Thank you, Mr. Kuppart. Yes, sir?

1 THE JUROR: Stan Parker, 281.

2 THE COURT: Thank you.

3 MS. WILLIAMS: Your Honor, may we approach?

4 (Off the record discussion was held at the bench with
5 Court and counsel)

6 THE COURT: I've been asked to expand the question
7 logically, and it makes sense. I had asked you about family
8 members connected by blood or by marriage. I will expand to
9 include any close personal friends. If you have any close
10 personal friends who have been involved in the crime of
11 personal violence, if that applies to anybody in any of those
12 respects that I have asked the others, if so please stand.
13 Thank you. I'm trying to figure logistically, first of all,
14 I am going to get out of here, and secondly, I'm going to talk
15 up here where I can get where the court reporter can hear you.
16 If I can you on this side, form a line right there behind the
17 rail and I can get the folks one at a time beginning with Mr.
18 Mcmichael. First of all, is it you or a family member or
19 friend?

20 THE JUROR: My brother, he was murdered back in 1999.
21 At Masters Nightclub.

22 THE COURT: Is that here?

23 THE JUROR: Myrtle Beach.

24 THE COURT: Was anybody caught and convicted as a
25 result of that?

1 THE JUROR: Yeah, three men who jumped him and killed
2 him.

3 THE COURT: They were prosecuted? Were they
4 convicted as a result?

5 THE JUROR: That, I don't know that.

6 THE COURT: You don't know how it came out?

7 THE JUROR: Well, I mean, they were sent to prison,
8 yes.

9 THE COURT: Okay, that answers my question. And I
10 take it that was prosecuted by the Solicitor's office here in
11 Horry County, right?

12 THE JUROR: Probably.

13 THE COURT: Did you follow that at all? Were you in
14 the area at the time that happened?

15 THE JUROR: Pardon?

16 THE COURT: Were you in this area, living in the
17 area?

18 THE JUROR: I was in Myrtle Beach.

19 THE COURT: Would your involvement as a brother of
20 the victim, and that makes you under the law a victim as well,
21 in that case would that make it difficult for you to be fair
22 and impartial as a juror in the trial of this case?

23 THE JUROR: Yes.

24 THE COURT: I can understand that. We'll stand you
25 aside as a juror in this trial, Mr. Mcmichael. Please don't

1 discuss your involvement in that regard with any other jury
2 members until we get a jury paneled, okay? You can take a
3 seat. Thank you. Number 249 will be set aside as a juror in
4 this trial.

5 Ms. Krystofolski, 209. Was it you or a family
6 member?

7 THE JUROR: It was my husband.

8 THE COURT: And what was his involvement?

9 THE JUROR: He pled guilty to assault with a deadly
10 weapon.

11 THE COURT: And where did that happen?

12 THE JUROR: Massachusetts.

13 THE COURT: How long ago was that?

14 THE JUROR: In the early 80's.

15 THE COURT: Were you all married at the time?

16 THE JUROR: No.

17 THE COURT: Obviously, the knowledge that you gained
18 about that would have been after the fact, right? You did not
19 know about that crime at the time it happened?

20 THE JUROR: No.

21 THE COURT: I just need to know if your involvement,
22 whatever the involvement was, how you would describe it, in
23 that situation would that make it difficult for you to be fair
24 and impartial as a juror in this trial?

25 THE JUROR: I think it would be, yeah, I have to be

1 honest.

2 THE COURT: Okay. We can understand that. We're
3 going to stand you down. We can appreciate that. I'll stand
4 you aside as a juror in this trial. Please don't discuss your
5 involvement or your husband's involvement with anybody else on
6 this jury while we're trying to get a jury. Okay?

7 THE JUROR: Okay. Thanks.

8 THE COURT: You can have a seat. Ms. Aldridge? Ms.
9 Aldridge, if you can speak so that she can hear you. Was it
10 you or a family member?

11 THE JUROR: Me.

12 THE COURT: You?

13 THE JUROR: Yeah, it was a CDV charge, not against
14 me, against the other person and he pled guilty here in Horry
15 County.

16 THE COURT: Were you the victim in that case?

17 THE JUROR: Yes.

18 THE COURT: How long ago did that happen?

19 THE JUROR: Maybe ten years.

20 THE COURT: Okay, a long time ago. But your
21 involvement as a victim of a crime of personal violence, would
22 that make it difficult for you to be fair or impartial in this
23 case?

24 THE JUROR: No.

25 THE COURT: Could you set aside your experience and

1 decide this case based on what you hear?

2 THE JUROR: Yes.

3 THE COURT: Would you do that?

4 THE JUROR: Yes.

5 THE COURT: Thank you, Ms. Aldridge. You may go back
6 and have a seat. Anybody on the front row who was involved, if
7 you all do similar, that way nobody will have to be standing up
8 there for a long period of time. Ms. Blaine, if you would come
9 right there and speak so that she can hear you as juror number
10 40. Ms. Blaine, was it you or a family member that was
11 involved?

12 THE JUROR: It was me and my two daughters.

13 THE COURT: And what was your involvement?

14 THE JUROR: My ex-husband attacked me in front of
15 them.

16 THE COURT: How long ago was that?

17 THE JUROR: July 14, 2020.

18 THE COURT: Was your husband prosecuted for that?

19 THE JUROR: Yes.

20 THE COURT: And what was the outcome of that, do you
21 mind telling me?

22 THE JUROR: Oh, I don't mind. He was convicted and
23 he did, like, I think he got fined and community service.

24 THE COURT: Are you and your husband together now?

25 THE JUROR: No, we're divorced, but I see him every

1 weekend because he visits our daughter.

2 THE COURT: How old are your daughters now?

3 THE JUROR: Seventeen and ten.

4 THE COURT: Would your involvement as a victim of
5 domestic violence make it difficult for you to be fair and
6 impartial as a juror in this trial?

7 THE JUROR: I don't think so.

8 THE COURT: Would you be able to set aside your
9 involvement and decide this case based on what you would hear
10 in court without regard to the fact that you were a victim of
11 personal violence?

12 THE JUROR: Yes.

13 THE COURT: And you will do that?

14 THE JUROR: Yes.

15 THE COURT: Thank you, Ms. Blaine. You can go back
16 and have a seat. Yes, sir, Mr. Farrell, 123. You had
17 described to me upstairs your situation that your sister was a
18 victim?

19 THE JUROR: My sister-in-law was murdered here in
20 Horry County.

21 THE COURT: And where did that happen?

22 THE JUROR: In Myrtle Beach, Horry County.

23 THE COURT: How long ago was that?

24 THE JUROR: 2007.

25 THE COURT: Was anyone ever caught and convicted as a

1 result of this?

2 THE JUROR: Yes.

3 THE COURT: And obviously, they were prosecuted by
4 the Solicitor's Office of Horry County?

5 THE JUROR: I guess, yeah.

6 THE COURT: Were you involved in that part of the
7 case?

8 THE JUROR: No.

9 THE COURT: Were you and your sister, sister-in-law,
10 in close proximity at the time that happened?

11 THE JUROR: No. I was not married to her sister yet,
12 but I've seen the devastation of the family and I don't feel I
13 could be.

14 THE COURT: And you've answered my question. We can
15 understand that and I'm sorry that we had to ask you to relive
16 that, and I apologize for that.

17 THE JUROR: It's been a nightmare still today.

18 THE COURT: Yes, sir. We'll stand you aside as a
19 juror, Mr. Farrell. I'd ask that you do not discuss your
20 situation with anybody else on this jury while we're trying to
21 get a jury in place, okay?

22 THE JUROR: Yes.

23 THE COURT: Thank you, sir. You can go back and have
24 a seat. Juror 123 is excused. On the next row back, those of
25 you who are involved who stood earlier. Yes, ma'am?

1 THE JUROR: Ms. Jarrett, 182.

2 THE COURT: Ms. Jarrett, was it you or a family
3 member that was involved?

4 THE JUROR: A family member.

5 THE COURT: And what is the relation to you?

6 THE JUROR: My two brothers and two cousins.

7 THE COURT: What was their involvement?

8 THE JUROR: They broke into a sheriff's house and
9 killed his dog.

10 THE COURT: Was that here in Horry County?

11 THE JUROR: Uh-huh.

12 THE COURT: Were they tried and convicted of this?

13 THE JUROR: Uh-huh, yes, sir.

14 THE COURT: And the Solicitor's Office prosecuted
15 them, I'm sure?

16 THE JUROR: Uh-huh.

17 THE COURT: Were you involved in that at all?

18 THE JUROR: Uh-uh, no, sir.

19 THE COURT: I realize you didn't have anything to do
20 with the crime, but with the prosecution of it, were you
21 involved in it?

22 THE JUROR: No.

23 THE COURT: Would your involvement as the sibling of
24 folks who were charged with a crime of this nature, would that
25 make it difficult for you to be fair and impartial as a juror

1 in this trial?

2 THE JUROR: No.

3 THE COURT: Could you set aside that involvement and
4 decide this case based on what you hear in court?

5 THE JUROR: Yes, sir.

6 THE COURT: Would you do that?

7 THE JUROR: Yes, sir.

8 THE COURT: Thank you, ma'am. You can go back.

9 THE JUROR: I want to ask a question. You know this
10 case, you know, some of these people, witnesses and stuff, they
11 go by nicknames and you will only know them if you see them.
12 Because some of them go by nicknames and you don't know their
13 real names.

14 THE COURT: Well, that's true, that's true. Well,
15 all I can say is if -- and you've answered according to the
16 name as best as you could answer. Now, if anybody gets called
17 as witness and you see them take the stand and you say, that's
18 Pokey, I know them, you know, then you just let us know right
19 then, right then.

20 THE JUROR: Okay.

21 THE COURT: You get the bailiff's attention and you
22 let us know that. Thank you.

23 THE JUROR: Okay. Thank you.

24 THE COURT: Your name again, please, sir, I'm sorry?

25 THE JUROR: Andrew Terranova.

1 THE COURT: Yes, sir. Juror Number 359. Mr.
2 Terranova, was it you or a family member that was involved?

3 THE JUROR: Me.

4 THE COURT: What was your involvement?

5 THE JUROR: I've witnessed a couple of violent
6 crimes.

7 THE COURT: Two separate incidents?

8 THE JUROR: Yeah.

9 THE COURT: Where did they occur?

10 THE JUROR: One was outside of the Myrtle Beach
11 Library a number of years ago, it was a physical altercation I
12 called 911. The perpetrator was gone by the time police got
13 there but they rendered physical aid to the victim. And the
14 other was outside of my home, I live across the street from an
15 apartment complex and there was a domestic dispute in that
16 parking lot and I called 911 on that. That was the spring of
17 2019 of the perpetrator and the victim had gone back to their
18 apartment, I didn't know which apartment it was so I don't
19 think the police ever followed up on that, I just wanted to
20 disclose.

21 THE COURT: I appreciate that. Would your
22 involvement as a witness, as you've explained that, make it
23 difficult for you to be fair and impartial as a juror in this
24 particular case?

25 THE JUROR: No.

1 THE COURT: Could you set aside that situation and
2 decide this case based on the evidence that you would hear in
3 court with that involvement?

4 THE JUROR: Yes.

5 THE COURT: Would you do that, please, sir?

6 THE JUROR: I will.

7 THE COURT: Thank you, Mr. Terranova. You can have a
8 seat. Yes, sir? Mr. Gerbich?

9 THE JUROR: Yes, sir.

10 THE COURT: If you'll speak so that she can hear you,
11 this is juror number 142. Was it you or a family member that
12 was involved?

13 THE JUROR: A family member.

14 THE COURT: What was the relation to you?

15 THE JUROR: My ex father-in-law, and my son's
16 grandfather.

17 THE COURT: What was his involvement?

18 THE JUROR: His sister and her two daughters were
19 murdered, a triple homicide.

20 THE COURT: Where did that happen?

21 THE JUROR: Wolfville, Virginia.

22 THE COURT: How long ago was that?

23 THE JUROR: It was years ago.

24 THE COURT: And you were married at the time?

25 THE JUROR: Yes. He was executed and he was still

1 buried next to my ex father-in-law's sister. He still got his
2 way. It's messed up.

3 THE COURT: That's the stuff made on a television
4 show.

5 THE JUROR: That's what I said, I think this could be
6 on TV long before all the reality stuff came out, this was
7 years ago.

8 THE COURT: Mr. Gerbich, with your involvement as you
9 have just described it to me, would it make it difficult for
10 you to be fair and impartial as a juror in this trial in which
11 one of the charges is a crime of murder?

12 THE JUROR: I would love to be a part of this, but I
13 believe it would, I absolutely do.

14 THE COURT: And I can understand that, and I'm sorry
15 we had to ask you to go back and relive that difficult part,
16 but we will stand you aside as a juror in this case and ask
17 that you not discuss your situation with anybody else on this
18 jury while we're trying to get a jury in place.

19 THE JUROR: Yes, Your Honor.

20 THE COURT: Thank you, sir, you can go back and take
21 a seat. Number 142 will be set aside as a juror in this case.
22 Yes, sir?

23 THE JUROR: Joshua Cooper, 210.

24 THE COURT: Joshua Cooper, 210. Was it you or a
25 family member?

1 THE JUROR: Family member. My brother had charges,
2 in 2012.

3 THE COURT: The 2012 charges were what? I couldn't
4 understand you.

5 THE JUROR: It was manslaughter. Someone was on my
6 dad's property drinking and they was all drinking and he got
7 stabbed and he punched the guy, he fell back, hit his head and
8 died.

9 THE COURT: Was that in Horry County?

10 THE JUROR: Yes, sir.

11 THE COURT: How long ago was that?

12 THE JUROR: 2012, I believe.

13 THE COURT: Were any of these folks tried and
14 convicted as a result of it?

15 THE JUROR: My brother, he did time, but the people
16 that stabbed him, they didn't get no time, they should have, in
17 my opinion, but that's --

18 THE COURT: Obviously, Mr. Cooper, that was a
19 traumatic event for you all to go through. Would your
20 involvement as a victim in that case make it difficult for you
21 to be fair and impartial as a juror in this trial?

22 THE JUROR: No, sir.

23 THE COURT: Could you set aside your own experience
24 and decide based on the evidence that you'll hear, can you do
25 that, sir?

1 THE JUROR: Yes, sir.

2 THE COURT: Thank you, sir. Mr. Parker, Juror 281.
3 Mr. Parker, was it you or a family member?

4 THE JUROR: Me.

5 THE COURT: And what was your involvement?

6 THE JUROR: Three years ago, I have a construction
7 company and we caught a guy stealing from us early in the
8 morning on a Sunday morning. I followed him, called Horry
9 County Police, they never intercepted. I followed him down
10 Peachtree Road, he stopped at a stop sign, put his truck in
11 reverse and come at me about 30 miles an hour with a trailer.
12 I disabled my car, and then 15 minutes later they arrested him.
13 I found him and turned him into the prosecutor's office and
14 it's been going on from then. I don't think we still haven't
15 prosecuted him yet.

16 THE COURT: Still pending?

17 THE JUROR: Still pending.

18 THE COURT: Three years ago?

19 THE JUROR: Uh-huh.

20 THE COURT: Do you know who's handling that in the
21 Solicitor's Office?

22 THE JUROR: I can't remember off the top of my head.
23 I didn't know we was gonna get into this kind of stuff.

24 THE COURT: I understand.

25 THE JUROR: When it happened I called Seth Hopkins, I

1 called Seth because I knew him since he was little and I called
2 told him and told him what was going on and the same guy, we
3 caught him stealing before. This time just actually caught him
4 on the job site and followed him Sunday morning.

5 THE COURT: This was a construction site?

6 THE JUROR: Yeah.

7 THE COURT: Would your involvement as a victim in
8 that regard, Mr. Parker, make it difficult for you to be fair
9 and impartial as a juror in this trial?

10 THE JUROR: No.

11 THE COURT: Could you set aside your own experience
12 and decide this case based on what you hear in court? Would
13 you do that, please, sir?

14 THE JUROR: Yes, sir.

15 THE COURT: Thank you, Mr. Parker.

16 Okay, folks, I've got that we've excused number 249, number
17 209, number 142 and number 123. Is that what you all got?

18 MR. HELMS: Yes, sir.

19 THE COURT: Ladies and gentlemen of the jury, I've
20 asked your association with a lot of folks who are involved
21 either as potential witnesses, victims or the defendant in this
22 case. I now need to know if you all have any association with
23 the lawyers who are involved in the trial of this case. On
24 behalf of the State the case is going to be presented by Mr.
25 Chris Helms and Ms. Nancy Livesay, these Assistant Solicitors

1 from the Horry County Solicitor's Office. The Defendant, Mr.
2 Harrison is represented by Ms. Brana Williams of the Horry
3 County Bar. I need to know if any of you have any connection
4 with these lawyers, if you are related to them by blood or by
5 marriage, if you are friends of theirs, business associates,
6 casual acquaintances of theirs, if you've ever been sued by any
7 of them, ever been represented by any of them in the past,
8 would you please stand?

9 THE JUROR: Just because of the cases, Your Honor,
10 that Horry County brought forward, I think I had Ms. Livesay as
11 a prosecutor one time a long time ago, but Mr. Helms, I did
12 not.

13 THE COURT: Mr. Freer, if you could come forward now
14 and let me ask you some additional questions that relate to the
15 answers you've given earlier in regard. You've heard the
16 questions about knowledge of the case and things of that nature
17 and all of those things?

18 THE JUROR: Yes.

19 THE COURT: And just for my edification, you retired,
20 when did you retire?

21 THE JUROR: April 1, 2021, last year.

22 THE COURT: Any significance to that date?

23 THE JUROR: No.

24 THE COURT: How long had you been with the police
25 department at that time?

1 THE JUROR: Horry County Police Department, 22 years,
2 and then I was with Myrtle Beach for five years prior to that
3 and then military police four years prior to that.

4 THE COURT: Good. With any of that involvement or
5 the accumulation of that involvement make it difficult for you
6 to be fair and impartial in this case?

7 THE JUROR: No, Your Honor.

8 THE COURT: You can set aside those things and decide
9 this case based to what you hear?

10 THE JUROR: Yes. Anybody who knows me knows I do.

11 THE COURT: Right, I understand. Well, we appreciate
12 your service. Thank you so much. You can go back and have a
13 seat.

14 Now, Ladies and gentlemen, have any of you formed in
15 your own mind or expressed to anyone else any opinion as to the
16 guilt or the innocence of Mr. Harrison? If so, please stand.
17 Are any of you aware of, that is to say, conscious of any bias
18 or prejudice for or against the State of South Carolina or for
19 or against the defendant, Mr. Harrison in this case. If you
20 are aware, would you please stand? Do any of you know of any
21 reasons as to why you cannot give both the State of South
22 Carolina and the defendant, Mr. Harrison, a fair and impartial
23 trial? If you know of any such reason would you please stand?
24 Yes, sir? Will you come forward, please, sir?

25 THE JUROR: 131, Bradley Floyd.

1 THE COURT: What's your situation?

2 THE JUROR: I just believe if you're arrested you're
3 guilty. I'm going to be honest about it.

4 THE COURT: Well, that's good. That's the reason I
5 asked you the question. That's what I wanted to know. We'll
6 stand you aside as a juror in the trial, Mr. Floyd.
7 Please don't express that opinion to anybody else on the jury
8 Body, sir. Juror number 131 will be set aside. Any further
9 questions from the State, Mr. Helms, Ms. Livesay?

10 MR. HELMS: Your Honor, we do have one question we
11 would submit to the Court, just if the Court would ask if
12 anyone's been charged with a violent crime.

13 THE COURT: Okay, I've asked about personal violence,
14 if any of them or any members of their immediate family have
15 ever been a defendant in a crime of personal violence. Did
16 that cover it?

17 MR. HELMS: Did the Court ask/inquire as to whether
18 or not the potential juror was ever charged?

19 THE COURT: The question that I meant to put to them:
20 Has any member of the jury panel or any member of your
21 immediate family ever been involved in a crime of personal
22 violence either as a defendant or a victim or a witness?

23 MR. HELMS: That's the question. Yes, sir.

24 THE COURT: And we had, of course, a whole lot of
25 folks who came up and answered that.

Jury Selection

1 MR. HELMS: Yes, sir, I understand. Nothing further
2 from the State.

3 THE COURT: Yes, ma'am?

4 MS. WILLIAMS: Nothing further, Your Honor.

5 THE COURT: Madam Clerk, you can give us a jury. The
6 strikes will be five for the State, ten for the defense, we
7 will select two alternates. As to each alternate the strikes
8 will be one for the State and two for the defense.

9 MR. HELMS: Yes, sir.

10 THE COURT: Now, ladies and gentlemen, the Clerk is
11 going to go through a process of selection of your names and
12 calling you and you'll follow her instructions as to what you
13 need to do if your name happens to be called.

14 (Jury Selection and jury seated)

15 THE CLERK: When I call your name and juror number,
16 please come to the front of the room and bring any personal
17 belongings with you and turn and face the back wall. Juror
18 number 358, Heather Taylor. What say the State?

19 MR. HELMS: Please present the juror.

20 THE CLERK: Defense?

21 MS. WILLIAMS: Please seat the juror.

22 THE CLERK: Please be seated in the jury box.

23 THE COURT: That's the drill, ladies and gentlemen.
24 The rest of you will follow the first one now that you know how
25 the process works.

1 THE CLERK: Juror number 310, Charisse Romeo.

2 What say the State?

3 MR. HELMS: Please present the juror.

4 THE CLERK: Defense?

5 MS. WILLIAMS: Please seat the juror.

6 THE CLERK: Please be seated in the jury box. Juror
7 266, Mary Morris. What say the State?

8 MR. HELMS: Please present the juror.

9 THE CLERK: Defense?

10 MS. WILLIAMS: Please excuse this juror from the
11 trial of this case.

12 THE CLERK: You're excused from this particular case.
13 Juror Number 218, Kevin Lee. What say the State?

14 MR. HELMS: Please excuse the juror from the trial of
15 this case.

16 THE CLERK: You're excused from this particular case.
17 Juror 59, Bradley Carhart. What say the State?

18 MR. HELMS: Please present the juror.

19 THE CLERK: Defense?

20 MS. WILLIAMS: Please excuse the juror from the trial
21 of this case.

22 THE CLERK: You're excused from this particular case.
23 Juror number 165, Jeffery Hodder. What say the State?

24 MR. HELMS: Please present the juror.

25 THE CLERK: Defense?

1 MS. WILLIAMS: Please seat the juror.

2 THE CLERK: Please be seated in the jury box.

3 Juror number 5, Aubrey Timothy Alford. What say the State?

4 MR. HELMS: Please present the juror.

5 THE CLERK: Defense?

6 MS. WILLIAMS: Please excuse this juror.

7 THE CLERK: You're excused from this particular case.

8 Juror 161, Diana Hicks. What say the State?

9 MR. HELMS: Please present Ms. Hicks.

10 THE CLERK: Defense?

11 MS. WILLIAMS: Please seat this juror.

12 THE CLERK: Please be seated in the jury box.

13 Juror 195, Steve Jones. What say the State?

14 MR. HELMS: Please present Mr. Jones.

15 THE CLERK: Defense?

16 MS. WILLIAMS: Please seat this juror.

17 THE CLERK: Please be seated in the jury box.

18 Juror number 61, Latrenda Carter. What say the State?

19 MR. HELMS: Please excuse Ms. Carter.

20 THE CLERK: You're excused from this particular case.

21 Juror 94, William Dawsey. What say the State?

22 MR. HELMS: Please present Mr. Dawsey.

23 THE CLERK: Defense?

24 MS. WILLIAMS: Please excuse the juror from the trial
25 in this case.

1 THE CLERK: You're excused from the particular case.
2 Juror number 295, Ashley Purcell. What say the State?
3 MR. HELMS: Please present the juror.
4 THE CLERK: Defense?
5 MS. WILLIAMS: Please seat the juror.
6 THE CLERK: Please be seated in the jury box.
7 Juror number 398, Payton Wyatt. What say the State?
8 MR. HELMS: Please present the juror.
9 THE CLERK: Defense?
10 MS. WILLIAMS: Please seat the juror.
11 THE CLERK: Please be seated in the jury box.
12 Juror number 40, Keeley Blaine. What say the State?
13 MR. HELMS: Please present Ms. Blaine.
14 THE CLERK: Defense?
15 MS. WILLIAMS: Please excuse the juror.
16 THE CLERK: You're excused from this particular case.
17 Juror number 54, Joseph Burns. What say the State?
18 MR. HELMS: Please present Ms. Burns.
19 THE CLERK: Defense?
20 MS. WILLIAMS: Please seat this juror.
21 THE CLERK: Please be seated in the jury box.
22 Juror number 272, Tyler Napolitano. What say the State?
23 MR. HELMS: Please present Mr. Napolitano.
24 THE CLERK: Defense?
25 MS. WILLIAMS: Please excuse the juror from the trial

1 of this case.

2 THE CLERK: You're excused from this particular case.
3 Juror 359, Andrew Terranova. What say the State?

4 MR. HELMS: Please present Mr. Terranova.

5 THE CLERK: Defense?

6 MS. WILLIAMS: Please excuse the juror from the trial
7 of this case.

8 THE CLERK: You're excused from this particular case.
9 Juror number 379, Francis Vincent. What say the State?

10 MR. HELMS: Please present Mr. Vincent.

11 THE CLERK: Defense?

12 MS. WILLIAMS: Please seat the juror.

13 THE CLERK: Please be seated in the jury box. Juror
14 number 390, Lance White. What say the State?

15 MR. HELMS: Please excuse Mr. White.

16 THE CLERK: You're excused from this particular case.
17 Juror number 306, Alexis Roberts. What say the State?

18 MR. HELMS: Please present Ms. Roberts.

19 THE CLERK: Defense?

20 MS. WILLIAMS: Please excuse this juror from the
21 trial of this case.

22 THE CLERK: You're excused from this particular case.
23 Juror number one, Jolyne Adams. What say the State?

24 MR. HELMS: Please present Ms. Adams.

25 THE CLERK: Defense?

1 MS. WILLIAMS: Please seat this juror.

2 THE CLERK: Please be seated in the jury box.

3 Juror 331, Eugene Skipper. What say the State?

4 MR. HELMS: Please present Mr. Skipper.

5 THE CLERK: Defense?

6 MS. WILLIAMS: Please excuse the juror from the trial
7 of this case.

8 THE CLERK: You're excused from this particular case.

9 THE COURT: The State has exercised three strikes,
10 the defense has exercised nine strikes.

11 THE CLERK: Juror number 286, Pier Petriccione. What
12 say the State?

13 MR. HELMS: Please present Mr. Petriccione.

14 MS. WILLIAMS: Your Honor, if I may inquire, when we
15 were doing his employment, I didn't quite understand what Mr.
16 Petriccione said.

17 THE COURT: I wasn't involved in that part of the
18 process. Do you mean in roll call?

19 MS. WILLIAMS: Yes, sir, what he did for a living.
20 Your employment?

21 THE JUROR: I'm a federal employee. I work for the
22 federal government, Transportation Security officer, TSA.

23 THE COURT: TSA.

24 MS. WILLIAMS: Please seat this juror.

25 THE CLERK: Please be seated in the jury box.

1 Juror 88, Damon Crooms. What say the State?

2 MR. HELMS: Please present Mr. Crooms.

3 THE CLERK: Defense?

4 MS. WILLIAMS: Please seat the juror.

5 THE CLERK: Please be seated in the jury box.

6 THE COURT: We'll move now to alternates. The
7 strikes will be one for the State, two for defense as to each
8 of the two alternates.

9 THE CLERK: Juror number 367, Frank Tocci. What say
10 the State?

11 MR. HELMS: Please present the juror.

12 THE CLERK: Defense?

13 MS. WILLIAMS: Please excuse the juror from the trial
14 of this case.

15 THE CLERK: You're excused. Juror 382, Susan Waller.
16 What say the State?

17 MR. HELMS: Please present Ms. Waller.

18 THE CLERK: Defense?

19 MS. WILLIAMS: Please seat this juror.

20 THE CLERK: Please be seated in the jury box.

21 Juror number 392, Timothy Wick. What say the State?

22 MR. HELMS: Please present Mr. Wick.

23 THE CLERK: Defense?

24 MS. WILLIAMS: Please seat this juror.

25 THE CLERK: Please be seated in the jury box.

1 THE COURT: Are there any matters of law regarding
2 the jury selection process from the State, Mr. Helms?

3 MR. HELMS: No objection from the State, Your Honor.

4 THE COURT: Thank you. Ms. Williams, for the
5 defense?

6 MS. WILLIAMS: Yes, Your Honor. There's an issue I
7 would like take up out of the presence of the jury, please.

8 THE COURT: Ladies and gentlemen, I have to deal with
9 some matters of law regarding the jury selection process now
10 necessarily out of your presence. So ladies and gentlemen,
11 those of you who are in the jury box, you will go to the jury
12 room. If you follow Mr. Rupp, he'll take you and show you
13 where to be in the jury room while we're dealing with these
14 matters. And the balance of the panel, is there room out in
15 the hall, is there some space out there that they can mill
16 around in for a few minutes while we're dealing with these
17 matters?

18 THE CLERK: Yes, sir.

19 THE COURT: That's what we will do. If you all will
20 retire to the jury room. And folks, you don't have your own
21 room, you've just got to mill around in the hall.
22 We'll get you in shortly to continue the work, don't leave us.

23 (Jury exited to the jury room.)

24 THE COURT: Ms. Williams, I'd be happy to hear from
25 you.

1 MS. WILLIAMS: Yes, sir, thank you, Your Honor.

2 Your Honor, I just would like to for the record state and to
3 clarify, Your Honor, I believe it was juror number 134, Mr.
4 Jason Freer, who is a retired, as he said, Horry County Police
5 Captain who retired less than one year ago, basically a year
6 ago, Your Honor, and I know Your Honor excused him, but Your
7 Honor I think that, and I don't know if this is too late or I
8 should have but I think he should have been excused as a
9 potential member especially in this case because this was an
10 active ongoing matter while he was active at the police
11 department. And quite frankly, Your Honor, as Your Honor
12 noted, I used nine of your available strikes. I did not use
13 the other strikes. We had two left and by virtue of the fact
14 that now I have an active TSA officer on our jury because I
15 could not use our last strike in case that police captain came
16 up, and I think he should have been stricken for cause.

17 THE COURT: I would like to have been able to deal
18 with that before.

19 MS. WILLIAMS: Your Honor, I understand, and when we
20 were up there asking questions and he did and if it was too
21 late on my part --

22 THE COURT: Well, I'm not sure that it would have
23 been successful in any event, but at least I would have been
24 able to put it on the record at that time. I'll note your
25 concern in that regard. Of course, the record will reflect

1 that I inquired of him fully every time he stood and he stood
2 almost throughout every list of potential witnesses from the
3 state for the obvious reasons that he had been involved with
4 the sheriff's department for a long time, and so nothing that
5 he said during that entire period of time, of course, would
6 have been grounds for me to disqualify him based on his
7 answers. I did call him back up at the end because when we
8 were getting right down to it at the very end it occurred to me
9 that the accumulative effect of his involvement for all of
10 those years with all of those various police officers --
11 offices, and the fact that he knew so many of the witnesses who
12 are going to testify on the state, that the accumulative effect
13 of all of that was such that I thought, quite frankly, that the
14 process would be tainted if he were allowed to continue as a
15 potential juror so I took him out then not anticipating the
16 fact that that was going to give rise to a dilemma on your
17 part. I thought, quite frankly, that I was removing a dilemma
18 from you by at least taking him out of the mix for whatever
19 reason, but nonetheless -- you tell me how it should have been
20 handled, Ms. Williams?

21 MS. WILLIAMS: And I will, quite frankly, say when he
22 came up there I thought that Your Honor was going to excuse
23 him, and from my motion to have done, and it may have been
24 error on my part, but it did need to be made in front of the
25 full jury panel. I don't know, I just didn't say it at that

1 point. If it's -- I just think that I understand the answers
2 he said and I understand Your Honor's ruling, and maybe I
3 should have made the motion at that point, but I'm just making
4 clarification for the record.

5 THE COURT: Alright, I understand. I'll note that
6 objection. I don't think that there is any harm here and I
7 think that it came too late for me to do a whole lot with it in
8 any event. Any other matters of law regarding selection
9 process from the defense?

10 MS. WILLIAMS: Nothing the defense, Your Honor.

11 THE COURT: Folks, we'll bring the jury back in and I
12 will stand this jury aside until in the morning and then we
13 will take a lunch break, if that's all right, and go to the
14 afternoon matters of pretrial motions and we'll talk about
15 those momentarily from a scheduling manner. Let me get these
16 jurors back in and deal with them, first of all. Let's bring
17 in that crowd first, if you will, please.

18 Ladies and gentlemen, thank you for your patience.
19 I'm pleased to be able to let you know that we're not going to
20 need you all for the rest of the day. So whether we need you
21 later depends on the trial of the case, so I am asking that you
22 call that number on that sheet of paper that you were given
23 earlier today after 6:00 this afternoon to get further
24 instructions. Thank you for your patience with us throughout
25 this process. If we need you back we'll call you back. If we

1 don't then I appreciate the fact that you've submitted
2 yourselves to jury service for this week. In any event, you
3 all are free now to go. Call that number after 6:00.

4 Everybody understand that?

5 POTENTIAL JURORS: Yes, sir.

6 THE COURT: We can bring in the jury. Thank you.

7 (Jury entered the courtroom.)

8 Ladies and gentlemen, you all have now been selected
9 as jurors for the trial of this case which we will start
10 tomorrow morning at 9:30. I'm going to let you go now for the
11 balance of the day and ask that you report directly back to the
12 jury room where you just left a few minutes ago, at 9:30
13 tomorrow morning. Before we start the trial tomorrow I will
14 give you some instructions about what your responsibilities are
15 as jurors and some of the things that you're allowed to do and
16 that you're not allowed to do as jurors during your service as
17 jurors in this trial, but to keep you between now and then from
18 mistakenly and innocently doing some things that you're not
19 supposed to do, let me tell you that you're not allowed to talk
20 about this case with anybody outside this courtroom during the
21 trial. As a matter of fact, you're not even allowed to talk
22 about it among yourselves during breaks or when you're in the
23 jury room during the trial itself. When the trial is over and
24 when you start your deliberations you can take as much time as
25 you want to talk about it, but you can't do it until then.

1 What we've been doing throughout this day, really, and leading
2 up to this moment is to ensure that when we've got 14 of you
3 sitting in those chairs we would have folks like you who don't
4 know anything about this case, who don't have any connection
5 with the people involved in this case or the events involved in
6 this case and don't have anything in your own background that
7 would taint your ability to be fair and impartial jurors in the
8 trial of this case. Now, if you would try to find out
9 something on your own about this case, going online doing
10 whatever you do, social media, goodness Lord knows the damage
11 that that thing creates, but or just snooping around, asking
12 people about this case, do you know anything about this case,
13 well let me tell you what I know about it from the indictment,
14 any of those sorts of things that you do, you will have undone
15 all of the good that you have done up until this point in being
16 candid with us and answering the questions that we have put to
17 you. All that you're allowed to know about this case in order
18 to render a verdict you will learn from this courtroom right
19 here from the witnesses who will sit in that witness chair
20 right there and tell you what they know about the case and from
21 the law that I will instruct to you after the trial is over.
22 That's all that you need to know, that's all that you're
23 allowed to know in order to render a verdict. If you go beyond
24 those things and take something that was not testified to from
25 this witness chair or take something about the law that's

1 different from what I tell you then nobody is assured of a fair
2 and impartial trial. Neither the state or Mr. Harrison get a
3 fair trial if you go beyond the rules and go beyond the
4 evidence, so that's the reason you're not supposed to talk
5 about these things at any time during the trial. I'll give you
6 more specific instructions in the morning, I won't bore you
7 anymore now. I'm going to let you go and salvage what's left
8 of the day. Have a safe trip home, please be in the jury room
9 at 9:30 tomorrow morning. Mr. Rupp will take you back and show
10 you a secret way to get into the courtroom.

11 (Jury exited the courtroom at 1:20 p.m.)

12 Folks, it seems like to me this is a good time for
13 lunch, it's probably past a good time for lunch. What about
14 2:30, that's an hour and ten minutes, is that enough time?

15 MS. LIVESAY: That is, Judge.

16 THE COURT: And then we'll deal with, we got Jackson
17 V. Denno. Anything else besides that?

18 MR. HELMS: Yes, sir, we've got one other thing, but
19 it won't take but two minutes, Judge. As a matter of fact, the
20 guards from the jail are here for this, Judge. We have a
21 victim in this case, Judge, a surviving victim of the attempted
22 murder. He is actually an inmate that we had to bring from
23 North Carolina. He's in custody right now at J. Reuben Long
24 with a keep separate order, Your Honor.

25 THE COURT: Right.

1 MR. HELMS: Our wish is that in conjunction with the
2 victim's bill of rights in the constitution he be allowed to
3 attend the trial. All we're asking is that his treatment
4 mirror that of the defendant, if he'd be allowed to dress out
5 and sit in trial. We know that he's going to have to be
6 watched and we have no objection to that, of course, there's no
7 way around that. We just ask that he be allowed to be here.

8 THE COURT: Ms. Williams, any problems with that?

9 MS. WILLIAMS: No, sir.

10 THE COURT: And those of you who've got him in
11 charge, if you will let me know if you've got any concerns
12 about that, how we can deal with that. As I understand it, the
13 only thing that will be different will be the clothes that he's
14 wearing; is that right?

15 MR. HELMS: Your Honor, that, and I've been told,
16 correct me if I'm wrong, ya'll, that he will not be shackled,
17 he will, however, have a belt. Again, it's the same thing, the
18 same arrangement that they make for the defendants.

19 THE COURT: Are you talking about the shock belt?

20 MR. HELMS: Yes, sir.

21 THE DEPUTY: Similar to a shock belt, but it's on his
22 ankle, not a belt.

23 THE COURT: Okay. Does that satisfy you as to your
24 obligation to keep things as secure as you can?

25 THE OFFICER: As long as you so order, yes, sir.

1 MR. HELMS: And Your Honor, for them, they asked that
2 we draft an order, so I have one for them.

3 THE COURT: Have you all seen this order?

4 THE OFFICER: Yes, sir.

5 THE COURT: Is that okay?

6 THE OFFICER: Yes, sir.

7 THE COURT: Thank you.

8 MR. HELMS: He has no prior record, Judge, the
9 victim.

10 THE COURT: Okay. Folks, we'll stand down until
11 2:30.

12 MS. WILLIAMS: Thank you, Judge.

13 MR. HELMS: Thank you.

14 (Lunch recess taken at 1:20 p.m.)

15 THE COURT: Before we get to the motion, I neglected
16 to check with the jury before I sent them home for the day
17 about voting tomorrow. I told them this morning that I would
18 do that, I didn't do it, so we'll inquire tomorrow. It might
19 well be that they had time between the polls opening at 7:00
20 tomorrow morning and the 9:30 start time that they've taken
21 care of that, but if not I'll have to let them out here a
22 little early tomorrow before the close of the polls at 7:00 to
23 accommodate that.

24 MR. HELMS: Yes, sir.

25 THE COURT: So we'll be mindful of that in our

1 scheduling, we'll check on that first thing in the morning if I
2 can remember. Second thing is, one of the jurors, one of the
3 alternate jurors communicated some information to Mr. Rupp, our
4 bailiff, as he was leaving today that needs to be shared with
5 you all and we will deal with it tomorrow once everybody comes
6 back. It's the sort of thing that we need to know and we need
7 to address. Mr. Rupp, do you want to share that with the
8 lawyers as you shared it with me?

9 MR. RUPP: Yes, Your Honor. When I was letting the
10 jurors out to go to lunch the alternate informed me he had
11 something he needed to talk to me about and I told him just to
12 stay back here and the rest of them left. I went back and
13 asked him what it was and he said that he had noticed when the
14 defendant took his mask off, he noticed a tear drop tattooed on
15 his cheek and he knew that -- or he thought he knew that that
16 meant he had killed someone before and in his mind he was
17 guilty. I said I would inform the judge and he would probably
18 take it up with him tomorrow morning, and that was the extent
19 of the conversation.

20 THE COURT: And I understand the rest of the jury had
21 left by that time?

22 MR. RUPP: Yes, sir. He and I were the only ones
23 back here.

24 THE COURT: That's the alternate, Mr. Wick; is that
25 right?

1 MR. RUPP: Yes, sir.

2 THE COURT: Okay. We will deal with that in the
3 morning. When Mr. Wick arrives, if you will keep him out of
4 the jury room.

5 MR. RUPP: Yes, sir.

6 THE COURT: In other words, don't let him get in the
7 jury room and we will deal with that before we begin the
8 morning's work. Folks, any other suggestions or concerns in
9 regard to that information from the State?

10 MS. LIVESAY: No, sir, Your Honor.

11 THE COURT: From the defense?

12 MS. WILLIAMS: No, sir, other than we'll deal with it
13 in the morning.

14 THE COURT: That gets us now to the matter at hand,
15 and that is the Jackson v. Denno motion. Ms. Livesay?

16 MS. LIVESAY: Thank you, Your Honor. At this time
17 the State is going to call Mr. Sean Wydra to the stand.

18 THE COURT: Come forward, please, Mr. Wydra and be
19 sworn.

20 Sean Wydra being first duly sworn, testified as
21 follows:

22 THE CLERK: Please state your name and spell it for
23 the Court.

24 THE WITNESS: First name is Sean, S-e-a-n, last name
25 Wydra, W-y-d-r-a.

1 JACKSON V. DENNO

2 DIRECT EXAMINATION

3 BY MS. LIVESAY:

4 Q. Mr. Wydra, if you don't mind, tell this Court where
5 you're currently employed.

6 A. Horry County Police Department.

7 Q. How long have you been with the County Police?

8 A. County Police, about 10 years.

9 Q. And what kind of training have you undergone to work
10 with a police department?

11 A. We go to the police academy and they send us to various
12 secondary training.

13 Q. And do you undergo training every year with the police
14 department?

15 A. We do, to keep our certification.

16 Q. Have you had any training specifically in interview or
17 interrogation?

18 A. I did go to the Reid school.

19 Q. And in 2020 what were your current responsibilities?

20 A. I was a detective assigned to the homicide unit.

21 Q. How long had you been in that position?

22 A. At that point in time probably about maybe a year or so,
23 give or take. I had been a detective at the time since 2017.

24 Q. And about how many interviews had you participated in
25 throughout that time period?

1 A. Throughout my career?

2 Q. Yes, sir.

3 A. A lot.

4 Q. Over 100?

5 A. Yes, ma'am. Throughout my career, I definitely
6 interviewed over 100 people.

7 Q. And did you participate in the investigation that we're
8 here today for involving Tyrell Harrison?

9 A. I did.

10 Q. And as part of that participation did you talk with Mr.
11 Harrison?

12 A. I did.

13 Q. And if don't mind, tell this Court how that came about.

14 A. Mr. Harrison was brought in during the course of our
15 investigation. We received information from various sources
16 about his involvement, possibly in the incident. When we
17 figured out who he was we also figured out that he had an
18 arrest warrant so when we made contact with him, when some
19 other detectives initially made contact with him they detained
20 him, obviously, on the charges that he had from outside the
21 county.

22 Q. When he came to the police department was he in custody?

23 A. Yes, ma'am.

24 Q. Did you, because he was in custody, did you read him his
25 Miranda Rights?

1 A. Yes, ma'am, he was read his Miranda Warnings.

2 (Court's Exhibit No. 1 was marked for identification.)

3 Q. Do you recognize what I'm showing you now marked as
4 State's Exhibit Number 1?

5 A. Yes, ma'am.

6 Q. What is it?

7 A. It's an advisement of Miranda Rights Form from our
8 police department. It's the one that, a copy of the one that
9 we filled out with Mr. Harrison.

10 Q. And were those rights read to Mr. Harrison?

11 A. Yes, they were. Detective Baker read them to him.

12 Q. And if you don't mind, read those rights into the record
13 that were read to Mr. Harrison that day.

14 A. Yes, ma'am: You have the right to remain silent.
15 Anything you say can and will be used against you in a Court of
16 law. You have the right to talk with a lawyer and have him
17 present with you while you are being questioned. If you cannot
18 afford to hire a lawyer one will be appointed to represent you
19 at no cost to you before any questioning, if you so desire. If
20 you make a statement or answer any questions you have the right
21 to stop at any time.

22 Q. And did Mr. Harrison sign that he understood those
23 rights?

24 A. Yes, ma'am. He printed his name and signed his name on
25 this form and he checked at the bottom there's section that

1 says, do you understand those rights -- or these rights, excuse
2 me, and he checked the box that says, yes, and then he also
3 initialed next to all of those rights that I just read, printed
4 his name and then signed his name at the bottom.

5 Q. Okay. And did anybody witness him being read Miranda
6 and signing the document?

7 A. Detective Baker and myself.

8 Q. And is there anything documenting that on that form?

9 A. You'll see Detective Baker's signature and also my
10 signature.

11 Q. And that's showing that both of you witnessed that he
12 was read Miranda and understood them?

13 A. Yes, ma'am.

14 Q. And after he was read Miranda, checked the "yes," he
15 understood them, did he wish to talk to law enforcement?

16 A. He spoke with us.

17 Q. And about how long did he talk with you?

18 A. Maybe by the time we got there and actually spoke with
19 him, again, approximately, maybe an hour. He was in the
20 interview room for, like, maybe, three, three and a half hours
21 or so, but, you know, during that time we weren't in there
22 talking with him the entire time.

23 Q. And during the time you were talking with him did either
24 you or Detective Baker threaten him at any time?

25 A. No, ma'am.

1 Q. Did you promise him anything at any time?

2 A. No, ma'am.

3 Q. And while he was in there was he allowed to go to the
4 bathroom, those sort of things while he was there?

5 A. I mean, we would eventually make arrangements for him to
6 go the bathroom if he needed to go. It just would depend on
7 the situation. I think there was a period of time where he
8 asked to use the restroom but at that point in time we couldn't
9 accommodate him. I don't know exactly when that was.

10 Q. Okay. So you wouldn't deny that if he wanted it. If he
11 wanted to go to the bathroom you all would have made
12 arrangements?

13 A. No, no, we make arrangements. We actually let him smoke
14 a cigarette too at one point.

15 Q. So you all made arrangements for him to smoke a
16 cigarette?

17 A. Yes, ma'am.

18 Q. And during the conversation you had with him, at some
19 point did he invoke any of his rights, his Miranda Rights?

20 A. Towards the end of the interview he asked for a lawyer.

21 Q. And at that time once he asked for the lawyer did it
22 terminate the interview?

23 A. Yes, ma'am. We didn't continue to ask questions about
24 what happened after that.

25 Q. So as soon as he asked for a lawyer that was the end of

1 the interview?

2 A. Yes, ma'am.

3 Q. And was the interview audio and video recorded?

4 A. Yes, ma'am.

5 (Court's Exhibit No. 2 was marked for identification.)

6 Q. And do you recognize what I'm showing you now as Court's
7 Exhibit No. 2?

8 A. Yes, ma'am.

9 Q. And what is it?

10 A. I believe there's a disk in here. It's got my signature
11 and Detective Baker's signature. And this is the disk that we
12 reviewed of the video.

13 Q. And does that disk contain the audio/video of the
14 interview?

15 A. It does.

16 Q. And has it been tampered with in any form or fashion?

17 A. No, ma'am.

18 Q. And does that interview include him being read his
19 Miranda Rights and signing on the form?

20 A. Yes, ma'am.

21 Q. And when you were talking with him were his answers
22 responsive to your questions?

23 A. Yes, ma'am.

24 Q. Did he appear to be in any pain or discomfort?

25 A. No, ma'am.

1 Q. Did he appear to be impaired in any form or fashion
2 mentally or physically?

3 A. No, ma'am.

4 Q. Did anything occur during the interview that made you
5 believe that this interview was not voluntarily?

6 A. No, ma'am.

7 Q. So did he ever at any time make any complaint to you
8 about the way he felt, that he needed to go to the hospital,
9 anything like that?

10 A. No, ma'am. He never indicated he needed to go to the
11 hospital or anything like that.

12 Q. And was the conversation regarding the shooting that
13 happened January 3rd?

14 A. Yes, ma'am.

15 MS. LIVESAY: Your Honor, at this time the State
16 wishes to play the statement for the record.

17 THE COURT: Ms. Williams?

18 MS. WILLIAMS: Your Honor --

19 THE COURT: I'm going to let this go forward subject
20 to your objections at this point in time.

21 MS. WILLIAMS: Thank you, and I will cross and that
22 later. That would be fine. Thank you.

23 THE COURT: Thank you. Go ahead.

24 MS. LIVESAY: Thank you, Judge.

25 (video playing.)

1 MS. WILLIAMS: Your Honor, if I may, while this is
2 playing, nothing is going happen while I'm talking.

3 THE COURT: Alright.

4 MR. HELMS: For the next 45 minutes this defendant
5 sits there and does not communicate with anyone. Prior to law
6 enforcement coming in he knocks on the door and informs law
7 enforcement, the longer I sit here the less I'm talking, not
8 verbatim, something to that effect.

9 THE COURT: Alright.

10 MR. HELMS: Then the interview commences.
11 I don't mind playing the whole thing for the Court, but my
12 suggestion, my recommendation to the Court is that we fast
13 forward it to that point at this time.

14 THE COURT: Ms. Williams, what says the defense?

15 MS. WILLIAMS: Your Honor, I mean, there's nothing --
16 for the purposes of this hearing and what we're doing, I don't
17 have a problem with fast forwarding to where we get to the
18 talking and that. I mean, just like my objections a while ago,
19 but for the purposes of this hearing let's fast forward it and
20 then when I cross we'll do --

21 THE COURT: I think that the best way to use our time
22 is to do just that. There apparently is nothing of an
23 evidentiary value that is lost by fast forwarding through 45
24 minutes of blank tape.

25 MR. HELMS: Yes, sir.

1 MS. WILLIAMS: Your Honor, if I may?

2 THE COURT: Yes, ma'am.

3 MS. WILLIAMS: Obviously, we're not going to show
4 that to the jury, I would not presume they'd wish to show that
5 so I don't know why we need to look at it right now. I'd
6 object to it being, you know, cumulative. I mean, there's
7 nothing else in there. The statement, I got it, but the part
8 about him being fingerprinted I think is overly prejudiced.
9 There's statements about, you know, other extradition, other
10 jails. This part of him coming back and the paper, I just
11 think it's completely prejudicial and more prejudicial than
12 probative. And Your Honor, the only other thing I would
13 suggest while we're talking about it, I understand, I believe
14 that the detectives did their job properly. I would ask that
15 when Solicitor was asking the detective about bringing him in,
16 he made a statement he had charges outside the county, and I
17 would ask that the witness in front of the jury not mention
18 those other charges. And the only other thing, Your Honor, in
19 any of the statement is when they first ask him, there's a
20 part where he says if they're going to have a transcript,
21 because lots of times the Solicitor does an actual transcript
22 of my client, it sounds to me like my client says -- they said,
23 why didn't you call the police? He said, I'm on the run, I
24 didn't call the police. And if that's what it says in the
25 transcript I would ask that that part be redacted.

1 THE COURT: Alright. Frankly, I had some difficulty
2 following some of what was being said without a transcript. So
3 Ms. Livesay, first of all, let's do this part I would hear
4 which appears to be a conversation or some instructions from
5 the officer to Mr. Harrison. Does that have any evidentiary
6 value from your all's perspective?

7 MS. LIVESAY: Your Honor, this isn't the end of it,
8 but I'll go ahead and address Ms. Williams' concerns. We don't
9 intend on playing any of the parts that include or eliciting
10 any testimony regarding other pending charges. We will
11 certainly find a way to artfully ask the question to elicit an
12 answer that excludes that part. That was what gave them the
13 right to arrest him then, he did have an outstanding warrant,
14 but what we can do is, we'll figure out a way for him to say,
15 look, he was detained, brought to the police department and
16 this questioning began but without saying that there was a
17 warrant somewhere.

18 MS. WILLIAMS: Exactly, Your Honor, I get that they
19 arrest him, I just want to make sure that that doesn't slip out
20 in front of the jury.

21 THE COURT: Okay. Sounds like Ms. Livesay is ahead
22 of us on that.

23 MS. LIVESAY: Yes, sir.

24 THE COURT: Thank you.

25 MS. LIVESAY: It still plays on until he asks for a

1 lawyer.

2 MS. WILLIAMS: Well, I would object to even the part
3 we understand that he does but I think that this is just more
4 prejudicial than probative. He's in the building, I mean, I
5 don't see where it has any probative value. He has the
6 statement, they're giving him the statement, he's giving DNA,
7 the DNA will be talked about in some other stuff, I don't see
8 any value of that above its prejudicial value, Your Honor.

9 THE COURT: Is there any probative value, Ms.
10 Livesay, to this part of it regarding whenever she's talking
11 about, of course, this apparently doesn't involve any of his
12 answers, but more or less what her instructions are?

13 MS. LIVESAY: No, sir, and the part about DNA
14 wouldn't come in through Mr. Wydra. I'm just going to call the
15 young lady that's collecting it to say, I spoke with him, he
16 gave consent, because that's really to her, that's not really
17 to Wydra. So I wasn't going to get into that with him.

18 THE COURT: Alright. So it doesn't sound like any of
19 this is going to a jury in any event; is that right?

20 MS. LIVESAY: No, sir. Just, that lady will just
21 come in and testify.

22 THE COURT: Alright. I think we're all on the same
23 page. Before you show this to the jury tomorrow or whenever
24 just run it past Ms. Williams to make sure that you are
25 together on those parts so that we are all reading from the

1 same sheet of music. Okay?

2 MS. LIVESAY: Yes, sir.

3 THE COURT: Okay. Thank you. So that can conclude
4 the video as far as that's concerned. We still have the
5 officer on the stand to deal with, so go ahead.

6 MS. LIVESAY: Yes, sir.

7 THE COURT: Go ahead.

8 DIRECT EXAMINATION (continued)

9 BY MS. LIVESAY:

10 Q. Mr. Wydra, we watched the majority of this video in
11 court today. Is that what, indeed, took place?

12 A. Yes, ma'am.

13 Q. And has it been tampered with in any form or fashion?

14 A. No, ma'am.

15 Q. In the course that we listened to when you and Mr.
16 Baker were discussing with the defendant what happened were his
17 answers responsive?

18 A. Yes, ma'am.

19 Q. And during that time frame did he ever ask for a lawyer
20 or to invoke his right to remain silent?

21 A. No, ma'am. That's not until that part of the interview.

22 Q. And did he openly discuss and volunteer information to
23 you about what happened January 3, 2020?

24 A. Yes, ma'am.

25 MS. LIVESAY: No further questions, Your Honor.

1 THE COURT: Thank you. Ms. Williams,
2 cross-examination?

3 MS. WILLIAMS: Your Honor, I don't have any Cross for
4 him for the purposes of this hearing.

5 THE COURT: Thank you, Ms. Livesay. Mr. Wydra, you
6 can step down.

7 THE WITNESS: Thank you, sir.

8 THE COURT: Thank you. Ms. Livesay?

9 MS. LIVESAY: Nothing further from the State as to
10 pre-trial motions, Your Honor. The Denno Hearing was all we
11 had.

12 THE COURT: Ms. Williams, does the defense intend to
13 offer any evidence on the voluntariness issue?

14 MS. WILLIAMS: No, sir. I believe that with regard
15 to his statement, I think the officers did exactly what they
16 were supposed to do, and they complied, and I think that all of
17 that is in fair game and in strict compliance with the law.

18 THE COURT: Thank you. I agree with the assessment
19 that the folks have, the officers. Mr. Wydra and Detective
20 Baker have followed the letter of the law in asking the
21 appropriate questions and having it evidenced by the signing of
22 the Miranda Form, State's Exhibit Number 1. I find that the
23 State has met its burden of proof sufficient to get these
24 statements to a jury and that he was advised that he had a
25 right to remain silent, that he was advised that if he gave up

1 that right his statements could be used against him, that he
2 was aware of his right to have an attorney to represent him
3 free of cost if he could not afford one and that he had the
4 right to consult in that regard. The other touchstones have
5 been met that there was apparently no coercion, no threats, no
6 force of threats, no promises were made. I find that for the
7 intents and purposes of this hearing that the statement is
8 entitled to be shown to a jury. The jury will be further
9 instructed, of course, as they always are about the issue of
10 voluntariness being in there, their purview at the end of the
11 day. Anything further then on the Jackson v. Denno issues from
12 either side?

13 MS. LIVESAY: Nothing from the State, Your Honor.

14 MS. WILLIAMS: Nothing from the defense, Your Honor.

15 THE COURT: Okay. So State's 1 and State's 2 then in
16 somewhat redacted form as far as State's 2 is concerned will be
17 shown to a jury tomorrow once a foundation has been laid in the
18 presence of a jury, is that okay?

19 MS. WILLIAMS: Yes, sir.

20 THE COURT: What do we have next now?

21 MR. HELMS: That's all from the State, Your Honor.

22 MS. WILLIAMS: There's nothing from the defense, Your
23 Honor.

24 THE COURT: We will recess then for the evening. In
25 the morning the first thing that we'll deal with tomorrow

1 morning is the issue of the statements made by the alternate
2 juror, and frankly, I don't intend to spend a lot of time
3 trying to rehabilitate him in that regard. It's much like the
4 last potential juror who came up today and said when I asked
5 that final catch-all question that I hardly ever get an answer
6 to or a response to: Does anybody has any reason to believe
7 that they cannot be fair and impartial? And he came up and
8 said, as far as I'm concerned, if he's arrested, he's guilty.
9 I hope that gentleman never has a misfortune of getting
10 arrested, but nonetheless --

11 MR. HELMS: Your Honor, I understand the Court's
12 position in that regard, and I don't disagree with the Court in
13 any capacity. I think that Mr. Harrison is entitled to a fair
14 trial and part of my job is to make sure that happens.

15 THE COURT: Thank you. In the morning then once we
16 finally get the jury settled down and in the place the jury
17 will be brought in and I will appoint a foreperson, after the
18 jury is sworn, of course. I'll make some brief introductory
19 remarks concerning the jury's role and how the process will
20 unfold very briefly and then allow opening statements from you
21 all, and then we'll be off and running with the afternoon
22 testimony. Is everybody ready for that in the morning?

23 MR. HELMS: Yes, sir.

24 MS. WILLIAMS: Yes, sir.

25 THE COURT: I'll be here a little earlier than 9:30,

1 of course, if there's anything that comes up overnight that you
2 all want to talk to me about, I'll be in the chambers, we can
3 talk about them at that time if we need to.

4 MR. HELMS: Understood, Your Honor. Thank you, sir.

5 THE COURT: Alright, folks, we'll stand at ease until
6 9:30 tomorrow morning. Thank you.

7 (Whereupon concluded for the day Monday, June 13,
8 2022 at 3:29 p.m.)

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1 (Whereupon proceedings reconvened Tuesday, June 14, 2022)

2 THE COURT: Ladies and gentlemen, we'll come to order
3 now, there are a couple matters that we need to deal with
4 before the jury itself comes in. The first is the matter of
5 the comments made to Mr. Rupp, Chief Bailiff, by Mr. Wick.

6 MS. WILLIAMS: I hate to interrupt, but do you think
7 my client needs to be present?

8 THE COURT: We need him before we get him in here.

9 MS. WILLIAMS: I just didn't know for this, whatever
10 Your Honor thinks.

11 THE COURT: Yes, before I bring Mr. Wick in, you're
12 right, we'll need your client in here, so let's get him on in.
13 Okay? Thank you. And then after we've dealt with that I've
14 got the matter of giving the jury the choice of when they want
15 to vote if they haven't had a chance to vote already. After
16 we've got all those housekeeping matters in, the jury will be
17 sworn, Madam Clerk, and then I'll listen to opening remarks and
18 allow you opening statements. Who will open for the State?

19 MR. HELMS: I will.

20 THE COURT: Thank you.

21 (Recess taken.)

22 THE COURT: If you all will bring Mr. Wick in,
23 please. Mr. Wick, good morning. Please have a seat right
24 there and we'll talk briefly. Mr. Rupp shared with me your
25 remarks to him yesterday afternoon as you were leaving, which

1 you, of course, wanted him to share with me, obviously. That's
2 the reason you shared those remarks, and we appreciate your
3 candor in that regard and we appreciate you bringing that to
4 our attention. To recap, I understand that when Mr. Harrison
5 took off his mask in court to be identified here that you
6 noticed that there was a tattoo on his face that was
7 significant to you in your evaluation of him at that point in
8 time and you felt as a result of that that would impact your
9 ability to be fair and impartial. Am I overstating of
10 simplifying that?

11 THE JUROR: That's correct, sir.

12 THE COURT: And we appreciate the candor of those
13 remarks and you understand that what we were going through, as
14 I told you all yesterday, was a process to ensure that we would
15 have a jury panel in place who did not have any predisposition
16 or any preconceived ideas for any reason at all for or against
17 the defendant, and you've shared those remarks and that's not a
18 judgment against you, as a matter of fact it's an accommodation
19 for your candor in sharing those with us. But as a result of
20 those I'm sure you understand that's it's going to be necessary
21 for us to stand you aside as an alternate juror in this
22 particular case and let you go with the instructions to call
23 that number after 6:00 today like other jurors and get
24 instructions about whether we need you tomorrow or some other
25 time for another case that doesn't have these same issues, as

1 far as your concerned, that this one does.

2 THE JUROR: Okay.

3 THE COURT: I want to make sure that, you can tell
4 me, did you share your concern about the tattoo with anybody
5 else on the jury?

6 THE JUROR: No, sir.

7 THE COURT: You haven't discussed it with anyone?

8 THE JUROR: No, sir.

9 THE COURT: Thank you, sir. Anything further
10 questions from the State or the defendant?

11 MR. HELMS: No, sir.

12 MS. WILLIAMS: No, Your Honor.

13 THE COURT: Thank you. Mr. Wick, you're free to go.
14 Thank you, sir.

15 MR. HELMS: Judge, the only thing I want to bring to
16 the Court's attention is this. Behind me is the victim, Mr.
17 Hassan Benhamedane. He is in custody just like the defendant.
18 He is going to take the stand and tell his side of the story.
19 The only thing we ask is that just like the defendant, he not
20 be asked where he's living right now, jail, he not be asked
21 anything about his current charges. He has no criminal record
22 and has not been found guilty.

23 THE COURT: Ms. Williams, does that create a problem
24 for you?

25 MS. WILLIAMS: No, sir. I would like to know what

1 his current charges are because I think there's a possibility
2 that it might even go to credibility just if I would know if
3 there's an argument for me to make or not, just what his
4 pending charges are.

5 THE COURT: Okay. And depending on what they, of
6 course, you know the rule when it comes to credibility on the
7 basis of a criminal record.

8 MS. WILLIAMS: Correct.

9 THE COURT: So I don't mind you sharing with that.
10 There's another bridge to cross before you can get that to a
11 jury.

12 MS. WILLIAMS: Certainly.

13 MR. HELMS: Judge, I'm not in a position to say
14 exactly what his charges are. He was charged out of another
15 jurisdiction, and if I say -- all I know is they are related to
16 drugs, I don't know exactly how North Carolina charges work.

17 THE COURT: You can find out and let Ms. Williams
18 know.

19 MR. HELMS: Yes, sir, but again, Your Honor, he has
20 not been convicted, and as the Court said, that is a different
21 standard.

22 THE COURT: It is, right.

23 MS. WILLIAMS: Thank you.

24 MR. HELMS: But we will find out what he's charged
25 with.

1 MS. LIVESAY: This is his NCIC, drug charges.

2 MR. HELMS: We'll put that on the record right now,
3 Judge, and provide a copy to the defense. Your Honor, I'm
4 showing here, the arrest date is 4/29/22, that's this year, he
5 has been arrested for trafficking and methamphetamines in North
6 Carolina.

7 THE COURT: Thank you.

8 MS. WILLIAMS: Thank you, Your Honor.

9 THE COURT: Now you know, Ms. Williams.

10 MS. WILLIAMS: Thank you, Your Honor.

11 THE COURT: Alright, good. Now bring us the jury.

12 (Jury entered the courtroom at 9:38 a.m.)

13 THE COURT: Ms. Hicks, I want you to sit in that
14 first seat in that first row, please, ma'am. I'll tell you why
15 in just a minute. Thank you. Sir, if you sit there and let
16 her sit in that chair, if you don't mind. Thank you, sir. Ms.
17 Hicks, I've asked you to occupy that chair because I'm going to
18 ask you to serve as Forelady of the jury, and all that means is
19 you will be the jury spokesperson here in court. When the
20 trial is over you will be responsible for writing the verdict
21 of the jury, but I'll tell you more about that before you have
22 to do it, don't worry about that. All you need to know right
23 now is you've got a reserved chair, you will occupy that seat
24 throughout the trial of this case. Ms. Waller, as the
25 alternate juror you will occupy that chair throughout the trial

1 of the case unless some time during the trial I ask you to sit
2 somewhere else. Okay?

3 THE JUROR: Yes, sir.

4 THE COURT: The rest of you folks don't have reserved
5 seats, you've got to do the best you can when you come in. All
6 of them look to be about the same to me from where I'm sitting,
7 of course. It's always a good idea, I told you, to move all
8 way down and not leave an empty chair beyond you because
9 somebody's going step on your feet to get to that if you do
10 that so just fill them as you come to them. Before we get to
11 the matter of swearing you in and starting trial of this case,
12 I told you all yesterday downstairs that today is election day,
13 of course, and that I would ask you all if you were serving on
14 the jury what your schedule was like in order to accommodate
15 your being able to vote today. What I meant to do yesterday
16 was to ask you before you left to see if anyone of you needed
17 to vote this morning. The polls opened at 7:00 and I'm not
18 sure whether being here at 9:00 or 9:30 was going to inhibit
19 your ability to vote, so I didn't ask you that yesterday and so
20 now I'm asking you. Is there anyone who needs to get out early
21 today, polls close at 7:00? If we need to stop at 4:00, or
22 there about, I don't want to stop any earlier than that, but
23 hopefully between 4:00 and 7:00, that's enough time for you,
24 you can even get to Little River by 7:00, I guess, anyway. So
25 is there anybody, if you all will discuss that during your

1 breaks and let me know. Off hand right now, does anybody know
2 of a problem that would keep you from being able to vote if you
3 don't get out of here before 5:00 or something like that? Is
4 that a problem for anybody?

5 THE JURY: (jurors shake heads, no.)

6 THE COURT: Well, thank you so much for your
7 cooperation in that regard, and I apologize for not doing that
8 yesterday. Now, ladies and gentlemen, you're going to be sworn
9 in as jurors in the trial of this case and I want you to pay
10 particular attention to the oath that you're about to take as
11 jurors. It is a time honored and artfully worded oath and it
12 explains to you very concisely yet at the same time very
13 completely what your responsibilities are as jurors in this
14 case, and I'm going to be reminding you during the trial, and
15 indeed, after the trial, as to what your responsibilities as
16 jurors are. So give attention now to the clerk as she
17 administers your oath. Madam Clerk?

18 THE CLERK: Please stand and raise your right hand to
19 be sworn.

20 (Jury panel sworn.)

21 THE COURT: Ladies and gentlemen, let me take just a
22 few moments to tell you what the process will be that we will
23 follow in the trial of this case and what your role as jurors
24 will be in this trial, and just a minute when I finish talking
25 with you, Mr. Helms, on behalf of the State is going to stand

1 before you and make a brief opening statement and in that
2 opening statement he is going to outline for you in something
3 of a previewed fashion, what this case is all about from the
4 State's point of view. He may even indicate to you some of the
5 evidence that the State intends to offer by way of proof in
6 support of the charges that it has brought in the indictments
7 that I read to you yesterday. After Mr. Helms has made the
8 opening statement on behalf of State then Williams on behalf of
9 Mr. Harrison, the defendant, has a right to make an opening
10 statement, he is under no obligation to do that, but he has a
11 right to do that if he chooses to have an opening statement
12 made. After the opening statements have been made then you
13 will actually begin to see and hear presentation of the
14 evidence that will be offered in this trial. The evidence will
15 take the role for the most part of testimony that we offered
16 from witnesses who will take an oath, sit there in that chair
17 right there between you and me and answer questions that the
18 lawyers from both sides will ask of those witnesses. Evidence
19 in this case will also take the form of documents or items or
20 photographs or charts or things of that nature. I don't know
21 what the evidence is, I know that there are boxes that will be
22 introduced into our rule as evidence. So the evidence will
23 come then in the form of testimony and items of evidence
24 themselves. The State will offer its evidence in testimony
25 first and after the State has put in its evidence and testimony

1 then the defendant, once again, has a right to offer evidence
2 and testimony but is under no obligation to do that. After all
3 the evidence is in, from whatever source it might come, then
4 the lawyers will come back before you and make their closing
5 statements, their closing arguments they're sometimes called.
6 In those arguments they're allowed to summarize to you the
7 evidence that has been produced and to submit to you
8 conclusions that they claim you ought to draw from the evidence
9 that you have seen and heard, and after you have heard the
10 final arguments from the lawyers then I will instruct you or
11 charge you, as we call it, as to what the law is in this case,
12 and then and only then will you be able to go back into your
13 jury room and deliberate, discuss this case among yourselves
14 and reach a verdict. I remind you, as I told you yesterday,
15 that you're not allowed to talk about this case at any time
16 during the course of the trial, even among yourselves and
17 certainly not with anybody else. It might sound like that's a
18 crazy rule, you know, you hear somebody talk about something
19 out here, and you want to talk about it while it's still fresh
20 in your mind, but the reason you can't talk about it during the
21 trial itself is because once you start to discuss this case
22 among yourselves you're going to start to make up your mind
23 about certain issues, perhaps subconsciously, perhaps
24 consciously, to draw conclusions that you will discuss among
25 each other. It might be, I don't know whether it will or not

1 because I don't know what the evidence is going to be, it might
2 be and it could be that later in the trial of the case you
3 might hear evidence that's different from that that you've
4 already started to talk about, but if you've already started to
5 discuss that earlier evidence and make up your mind based on
6 those discussions, you're not likely to receive that later
7 evidence with an open mind, and you have to keep an open mind
8 throughout the entire trial of this case and not begin your
9 discussions until you've heard everything that's going to be
10 said about this trial, and that's the reason that you can't
11 talk about it even among yourselves during the course of the
12 trial, and I don't need to restate the reasons why you can't
13 talk about it with anybody else or let anybody else talk with
14 you about it. Now, I told you that the evidence in this case
15 was going to come from the witness stand right there and from
16 those items and documents that will come into the record of
17 this case. What that means is that the opening statements that
18 you're going to hear and the closing statements that you're
19 going to hear are not evidence, and the questions that the
20 lawyers ask are not evidence. It's not the question that is
21 evidence, it's the answer, because the answer comes from
22 somebody who is under oath who is testifying about what they
23 purport to know about and their testimony is subject to
24 cross-examination and examination from both sides in this case
25 so that that testimony has to meet the test of strict proof.

1 So that's the evidence, the testimony and those items and those
2 documents. So the opening statements, the closing statements,
3 the questions that are asked, while they are not evidence they
4 are helpful to us and we couldn't conduct a very orderly trial
5 without those things, and so they play an important role in the
6 trial of the case. But the reason it's important that you
7 understand the distinction between what is evidence and what is
8 not evidence is this: When it comes to the matter of evidence,
9 ladies and gentlemen, you are actually the judges, that badge
10 that you're wearing says "juror," but when it come to evidence
11 you are the judges. You have to decide the facts of the case
12 based on what you hear. I'm the judge of the law. I've got
13 the relatively easy job. All I've got to do as a matter of law
14 is decide whether or not I let a witness testify to you about
15 something. In other words, whether you even hear that
16 testimony in the first place or not or whether you can look at
17 that item of evidence, those are my jobs. But once I tell you
18 that you can hear the evidence or that you can look at the
19 evidence, then from that point on what you do with it is
20 entirely up to you. You have to decide what you think the true
21 state of facts are in a particular a case. Now, you're
22 equipped to do that whether you've ever served as a trial juror
23 before, whether you have been in court before or not, you're
24 well equipped to do the things that you are being asked to do
25 in this case, because all we ask you to do, ladies and

1 gentlemen, is to use your common sense, your good judgment,
2 your sense of logic and reason and the experiences in life that
3 you bring to your service as jurors from your separate walks of
4 life, from your different professions, your different stations
5 in life, you bring all of those things into court and you
6 decide what the facts of the case happen to be. You apply
7 those abilities that you have to what you hear and you're
8 equipped to make the decision that you'll have to make in this
9 particular case.

10 Now, I told you also a while ago that the defendant
11 didn't have to make an opening statement, defendant doesn't
12 have to present evidence and testimony in this case, because as
13 you know from what I told you yesterday, Mr. Harrison has pled
14 not guilty to the charges contained in the indictments. When
15 someone pleads not guilty to charges contained in a criminal
16 indictment that means that under the law that person is
17 presumed to be innocent. You've heard "innocent until proven
18 guilty," it's one of the bedrocks of our constitution, and
19 that's all that I'm telling you right now, and that means that
20 Mr. Harrison does not have to take the stand and try to
21 convince you that he is not guilty of these charges. He
22 doesn't have to bring in other evidence and other witnesses to
23 try to convince you that he is not guilty of the charges, he is
24 presumed to be not guilty, he is presumed to be innocent. That
25 means then that the burden is on the State to prove beyond a

1 reasonable doubt that he is guilty. The State has that burden
2 not just in this case but in every criminal case brought in the
3 courts of our nation. So the State then has the burden of
4 convincing you of proof beyond a reasonable doubt before Mr.
5 Harrison can be convicted and found guilty of these charges.
6 When the trial is over I will tell you in a little bit greater
7 detail what we mean by proof beyond a reasonable doubt, but
8 right now for this introductory stage of the trial let me tell
9 you that proof beyond a reasonable doubt is proof that leaves
10 you firmly convinced of the defendant's guilt and so after
11 you've heard the evidence in this particular case, if are
12 firmly convinced that the defendant is guilty of the charges
13 then the State will have met its burden of proof and the State
14 would be entitled to receive a verdict of guilty at your hands.
15 But after you have heard all of the evidence and testimony in
16 this case if you find that there's a real possibility that he
17 is not guilty then the State will not have met its burden of
18 proof and the defendant in that case would be entitled to a
19 verdict of not guilty. So you're going to be listening. The
20 case will last a couple of days, maybe a little longer, at the
21 end of the trial you'll go back and you'll start talking about
22 it among yourselves and you'll reach a conclusion through your
23 discussions as to whether or not the State has met its burden
24 of proof or not and you will express your conclusion about that
25 by writing a verdict that says we find the defendant guilty or

1 we find the defendant not guilty, according to your view of the
2 evidence and the law in this particular case. Thank you,
3 folks, for your attention to these remarks. Now, please listen
4 to the lawyers as they make their opening statements. Mr.
5 Helms?

6 MR. HELMS: Thank you, Judge.

7 (Mr. Helms made presented an opening statement on
8 behalf of the State.)

9 MR. HELMS: No good deed goes unpunished. That is an
10 awful cynical way of looking at things, folks, but I got to be
11 honest with you, I try to take some lesson, some moral from
12 every case I have in this courtroom, and right now that's all
13 I've got, that no good deed goes unpunished. That's all he's
14 got, and that's all that lady in the white hair bow has got.
15 That man's name is Hassan. The lady in the white hair bow is
16 Cassandra. Hassan is not my client. Cassandra is not my
17 client. Her dead husband is not my client. My client are the
18 people of the State of South Carolina, make no mistake about
19 that. That includes you, that includes everybody out here,
20 him, her, the judge, the bailiff, everybody, and then some.
21 Her client is this young man. We as lawyers have a duty to our
22 clients. My client is the people of the State of South
23 Carolina. I will live up to that duty. When I first met
24 Hassan that is what he told me, that no good deed goes
25 unpunished. That is a horrible moral to take away from this

1 story, and hopefully you and only you can fix that, the story,
2 that's what I'm here to tell you right now. It is not my
3 story, it is his story, it is her dead husband's story, but I
4 got permission to tell the story and I felt like I needed to
5 get permission to tell the story because it is so much their's,
6 because he and her husband, Tyrone Ford, took a bullet to the
7 back of the head for this story to be told, both of them, each
8 of them, by him and his partner, Tylik Griffin. Now, Tylik is
9 not here today, Mr. Harrison is, "Boozy," that's his nickname,
10 that's what he goes by. You'll hear that in this trial.

11 The story that Hassan told me when he met with me in
12 my office is this: January of 2020 he was a visitor to our
13 state from New York. He was here to visit friends and family
14 for the New Year, and he did that. Tyrone was one of his
15 friends. Tyrone Ford was a local here and he knew the ins and
16 outs of the local scene. He wanted to show Hassan a good time
17 before he went back to New York so he took him out, and they
18 went out and they did their thing. They did it with more
19 rhythm than I have, but they did it, nonetheless. Tyrone took
20 him to the places he liked to frequent and towards the end of
21 the night they hit up the local hot spot, the after hours spot.
22 This was called Terry's Place and it's in the Cedar Branch
23 section of Horry County. If any of you know anything about
24 Horry County, and I suspect you do because you're all from
25 here, you know Cedar Branch can be a rough part of the area.

1 Rough folks hang out in Cedar Branch, not all of them, but
2 you're guaranteed to find some rough folks in Cedar Branch.
3 Bad things do happen in Cedar Branch, but not this night,
4 folks, not this night, everything went off without a hitch.
5 They went to Terry's Place, had some drinks, not Hassan, Tyrone
6 did because he was comfortable there, and you'll hear from
7 Hassan, and nothing bad happened there. You've got all these
8 people drunk, maybe, doing whatever they're doing at 4:00 a.m.
9 and nothing bad happens at this place where no cops are. The
10 end of the night comes, and Hassan knows about 4:00 a.m. it's
11 time to go home. He's in a place that he's not necessarily
12 comfortable with. He doesn't know these folks as well as
13 Tyrone does. Tyrone is having a great time, he's drinking,
14 living it up, talking, having fun, introducing him to people he
15 doesn't know, because he doesn't know anybody, except Tyrone.
16 Two of the people he gets introduced to are Tylik Griffin and
17 Mr. Tyrell "Boozy" Harrison. He gets introduced to them as
18 family, that's how Tyrone introduces them. They're not really
19 family, they're not really cousins, that's what he calls
20 everybody, his cousin, because that's how nice of a guy he is.
21 But not only does he introduce Hassan to these two young men,
22 he takes them under their wing that night. Hassan is not that
23 accepting, he's skeptical, because he notices something that
24 the intoxicated Tyrone doesn't necessarily notice. They're
25 watching, they're watching him close, too close for comfort.

1 So when Tyrone comes to him and says, hey, I know we're leaving
2 but I want to give these two guys, my cousins, a ride home, he
3 is less than ecstatic about it. He says, no, I don't want to
4 do that, but Tyrone is convincing and he's giving and he
5 convinces him to do the good deed and take them home. You'll
6 hear why they had to take them home. You'll hear whose
7 girlfriend was supposedly pregnant and which one of them just
8 had to get home in a hurry, had to get home and had no other
9 way home except him. He doesn't want to do it but he's there
10 with his friend, Tyrone, so he agrees, he relents. They climb
11 in his car that night, or that morning at 4:00 a.m., he's
12 driving, you're going to hear all this from the witness stand.
13 Tyrone is in the front passenger seat. His best friend is
14 beside him. It makes sense, right? He had reservations about
15 that, too, and you'll hear from him as to why, because he knows
16 they were watching. But again, when he expresses his
17 reluctance to let these two guys sit it behind them, Tyrone
18 says, don't worry about it, this is family, man, this is my
19 family, they're good, let's take them home. So they climb in
20 the back of the car, he and his friend, Tyrone, who's dead now,
21 get in the front of car, and they take them home. He doesn't
22 know where he lives because he's never freakin' been here
23 before, ya'll. He's never been to his house, he doesn't know
24 him from Adam. So he has to tell him how to get home. When I
25 say "he," I mean, Boozy. And you'll hear this from his mouth,

1 instructs him how to get there, both of them are giving
2 directions the whole way home, from here to the here. Now, you
3 can't tell from this map, but that's about a 10 to 15 minute
4 drive. He didn't end up two blocks from his house by
5 circumstance, they took him there, they gave him direction, you
6 turn left, you turn right, you go straight, and he followed the
7 directions. When they get two blocks from the place that this
8 young man is staying at is when they pull out the guns. They
9 pull out the guns, pointed at both of their heads and tell
10 them, if you turn around, I will kill you. Would you believe
11 your cousin if he told you he was going to kill you if you
12 turned around? I wouldn't. Tyrone didn't believe it either.
13 It wasn't his real cousin, but he might as well have been, and
14 he turned around, and I'll be damned if they didn't live up to
15 their word. Boom, dead, back of the head. Tyrone is in the
16 passenger seat, he does not live past this night. He doesn't
17 live past that minute, and they lived up to their word to that
18 man, too, because they put one in the back of his head. That
19 bullet travels through the back of his head, through the front
20 of his face and out the window and he lays there dying. They
21 think they have accomplished their goal. They think they have
22 murdered two people. They're only half right. You're going to
23 hear the testimony that these two young men get out of the back
24 of this car and go to their respective sides of the front of
25 the vehicle and go through the pockets of the two men they just

1 shot, not one of them, not just Tylik, not one of them, not
2 just Tyrell, both of them go through both of their pockets.
3 And why do you go through somebody's pockets, folks? To take
4 what's in it. But what they don't know, he's got two pairs of
5 pants on. You're going to see the testimony, you're going to
6 see the evidence. I'll show it to you, I'll show you the
7 pants. Hold me to task and make me show you the evidence,
8 that's what we're here for. I am here because I have the
9 burden of proof, I have to convince you, they do not, the judge
10 is absolutely right, you will be convinced. You're going to
11 see the pants that this man was wearing, not the first pair,
12 but the second pair as well, the ones underneath where he kept
13 his money. He didn't know that, so when he went through his
14 pockets he didn't find anything, but I tell you what he did do
15 is he left his pockets turned out, I'll show you that, too.
16 He's shot and dying, they take what they could and flee. Do
17 they call 911? No, they don't. Do they call for help? Of
18 course not, you don't call for help for people you're trying to
19 murder. Do they try to administer CPR? No. They shoot up,
20 rob them and leave. Where did they go? Where do you go at the
21 end of the day, folks? Where do you go when you're done with
22 your business? When you're done with your business, when
23 you're done at the TSA, you go home. When you're done driving
24 your truck, you go home.

25 MS. WILLIAMS: Your Honor --

1 THE COURT: I will sustain the objection as to any
2 specific reference to any juror.

3 MR. HELMS: I understand, Your Honor. When you're
4 done with your business at the end of the day, you all go home.
5 He was done on his business, he went home, home. He didn't go
6 to the store, he didn't run to another, he went home. You know
7 why? Because home was two blocks, home was two blocks.
8 Because they drove him there where they could get away on foot,
9 so he goes home. I will prove that to you with evidence.
10 You're going to hear from his girlfriend who ain't got beef in
11 the world, not beef one with that man right there, but she's
12 going to testify. It's your job to see if she's lying. And
13 you're going to hear what he did when he got home, he went to
14 bed, he told her to go to bed, told her to go to bed, didn't
15 ask, but you'll hear the testimony. Now, I told you that the
16 State is my client, the people of the State of South Carolina,
17 that is her client. Hassan is not my client. Cassandra is not
18 my client, and her husband are not my client. I have a job to
19 do, and that is to present you with the evidence in this case,
20 and we're going to do that, and you have a job to do, folks,
21 and you've got to decide whether we're telling the truth,
22 that's it. You ain't got to decide punishment, what happens to
23 somebody, what don't happen to somebody, it's out of your
24 hands. All you have to do is decide the truth, that's what
25 "verdict" means, truth. I know what you're asking yourselves,

1 and you probably have been asking yourselves since you got
2 picked for this jury yesterday, why me? What did I do to
3 deserve to be sitting in these 13 chairs right now, and it's
4 not what you did, it's what you didn't do. You're not robbers,
5 you're not murderers, thieves, arsonists, rapists, you are good
6 people. I've seen your criminal records, you're good people.
7 You all got less of a criminal record than I do. You -- and
8 the idea there, guys, is that if you can go your whole lives,
9 all of you, from different backgrounds, creeds, races, jobs,
10 obviously, but if all of you can have that one thing in common,
11 if you can go throughout your lives to this point as grown
12 people without breaking the law then you can probably recognize
13 when somebody else does break the law, and that's all we're
14 asking you to do. At the end of the evidence, at the end of
15 the presentation, did he break the law? Did he act in concert
16 with his partner, Tylik Griffin? When he shot him, when they
17 shot the other fellow and killed him and then robbed him and
18 left, is that illegal in your world? It is in mine. Again,
19 you don't decide punishment. You don't decide what happens.
20 You have a very narrow job here. At the end of his testimony
21 you will have a decision to make as to who you believe, what
22 you believe, whether you believe it all, whether you believe
23 none of it or whether you believe some of it, and the judge was
24 right, folks, you use your common sense. That's why we have
25 jurors from all walks of life that come in here and use their

1 common sense, use their respective life experiences to decide
2 who is telling the truth. You ain't got to over think it, you
3 ain't got to make up the law, he gives you the law. The law is
4 simple in this one, frankly, did he kill somebody and did they
5 try to kill somebody else? If we prove that to you, if at the
6 end of the evidence, and guys, the evidence comes from right
7 here just like the judge says, not what I'm saying, not what
8 she says, because we have interest, I represent my client, she
9 represents hers. That's why it's not evidence. The evidence
10 has to come from the people that know, the evidence has to come
11 from the physical evidence that proves or disproves something.
12 At the end of that presentation you'll have a decision to make.
13 You're either going to believe the evidence or you're not. If
14 you don't believe the evidence, if you think that when Hassan
15 takes the stand if he's lying to you, if you think when his
16 girlfriend takes the stands that she's lying to you, if you
17 think these folks are lying to you, if you think that these are
18 not the clothes he was wearing, if he wasn't shot, if Tyrone
19 Ford is not dead, if you don't believe that, you cut him loose.
20 But if on the off chance, this is not some grand conspiracy, if
21 on the off chance that he's telling the truth, now we did find
22 one of his assailants and he is guilty of what he's been
23 accused of, and if the off chance that you believe the evidence
24 that you hear, you have a job to do not to punish him, it's to
25 find a verdict, the truth. Everybody likes to talk about the

1 accused "day in court". Defense attorneys say to me all the
2 time, my client's going to get his day in court and defendants
3 say it to me all the time, I'm gonna get my day in court, I'm
4 gonna have my day in court. You're darn right you are, but
5 you're not the only one. This is his day in court, too, this
6 is that woman's day in court for her dead husband. They have
7 been waiting for this just as long as Mr. Harrison has, I
8 promise you, they have a story to tell. They want you to hear
9 it. So when I ask you for your attention, guys, I'm not asking
10 for me, I'm asking for him. You're going to hear from him,
11 you're going to hear from him. You're going to have a decision
12 to make. If when you hear the evidence you don't believe it,
13 that's okay, you have a job to do, you cut him loose, but if
14 you do believe it, you have a job to do, you find him guilty.

15 THE COURT: Thank you, Mr. Helms. Ms. Williams?

16 MS. WILLIAMS: May it please the Court?

17 THE COURT: Yes, ma'am.

18 (Attorney Williams presented an opening statement on
19 behalf of the Defendant at this time.)

20 MS. WILLIAMS: Good morning, ladies and gentlemen of
21 the jury. The judge briefly introduced me, and my name is
22 Brana Williams. I have an office in Surfside Beach, it is
23 called Indigo Family Law. At this point in my career, gosh, 30
24 years, who would have thought, my main focus in my practice is
25 family law. You know, you guys had to stand up and say this is

1 what I do, this is what my spouse does, here's where I live, so
2 I think it's a little bit fair. I am a private attorney with
3 my own practice and I have a partner. I am married, my husband
4 is a retired police officer, I have six adopted children, and I
5 was a prosecutor, I've done criminal defense my entire career,
6 in fact, I've done three death penalties. Solicitor made a
7 statement about, I'm gonna get my day in court. Well, thank
8 God we do get our day in court, you know? The judge told you
9 that he is the keeper of the law, so to speak, and he's right.
10 He's going to tell you what the law is. The law isn't what I
11 say it is, it isn't what the Solicitor says it is, it's what
12 the judge says it is. I'm going to start by telling you that
13 basically when we go to law school one of the fundamental
14 things we learn is there are three levels of proof, and you're
15 going know way more about the court system than you ever wanted
16 to know by the end of this trial, but it's important. Okay?
17 The first level, I'm want to make sure I get this right, I'm
18 going to take my notes, that's what old age will do for you,
19 preponderance of the evidence. It's a low, low, low burden, it
20 probably did happen. Okay? Preponderance of the evidence, you
21 could get an arrest warrant. Preponderance of the evidence,
22 you know, they talk about it in magistrate's courts. We all
23 hear it on TV, okay? Second level, it's called, clear and
24 convincing. Clear and convincing is what happens in civil
25 court. Civil court is accidents, civil court is contract

1 disputes, civil court is all the stuff that's not criminal.
2 What it means is basically when you take a scale and it tips
3 and it just has to tip and you're okay, alright? We are here
4 beyond a reasonable doubt. It's a high, high burden. The
5 judge told you, he did an excellent job in explaining to you,
6 it doesn't mean every single thing, all the dots are filled in
7 and I's are dotted and T's are crossed, but it means that you
8 really firmly believe that this is what happened. The reason
9 we come to court is because, you know, sometimes people get it
10 wrong. Thank God we live in a society with police, we could be
11 in other places. I'm thankful, my husband's retired police.
12 I'm glad the police are out there, I'm glad people get
13 arrested, but you know, sometimes they don't get it right, and
14 that's what we're here about today. I also want to point
15 something out to you. You notice the judge said your job is to
16 find the defendant guilty or not guilty. He did not say guilty
17 or innocent, he said guilty or not guilty. I will tell you
18 that quite frankly we understand, you guys don't want to be
19 here today. I mean, I've got a practice to run, we've all got
20 things to do, okay, but this day is super important. And
21 you're right, it is Mr. Benhamedane's day in court, it is her
22 day in court about her husband, and we're so sorry that
23 happened, but it's my client's day in court, as well, and it's
24 his day for you guys to listen to that stand. And you know, I
25 was so impressed with what the judge said because he said it's

1 not the question, it's the answer. So I what I want to make
2 sure you guys listen to is the answers you hear and the answers
3 you don't hear. We all know I can tell you some things and I
4 can not tell you some things, and what I don't tell you can be
5 just as important as what I do tell you. What I don't tell you
6 could really change things another way. It matters. What
7 you're doing here is so important to our system. Thank God we
8 live in America, thank God we have this system, and thank you
9 so much for being here and doing your civic duty, it is
10 important, and I ask you, as the judge said, please take your
11 job seriously, I know you will, my client knows you will, and
12 we thank you in advance for listening to what you hear and what
13 you don't hear.

14 THE COURT: Thank you, Ms. Williams. Mr. Helms, Ms.
15 Livesay, you can call your first witness.

16 MR. HELMS: Thank you, Judge. At this time the State
17 would call Ms. Christine Tompkins.

18 THE COURT: Come forward, please, Ms. Tompkins.
19 Please be sworn.

20 **Christine Tompkins being first duly sworn, testified**
21 **as follows:**

22 THE CLERK: Please state your name and spell it for
23 the Court.

24 THE WITNESS: My full name is Christine Tompkins,
25 C-h-r-i-s-t-i-n-e. Tompkins, T-o-m-p-k-i-n-s.

1 DIRECT EXAMINATION

2 BY MR. HELMS:

3 Q. Ms. Tompkins, where do you work, ma'am?

4 A. I work for Horry County 911.

5 Q. And how long have you worked for Horry County?

6 A. About eight-and-a-half years.

7 Q. So you worked there in 2020?

8 A. Yes, sir.

9 Q. And tell this jury, please, what it is that you do for
10 Horry County.

11 A. I am a quality assurance specialist. I handle call
12 reviews for dispatchers, as well as being the custodian of our
13 records, our recordings and our CAD reports.

14 Q. Expand a little bit about the custodian of records, what
15 does that mean you do?

16 A. That means we maintain all our records. We maintain all
17 our records, our recordings, everything that comes into the
18 center is recorded. Once it's recorded it's not able to be
19 altered, but are able to provide copies for the public.

20 Q. When you say, it's recorded it's not able to be altered,
21 is that a special software?

22 A. It is, yes, sir.

23 Q. So you all aren't in the practice of going in and
24 changing 911 recordings?

25 A. No, sir, we're not able to do that.

1 Q. You're not able to do that, okay.

2 A. No, sir.

3 Q. Was this system in place in 2020?

4 A. Yes, sir.

5 Q. So 911 was obviously a thing the 2020, you could call
6 911?

7 A. Correct.

8 Q. Explain the procedure when someone calls 911. If I call
9 what happens?

10 A. Usually, we're going to ask for the address of the
11 emergency. We'll want a call back number and we're going to
12 want a person's name if we can get it and we're going to want
13 to know what's happening so we can send police, fire or EMS.

14 Q. So once this situation is assessed, who do you send out,
15 police, fire, or it just depends?

16 A. It would depend on the situation.

17 Q. But you are the ones that send them out?

18 A. Correct.

19 Q. So you're commonly referred to as dispatch?

20 A. Yes.

21 Q. Let me ask you this, the calls and recordings that are
22 made, you maintain those records?

23 A. Yes, sir.

24 Q. For how long?

25 A. Call recordings and radio, for 180 days, and CAD for

1 much longer. I mean, I think we go back to 2015 at least.

2 Q. Tell this jury what "CAD" means.

3 A. It's computer aided dispatch, so it's our software
4 program that let's us record calls and send information to the
5 responders.

6 Q. And that was the software you referred to earlier?

7 A. Yes, sir.

8 Q. These calls and these recordings, they are kept in the
9 ordinary course of business?

10 A. Yes, sir.

11 Q. Are they kept in a way that allows them to be maintained
12 in their integrity, maintained?

13 A. Yes. We're not able to alter them. Once a comment is
14 put in the CAD, it is that way. If they need to make a
15 correction they actually have to type that they've made a
16 correction.

17 Q. So if you make a correction you can see that a
18 correction has been made?

19 A. Correct.

20 Q. But you see the original mistake, for lack of a better
21 term?

22 A. Yes.

23 Q. Okay. Everything is in there from beginning to end?

24 A. Yes.

25 Q. In these calls do you ask folks to identify themselves?

1 A. We do.

2 Q. And that's generally part of the process?

3 A. That's generally the normal.

4 (State's Exhibit No. 32 was marked for
5 identification.)

6 Q. Ma'am, I'm going to show you now what's been marked for
7 identification purposes as State's Exhibit 32. Please take
8 that out of the envelope for me. Do you recognize what I have
9 just shown you?

10 A. I do.

11 Q. And tell this jury what I've just showed you.

12 A. That is a recording of a 911 call, and I have listened
13 to it and confirmed that it is accurate.

14 Q. How do you know that you've listened to that particular
15 one and confirmed it?

16 A. I have initialed this.

17 Q. So your initials are on there?

18 A. Yes, sir.

19 Q. And those initials represent what to you?

20 A. That I have listened to it, it is an accurate, it has
21 not been changed. It is the same as when it was requested.

22 Q. And what is this exactly a recording of, ma'am?

23 A. It is a recording of a 911 call.

24 Q. And specifically, is it related to the incident we're
25 here for today?

1 A. Yes, sir.

2 Q. And has this recording been altered in any way?

3 A. No, sir.

4 Q. Has this recording been maintained in the ordinary
5 course of business?

6 A. Yes, sir, it has.

7 Q. And it has been secured?

8 A. Correct.

9 Q. At this time, Your Honor, the State would seek to
10 introduce State's 32 and publish to the jury.

11 THE COURT: Ms. Williams?

12 MS. WILLIAMS: Without objection.

13 THE COURT: Without objection, 32 into evidence.

14 (State's Exhibit No. 32 was admitted into evidence.)

15 (911 call is playing.)

16 BY MR. HELMS:

17 Q. Ma'am, that's not the first time you've heard that, is
18 it?

19 A. No, sir.

20 Q. Now, you can't identify everybody on that tape, can you?

21 A. I can identify the dispatcher.

22 Q. Really, who is it?

23 A. It would be Ms. Donna Helm.

24 Q. Does she still work for you?

25 A. She does.

1 Q. In relation to this case do you know how many 911 calls
2 you all received?

3 A. I do not, I know there was mention of another call, so
4 there's possibly up to two, just from that audio.

5 Q. And in this audio, you heard the caller, did you hear
6 him identify himself as Hassan?

7 A. I did, yes, sir.

8 Q. But you don't know a Hassan?

9 A. No, not personally, sir.

10 Q. Did he identify himself as the victim?

11 A. He did.

12 Q. Was he able to relay any information?

13 A. A little bit of information.

14 Q. Was he able to relay enough information to dispatch
15 emergency services to him?

16 A. Yes.

17 Q. Specifically, he was able -- do you know how emergency
18 services found him?

19 A. Not specifically, I'd imagine it was probably a cell
20 phone call.

21 MS. WILLIAMS: Your Honor, speculation.

22 THE COURT: I'll sustain the objection unless she
23 clarifies that answer a little bit more closely than she has
24 already. You can set the foundation if you can for that
25 answer.

1 Q. Just yes or no? Do you know how they found him exactly?

2 A. No.

3 Q. The scene itself, it sounded pretty chaotic?

4 A. It did, from the recording.

5 Q. Could you hear multiple voices on the scene?

6 A. Yes, sir.

7 Q. It sounded like there was one gentleman pounding on

8 something. Do you know who that was?

9 A. I do not know who that was.

10 MR. HELMS: Please answer any questions defense has.

11 THE COURT: Ms. Williams?

12 MS. WILLIAMS: I have no questions for this witness,

13 Your Honor.

14 THE COURT: Thank you, Ms. Tompkins, you can step

15 down.

16 THE WITNESS: Thank you, Your Honor.

17 MR. HELMS: Your Honor, the only thing I would ask of

18 Ms. Tompkins is if she can be released from her subpoena and go

19 back to work.

20 MS. WILLIAMS: Without objection.

21 THE COURT: Thank you. Without objection, Ms.

22 Tompkins, you're free to go back. Thank you. Ladies and

23 gentlemen of the jury, normally we would work for a few more

24 minutes before we take the morning recess. We've got a

25 housekeeping issue that we need to deal with, however, at this

1 point in time that we need to take up outside of your presence.
2 It doesn't have anything to do with what you're involved with.
3 It simply has to do with some administrative things that we
4 need to handle here, so we'll go ahead and take the morning
5 recess at this point in time. We'll get you back out at 11:15,
6 that's 20 minutes. Please don't discuss this case among
7 yourselves while you're in the jury room. Thank you.

8 (Recess taken.)

9 THE COURT: Ladies and gentlemen, during the
10 testimony of Ms. Tompkins, the Clerk gave me a note that said
11 that she needs few minutes to get together with the court
12 reporter and the State because of some question of the marking
13 of the evidence. I'll let you all talk about that during the
14 break. I'm not sure what's involved, but I don't need to be
15 involved in that. I'll give you that time in the morning
16 recess to get it straight, whatever needs to be done. Okay?

17 MR. HELMS: Understood, Your Honor.

18 MS. WILLIAMS: Thank you, Your Honor.

19 THE COURT: Thank you. We'll be in recess until
20 11:15.

21 (Recess taken.)

22 THE COURT: Mr. Helms, Ms. Livesay, you can call your
23 next witness. You can bring in the jury now.

24

25

1 (Jury entered the courtroom.)

2 THE COURT: Ladies and gentlemen, we just started the
3 trial and you're back and forth, this is just the second time,
4 but I can already tell there are a lot of Presbyterians on that
5 jury. I'm a Presbyterian, we sit in the same pew every Sunday.
6 If you're a visitor, you better not sit in our pew. Alright,
7 We're ready to continue now as the State continues to offer
8 evidence and testimony. You can call your next witness.

9 MR. HELMS: Thank you, Judge. At this time we call
10 Officer Harry Mercer.

11 THE COURT: Come forward, please, Officer, and be
12 sworn.

13 **Harry Lance Mercer being first duly sworn, testified**
14 **as follows:**

15 THE CLERK: Please state your full name and spell it
16 for the Court.

17 THE WITNESS: My full name is Harry Lance Mercer,
18 H-a-r-r-y, last name is Mercer, M-e-r-c-e-r.

19 DIRECT EXAMINATION

20 BY MR. HELMS:

21 Q. Mr. Mercer, I think they put together by now, but where
22 do you work?

23 A. Horry County Police Department.

24 Q. And how long have you worked there, sir?

25 A. Approximately four years, six months now.

1 Q. So you were obviously working there January 3rd and 4th
2 of 2020?

3 A. Yes.

4 Q. What were you doing January 3rd of 2020? What was your
5 rank, first of all?

6 A. PFC, that was the rank. The job title for that is
7 patrol officer, so anything that categorizes within that job
8 would be traffic, patrolling, reports, different variations of
9 that job.

10 Q. And that was your position in 2020?

11 A. Yes.

12 Q. Did you have an opportunity to respond to Plantation
13 Drive on January 3, 2020?

14 A. I did.

15 Q. Tell this jury a little bit about what happened that
16 day.

17 A. We responded to a call, myself and other officers,
18 during that time. I was the first responding officer on scene
19 over there on Plantation Drive, that's where the vehicle was
20 located. I got out of the vehicle, I seen a cluster of people
21 in front of the vehicle. Upon my approach they advised that
22 the individuals that were inside the vehicle had been shot. I
23 checked the passenger side first. That person was
24 unresponsive, did have blood on the front of his chest. I went
25 over to the driver's side, I could see the driver, he was still

1 alive. Had also had injuries to his face. At that time we
2 called EMS to come in. They were actually fairly close down
3 the road. That way I went back to my vehicle to try to grab a
4 med kit and approached the vehicle again, but by that time EMS
5 had already been on scene. During that time I went and spoke
6 with some of the witnesses, was able to get other information
7 pertinent to the case just to make sure that no other threats
8 were around the area and they didn't see anybody coming or
9 going, and at that time we were trying to get them away from
10 the scene some place a little bit safer. Other officers had
11 came by and cornered off the area.

12 Q. Do you remember about what time it was that you
13 responded, sir?

14 A. Right around 3:00 in morning, I believe.

15 Q. You said that the driver was still alive, that leaves me
16 to believe somebody wasn't.

17 A. The passenger, from what I perceived, was unresponsive.

18 Q. Did he appear to be alive?

19 A. He did not appear to be alive, no.

20 Q. Could you see that he suffered a gunshot wound?

21 A. Yes.

22 (State's Exhibit No. 33 was marked for
23 identification.)

24 Q. I'm going to show now what's been marked for
25 identification purposes only at this time. That's State's

1 Exhibit 33. Take a look at this and tell me if you know what
2 that is a map of, sir.

3 A. That is the map of the Longs section of Horry County.

4 Q. Does this the map -- and you're familiar with this area?

5 A. Yes.

6 Q. Why are you familiar with this area?

7 A. This area I worked for about four years while on patrol.

8 Q. Does this map accurately reflect that area?

9 A. Yes.

10 MR. HELMS: Your Honor, at this time I would seek to
11 enter State's 33 and publish.

12 THE COURT: Ms. Williams?

13 MS. WILLIAMS: I don't have any objection to the map.
14 There's markings on it that aren't identified or noted at this
15 point.

16 MR. HELMS: That's true.

17 THE COURT: I assume that that will be a part of the
18 testimony; is that right?

19 MR. HELMS: That's right, Your Honor.

20 THE COURT: Subject to those blanks being filled in,
21 which would go more to probative value than it does
22 admissibility, as I understand it, he's described it as being
23 an accurate presentation of what it shows in that area that
24 he's familiar with. I'll allow it into evidence, State's 33
25 into evidence.

1 MS. WILLIAMS: Thank you, Your Honor.

2 MR. HELMS: Thank you, Your Honor.

3 (State's Exhibit No. 33 was admitted into evidence.)

4 Q. Sir, I'm going to try and set this up here, or hold it
5 up here, rather, so that everyone can see. Can you point out
6 Plantation Road on this map where you responded that day to the
7 shooting?

8 A. Yes. Plantation Drive is right here (indicating.) It
9 comes from Freemont all the way to 95.

10 Q. Can you point generally where the shooting scene was,
11 please?

12 A. It's pretty much right there in front of [REDACTED] Plantation
13 Drive.

14 Q. Right there where that red dot is?

15 A. Yes.

16 Q. Thank you, sir. So when you got there, were you the
17 only one on the scene?

18 A. Yes.

19 Q. Were you the only person or the only officer?

20 A. The only officer initially on the scene.

21 Q. Were there other people on scene?

22 A. There were other people, two witnesses, and I believe
23 other entities that were already notified, or in the report.

24 Q. I'm also showing you now what's been marked for
25 identification as State's Exhibit -- Court's indulgence, Your

1 Honor. Actually, let me start here.

2 MS. WILLIAMS: Your Honor, I would like to take up a
3 matter of law because I think he intends to address these
4 issues.

5 THE COURT: If you'll bring them forward so we'll
6 know which ones we're talking about.

7 MS. WILLIAMS: If I may?

8 THE COURT: Yes, ma'am.

9 (off the record discussion was held at the bench
10 between Court and counsel.)

11 THE COURT: Madam, Reporter, State's Exhibits 34, 35,
12 36, 39, 40 and 41 are in evidence without objection.

13 (State's Exhibits 34, 35, 36, 39, 40 & 41 were marked
14 for identification and admitted into evidence.)

15 The following proceedings were held at the bench by
16 Court and counsel:

17 THE COURT: Now, the objection as to 37 and 38, we'll
18 put that on the record.

19 MS. WILLIAMS: My objection to those is they are more
20 prejudicial than probative, I think they are obviously
21 excessive and he can testify as to what he found, I just don't
22 think that's necessary to it being prejudicial to the jury for
23 what we've got going.

24 THE COURT: Thank you. Let me have the other ones
25 that are not objected to. Thank you. Thank you for your

1 patience, folks. The objection is to 37 and 38. It is lodged
2 because they are more prejudicial than probative in this
3 regard. The two photographs show the interior of the vehicle
4 from both the passenger side and the driver's side. They
5 depict the crime scene itself which has not been testified to
6 yet and direct examination has been alluded to in opening
7 statements, which of course are not evidence. The State is
8 entitled to introduce pictures of the crime scene itself.
9 There is nothing about this particular scene that is so gory or
10 horrid or descriptive beyond what it shows itself and what any
11 photograph taken at the time would have shown, and it's
12 necessary to establish what the crime scene looked like and to
13 establish, I suppose, what at least one of the witnesses is
14 going to testify during the course of the trial. I note the
15 objection, however, I find that it is more probative than it is
16 prejudicial on the issue of what the crime scene looked like
17 and what allegedly occurred. That's subject, of course, to
18 whether the jury believes all that once they hear it. Exhibits
19 37 and 38 are in evidence over objection of defense counsel.

20 (State's Exhibits 37 & 38 were marked for
21 identification and admitted into evidence.)

22 MR. HELMS: Thank you, Your Honor.

23 MS. WILLIAMS: Thank you, Your Honor.

24 THE COURT: Thank you.

25

1 DIRECT EXAMINATION (continued)

2 BY MR. HELMS:

3 Q. Officer, I'm going to show you now these photographs,
4 and this is State's --

5 MR. HELMS: Court's indulgence. I want to get them
6 back in the right order.

7 Q. Alright, Officer, I think we're in good shape now. I'm
8 going to show you what's been marked for identification
9 purposes as State's 35, 34, 36, 37, 38, 39, 40 and 41.

10 I want you to take a look at these photographs one by
11 one real quick and just tell me, yes or no, do you recognize
12 what they are?

13 A. Do you want me to just tell you --

14 Q. I'm telling you to just look at them one by one to
15 yourself and after you're done I'm going to ask you if you know
16 what those photographs are of.

17 A. Yes, I recognize everything that's in the photographs.

18 Q. What are these photographs of?

19 A. It's the photograph of the scene where the incident took
20 place. It's the vehicle, the interior of the vehicle, the
21 victims that were inside the vehicle during that time.

22 Q. So this is the scene as you saw it when you arrived?

23 A. Yes.

24 MR. HELMS: Your Honor, at this time I would seek to
25 publish these pictures to the jury.

1 THE COURT: They are in evidence, subject to
2 objection. Is there a 39 in there anywhere?

3 MR. HELMS: Let me make sure before I tell you -- 39,
4 yes, sir.

5 THE COURT: Number 39 is added to the mix. Thank
6 you.

7 Thank you.

8 Q. We're now looking at State's 34. Officer, I want you to
9 tell this jury what you see here.

10 A. That is Plantation Drive. That is the road right in
11 front of the address of [REDACTED]. That is the victim's vehicle
12 right there (indicating.) That's pretty much a sectioned off
13 area of the scene.

14 Q. So this is what you see when you first pull up?

15 A. Yes.

16 Q. Where that crime scene tape is where is your car parked
17 in relation, on this side or the other side?

18 A. Closer but it's further behind the vehicle.

19 Q. Okay. I'm showing you now what's entered in as State's
20 35. Tell me what we see here, please.

21 A. It's a front view of the incidents, same road,
22 Plantation Drive, right exactly in front of that address, the
23 victim's vehicle, Horry County Police patrol vehicle in the
24 back.

25 Q. Is that your patrol vehicle?

1 A. There were two chargers during that time, so it could be
2 one of those other officers.

3 Q. I understand. So this is the same car from different
4 angle?

5 A. Yes.

6 Q. Were there people in that car when you came up?

7 A. There were people at the car, yes.

8 Q. Go ahead. This is now State's 36. Tell us what we see,
9 please.

10 A. That is another view of the vehicle on Plantation Drive
11 I'm not too sure exactly which address it might have been taken
12 on.

13 Q. So this is from the side, obviously. Go ahead. And
14 State's 36 to 37, please. Tell me what I see here.

15 A. That is the interior of the vehicle. That is the
16 passenger how I saw him unresponsive with injuries present to
17 his front chest area.

18 Q. What kind of injuries?

19 A. I perceived it to be gunshot wounds to his chest.

20 Q. Was he responsive?

21 A. No.

22 Q. Did he appear alive?

23 A. (no audible response.)

24 Q. Was he alive?

25 A. No, he was not.

1 Q. Please go ahead, 38.

2 A. That is another angle of the vehicle, the interior where
3 the victim's still there unresponsive.

4 Q. And this is how you saw him when you arrived?

5 A. Yes.

6 Q. Let me ask you a question. Did you see any guns around?

7 A. I did not see any guns.

8 Q. Knives?

9 A. No knives.

10 Q. Did you see any weapons around him of any kind?

11 A. No.

12 Q. When you arrived at the scene did you have any
13 indication there was any weapons on this deceased person's --
14 within his control to grasp?

15 A. No.

16 Q. Go ahead to 39, please.

17 A. That is the interior of the vehicle in the back section
18 of the vehicle.

19 Q. Is that as it appeared when you got there?

20 A. Yes.

21 Q. The seats were cleared like that?

22 A. Yes.

23 Q. You didn't move anything?

24 A. No.

25 Q. Go ahead to State's 40, please.

1 A. That is another angle of the vehicle how I perceived it.

2 Q. State's 41?

3 A. That was a shell casing located in the backseat of the
4 vehicle how I perceived it.

5 Q. What do you mean, a shell casing, what's a shell casing
6 for those who don't know?

7 A. A casing is what's -- a casing is pretty much something
8 that is ejected out of the firearm once the projectile is shot
9 from the handgun or gun, and that's what's pretty much left
10 behind. I couldn't get into the scheme of what comprises of
11 it, of a casing.

12 Q. I think we understand. So you saw this yourself?

13 A. Yes.

14 Q. I thought you didn't see any guns?

15 A. No, there was no guns present.

16 Q. There were no guns?

17 A. No guns.

18 Q. But there was a spent casing?

19 A. Yes. There was a casing, yes.

20 Q. And that was in the front seat?

21 A. That was in the backseat.

22 Q. In the backseat.

23 MR. HELMS: You don't need to do anything, Ms.

24 Miller, I'm just going to use what I have in my hand here, and

25 it has already been entered into evidence. This is State's 34.

1 Actually, go back to 34 so everybody can see 34 on there. Go
2 back to 34, the very first picture, please.

3 Q. Is that how it was when you arrived, the car?

4 A. Yes.

5 Q. So you didn't manipulate the car?

6 A. No.

7 Q. Did you crank it up and move it?

8 A. No.

9 Q. Did you turn the lights on at all?

10 A. I didn't.

11 Q. How about these two back doors right here, did you open
12 those up?

13 A. I did not open them.

14 Q. So those doors were open when you got there?

15 A. Yes.

16 Q. With the spent shell casing in the backseat?

17 A. Yes.

18 MR. HELMS: Thank you, Ms. Miller.

19 (State's Exhibit No. 42 was marked for
20 identification.)

21 Q. Officer, I'm going to show you now what has been marked
22 for identification as State's 42. Tell me if you recognize
23 what State's 42 is.

24 A. State's 42 is the DVD disk for the Body Cam of, I
25 believe, Jocelyn Jameson.

1 Q. Have you seen that Body Cam?

2 A. I have.

3 Q. And is that Body Cam an accurate reflection of the scene
4 as you saw it that night?

5 A. Yes.

6 Q. You watched the whole thing?

7 A. I did.

8 Q. Has it been tampered with?

9 A. No.

10 Q. And this accurately reflects the crime scene as you saw
11 it that night?

12 A. Yes.

13 MR. HELMS: Your Honor, at this time I would seek to
14 enter State's 42 and publish to this jury.

15 THE COURT: Ms. Williams?

16 MS. WILLIAMS: Your Honor, I don't necessarily have a
17 problem with the pictures off the Body Cam, I think some of the
18 sounding may be excessive because there was a lot of, like
19 we've heard in the 911 tape, so I believe if there's sound with
20 it I think the sound needs to be silent, but the visual of what
21 he saw I don't object to.

22 THE COURT: Is there any probative value in the audio
23 part of it?

24 MR. HELMS: I don't think so.

25 THE COURT: Can you mute it?

1 MR. HELMS: I can and will, Your Honor.

2 THE COURT: Exhibit 42 in evidence, subject to being
3 muted, the audio is not in evidence. Thank you.

4 MS. WILLIAMS: Thank you, Your Honor.

5 (Exhibit No. 42 was admitted into evidence.)

6 Q. While she's pulling that up, Officer, I'm going to ask
7 you this question, one question. I want to ask you this
8 question: You didn't open the doors?

9 A. No.

10 Q. And you don't know who did or didn't before you got
11 there?

12 A. I do not.

13 Q. That's fair enough. This fellow right here, did you see
14 him in any of them pictures?

15 A. Yes.

16 Q. In those pictures I just showed you, he was in them?

17 A. Pictures in there, no, I believe I saw him on scene that
18 night.

19 Q. But he wasn't in these pictures?

20 A. No.

21 Q. And why was he not in these pictures?

22 A. By that time he had already been taken by EMS to the
23 hospital.

24 MR. HELMS: Okay, Ms. Miller.

25 (Video playing without audio.)

1 Q. Were those folks on scene when you got there?

2 A. Yes.

3 Q. Were they suspected of anything, any wrong doing, were
4 they arrested or anything like that?

5 A. No.

6 MR. HELMS: Freeze. Go back a little, just two three
7 seconds, if you can. Thank you. Pause it at 10:22, please.
8 Right there. Stop.

9 Q. Who is this person getting out?

10 A. That is the other victim.

11 Q. That gentleman over there?

12 A. Yes.

13 Q. What do you see right here, what is this (indicating?)

14 A. Where you're pointing at is blood from right here.

15 Q. On his pants, right here, what's hanging out right here?
16 What's this thing? Do you see that, the pocket turned inside
17 out?

18 A. Yes.

19 MS. WILLIAMS: Your Honor, that was leading and it's
20 an answer to the question.

21 THE COURT: It is.

22 MS. WILLIAMS: I'll object and ask that be stricken.

23 THE COURT: I'll sustain the objection. Ladies and
24 gentlemen, I'll remind you again that the question is not
25 evidence, it's the answer that's evidence. I've stricken that

1 part of the question. Thank you.

2 MR. HELMS: I understand, Judge.

3 Q. And again, this is footage from a Body Cam?

4 A. Yes.

5 Q. So no one's holding the camera and focusing it?

6 A. No.

7 MR. HELMS: That's good. Thank you.

8 Q. So where was -- he was being taken to the hospital?

9 A. Yes.

10 Q. Did you see any weapons around that fellow?

11 A. No.

12 Q. Did you ever find any weapons on him?

13 A. No.

14 MR. HELMS: Court's indulgence.

15 Q. And just to be clear, as far as the back doors on the
16 car is concerned, you didn't touch it?

17 A. No.

18 Q. So you don't know who opened them, who closed them,
19 what?

20 A. No.

21 Q. Please answer any questions the defense has.

22 THE COURT: Ms. Williams, Cross-examine?

23 MS. WILLIAMS: Thank you. May I have the Court's
24 indulgence, Your Honor?

25 THE COURT: Yes, ma'am.

1 CROSS-EXAMINATION

2 BY MS. WILLIAMS:

3 Q. Good morning, Officer Mercer.

4 A. Good morning.

5 Q. You were the first officer on the scene, correct?

6 A. Yes.

7 Q. So the Solicitor asked you about the two back doors
8 being opened. They were opened when you arrived, is that your
9 testimony?

10 A. Yes.

11 Q. In the video that we watched, the front passenger door
12 was opened. Was that opened as well when you arrived, or do
13 you know how it got opened or did you open it?

14 A. I didn't open it, no.

15 Q. So was it open when you arrived as well?

16 A. Yes, it was open as well.

17 Q. But the front -- the driver's side was closed, do you
18 know?

19 A. I don't believe that the driver's side was closed. I
20 believe it was open during that time and my understanding was
21 that the witnesses went to check on the victims over there.

22 MS. WILLIAMS: That's all the questions I have.

23 Thank you, sir.

24 THE COURT: Redirect, Mr. Helms?

25 MR. HELMS: Yes, sir.

1 REDIRECT EXAMINATION

2 BY MR. HELMS:

3 Q. Now, the video showed the back doors at one point were
4 closed?

5 A. Yes.

6 Q. When you arrived on the scene, you were the first office
7 on the scene?

8 A. Yes.

9 Q. But you weren't the first person on the scene?

10 A. No.

11 Q. Were you the first to the come in contact with Hassan?

12 A. I was not -- or yeah, I wasn't.

13 Q. Who was, do you know?

14 A. It would be the two victims -- or witnesses, it would be
15 Ms. Jackson and Ms. Thomas, I believe.

16 Q. And what were they doing when you got there?

17 A. Pretty much right next to them, I think talking to him.

18 Q. Talking to who?

19 A. Talking to the victim.

20 Q. Him?

21 A. Yes.

22 Q. While he was still sitting in the car?

23 A. Yes.

24 Q. Okay.

25 THE COURT: Any follow up on that point, Ms.

1 Williams?

2 RECROSS-EXAMINATION

3 BY MS. WILLIAMS:

4 Q. Officer, the fact is you don't know who opened those
5 back doors, do you?

6 A. No, I don't.

7 THE COURT: Thank you. Officer Mercer, you can step
8 down.

9 MR. HELMS: May he be excused, Your Honor?

10 MS. WILLIAMS: Without objection.

11 THE COURT: Thank you. Without objection, Mr.
12 Mercer, you can go back to work. Thank you. Mr. Helms?

13 MR. HELMS: Your Honor, at this time the State would
14 call Mr. Hassan Benhamedane.

15 THE COURT: Come forward, Mr. Benhamedane.

16 **Hassan Benhamedane being first duly sworn, testified**
17 **as follows:**

18 THE CLERK: Please state your first and last name and
19 spell it for the Court.

20 THE WITNESS: Hassan Benhamedane, H-a-s-s-a-n,
21 B-e-n-h-a-m-e-d-a-n-e.

22

23

24

25

DIRECT EXAMINATION

2 BY MR. HELMS:

3 Q. I'm going to just say, Hassan, because I always get your
4 name wrong.

5 A. Yes, sir.

6 Q. Does everybody kind of get your name wrong?

7 A. Yeah, pretty much.

8 Q. Hassan, where are you from?

9 A. New York.

10 Q. Is that where you were born?

11 A. I was born in Morroco, I grew up here in New York.

12 Q. Let me ask you a question. Do you know this lady right
13 here?

14 A. Yes, sir.

15 Q. Who is this lady right here?

16 A. Tyrone's wife.

17 Q. How about this lady right here?

18 A. My mom.

19 Q. Who is Tyrone?

20 A. He's one of the good friends of mine.

21 Q. How long have you known Tyrone, how long did you know
22 him?

23 A. Five years.

24 Q. And I know you're from New York, but were you down here
25 visiting Tyrone in 2020?

- 1 A. Yes, sir.
- 2 Q. And what were you here for?
- 3 A. Just visiting family and friends.
- 4 Q. And did you get to visit Tyrone back then?
- 5 A. Yes, sir.
- 6 Q. Were you driving a car?
- 7 A. Yes, sir.
- 8 Q. What kind of car were you driving?
- 9 A. It was a blue Mitsubishi.
- 10 Q. Was it that car we just saw in that video?
- 11 A. Yes, yes, sir.
- 12 Q. That was your car?
- 13 A. Yes, sir.
- 14 Q. Was that you in that video getting out of the driver's
- 15 seat?
- 16 A. Yes, sir.
- 17 Q. You saw that video?
- 18 A. First time.
- 19 Q. That's the first time you've seen it?
- 20 A. First time seeing it.
- 21 Q. But that was you?
- 22 A. Yes, sir.
- 23 Q. That was the clothes you was wearing?
- 24 A. That was the clothes I was wearing.
- 25 Q. Did you see at one point when you stood up, did you see

1 yourself getting out of that car?

2 A. Yes, yes, sir.

3 Q. Did you see your pocket?

4 A. I did not see my pocket.

5 Q. Let me ask you this: Normally when you walk around
6 wearing clothes do you walk around with your pockets hanging
7 out?

8 A. No, sir.

9 Q. Do you ever walk around with your pockets hanging out?

10 A. No, sir.

11 Q. Were you doing it that night?

12 A. No, sir.

13 Q. So tell me about this night. I want to go to this
14 night, obviously, Hassan, and I know this is traumatic for you.
15 Did you suffer an injury that night?

16 A. Yes, sir.

17 Q. You keep grabbing your face, why do you keep grabbing
18 your face?

19 A. I'm in pain, I'm in severe pain. I got shot through my
20 ear, it went through my mouth, came out my nose.

21 Q. You got shot, was it that night?

22 A. Yes, sir.

23 Q. Here's what I want you to do, and I'm going to interrupt
24 you as little as possible. I want you to tell this jury what
25 happened to you that night. Start from the beginning.

1 A. What took place was January 2020 around 4:00 in the
2 morning, I believe. Excuse me, guys. Bear with me, because
3 since I got shot my words is kind of hard to come out. So I
4 was going to a friend of mine by the name of Tyrone. He was
5 staying around Longs called Pavo. I picked him up and we went
6 to a club called Cedar Branch. It's between Loris and Longs, I
7 believe. We went there and we walked in, they didn't search
8 us. They didn't ask for any I.D. So I walked in, I went
9 straight to the bar. I hadn't drank anything, I was just
10 trying to stay away from everybody.

11 Q. Why?

12 A. And watching over at Tyrone.

13 Q. Go ahead.

14 A. Yes, sir, because I was just going straight because I
15 was talking to myself, talking to my Lord, you know, what I'm
16 doing here, but I was with a good friend of mine, Tyrone. He's
17 a very kind, he could take his shirt off his back and give it
18 to anybody. So we walked in, he walked me around and
19 introduced me to everybody. Everyone was in the club treating
20 everybody as his nephew and cousins, everybody's family, just
21 get comfortable. I still, I listened to my gut, I didn't
22 drink. I'm not a drinker, but still, I went to the bar and
23 watching. So I see a couple dudes, young black males, I never
24 seen them a day in my life. I'm a good observer when I go to a
25 bar that I don't even know, you know, I'm away from home. So

1 the young male with the teardrop and the guy with the twist
2 hair was watching in my direction. So, I don't know, I mean, I
3 don't know them so I was just walking around and still looking
4 at -- Tyrone's beside me so, and the gentleman with a twist was
5 walking around, as well, the guy with the teardrop was close to
6 Tyrone.

7 Q. Now, let me stop you right here, I've got to stop you.
8 You keep saying, the guy with a twist and the guy with a
9 teardrop. Are one of those guys in this room today?

10 A. Yes, sir.

11 Q. Which one?

12 A. Boozy.

13 Q. Which one is he?

14 A. With the teardrop.

15 Q. Do you see him in the courtroom?

16 A. Yes, sir.

17 Q. Can you point him out for the Court?

18 A. He's right there (indicating,) the gentleman with the
19 mask on.

20 MR. HELMS: Let the record reflect the witness has
21 identified the defendant as Boozy. Continue.

22 THE COURT: The record will reflect that.

23 MR. HELMS: Thank you, Judge.

24 BY MR. HELMS:

25 A. Excuse me. It's kind of hard, I'm taking my time

1 expressing my words.

2 Q. Sure.

3 A. Sorry about that.

4 Q. That's alright.

5 A. So he introduced me to these people as family, you know,
6 as my family as well. So I was just laughing, he treat
7 everybody the same as he treats himself, he treats others the
8 same way. So I got back to the bar and Tyrone was drinking.
9 He liked drinking Hennessy, rest in peace. And this gentleman
10 with the twist hair was walking around Tyrone, and Tyrone just,
11 he's a generous type of person. You know, he greet everybody
12 the same, he would treat everybody the same, and just talk, and
13 I seen the two young black males watching my direction, so I
14 told Tyrone, listen, a young black male down there, they're
15 watching around me, and he said, don't worry about it, man,
16 everybody here is family, get comfortable. I went back to my
17 direction, it was the bar. Even the owner of the club was
18 offering me drinks, I said, thank you, I don't drink. Long
19 story cut short, around like 4:00 in the morning, I'm not
20 exactly sure what time was it, but it was like 4:00, the
21 gentleman was keeping close to Tyrone and asking for a ride, he
22 came back to me, I said --

23 MS. WILLIAMS: Your Honor, may we approach?

24 THE COURT: Okay.

25 MS. WILLIAMS: I'm sorry.

1 (Discussion was held off the record at the bench by
2 Court and counsel.)

3 Q. I want you to listen to me, Hassan, and I just want you
4 to answer my questions. We're going to try to stay away from
5 what this person said and this person said, and I want just you
6 to tell me what you said and what you did. Okay? So it's 4:00
7 in the morning and you already said that you were introduced,
8 were you introduced to this person, Boozy? Did he introduce
9 you to him?

10 A. No.

11 Q. But he was with -- was he there?

12 A. He was there.

13 Q. Four o'clock in the morning comes, and do you all leave?

14 A. Yeah, we left.

15 Q. Who left with you?

16 A. Me and Tyrone left the club and the gentleman by the
17 name Shooter Loo (phonetic,) that's his nickname on the street.

18 Q. So you and Tyrone left with --

19 A. We walked out, me and Tyrone walked out. The gentleman
20 was outside already. Okay, they walked out before us,
21 probably, you know what I'm saying?

22 Q. Did that gentleman leave with you in your car?

23 A. Yes.

24 Q. How about this fellow right here, did he get in your
25 car?

1 A. Yes.

2 Q. Let me ask you a question: Did you want him to get in
3 your car?

4 A. No.

5 MS. WILLIAMS: Your Honor, I'll object to leading.
6 I mean, it's leading.

7 THE COURT: That question could be yes or no. It
8 doesn't necessarily suggest the answer.

9 Q. Why did you not want him to get into your car?

10 A. Because I don't know him.

11 Q. You said you saw the two young men watching you earlier
12 in the night. Was he one of the ones watching?

13 A. He was watching. He was watching and the gentleman, his
14 friend was watching as well.

15 Q. What do you mean, watching? I'm watching you right now.
16 Is this watching?

17 A. He was staring, he was staring at me.

18 Q. Staring, why?

19 MS. WILLIAMS: Your Honor, I think that calls for
20 speculation.

21 THE COURT: I'll sustain that objection.

22 Q. What were you doing when he was staring at you?

23 A. I was talking to my Lord and I looked at him and I
24 turned around, and afterwards I went back to, he was not far in
25 the distance to Tyrone and bumped him. I said, listen, those

1 young males is watching us.

2 Q. So you told Tyrone, those young males are watching us?

3 A. Yes, I did, yes.

4 Q. Why did you feel the need to warn Tyrone that these
5 young males were watching you?

6 A. Why? Because they were staring at me, and I was kind of
7 uncomfortable.

8 Q. So then I got to ask you, if they made you so
9 uncomfortable why did you let them in your car?

10 A. Well, I didn't -- because Tyrone. Tyrone is a friend of
11 mine and I believed in Tyrone. Tyrone is always treating
12 himself the way other people like to be treated. Everybody is
13 family to him.

14 Q. Where were you taking him?

15 A. He claims that he has a baby mama pregnant and he was
16 crying.

17 Q. Crying?

18 A. He was pretending -- at that time I believed in him.

19 Okay, he was crying. Pretending like he was -- he was
20 pretending, now I know I found out the truth. At that time --

21 Q. Let me stop you. When you say this defendant was
22 crying, what was he crying for? What was he crying, did he
23 stub his toe?

24 A. No. He trying to get to his baby mama who was pregnant.

25 Q. So here we are, let's skip ahead. Are you all four in

1 your car?

2 A. Yes.

3 Q. Let me ask you this question: Who sat where?

4 A. I was in the driver's seat, I was the driver. Tyrone
5 was the passenger, he was the passenger.

6 Q. The front or the back?

7 A. No, the front.

8 Q. He was in the front with you?

9 A. Yeah.

10 Q. And who was in the back?

11 A. And Boozy was behind me.

12 Q. This fellow (indicating?)

13 A. Yes, sir.

14 Q. Behind you?

15 A. Shooter Loo was behind Tyrone, rest in peace.

16 Q. And the young fellow was behind Tyrone. Alright. So
17 now we know where everybody's sitting. Did you know where
18 you're going?

19 A. No clue, I had no clue what was going on.

20 Q. In regards to where everyone's sitting, were you okay
21 with this seating arrangement?

22 A. No, I wasn't okay.

23 Q. Why?

24 A. Because I didn't know the people in the back and there
25 was a gentleman outside. I don't know if it was him or not, he

1 said, if I would --

2 MS. WILLIAMS: Your Honor --

3 Q. You can't tell me what nobody said. Hang on.

4 A. Okay.

5 Q. So needless to say, you were not comfortable with the
6 seating arrangement?

7 A. No, I wasn't.

8 Q. Did you voice your opinion to anyone?

9 A. Yes, I did.

10 Q. To who?

11 A. To Mr. Tyrone, rest in peace.

12 Q. Eventually, after you voiced your opinion to Tyrone did
13 you all end up sitting this way anyway?

14 A. Same way.

15 Q. What was your gripe? What was your complaint, what did
16 you want to change?

17 A. Swap seats.

18 Q. Who?

19 A. From Shooter Loo, the gentleman behind Tyrone, swap with
20 Tyrone. Tyrone goes to the back and Shooter Loo go to the
21 front.

22 Q. So you insisted on this?

23 A. Yes, sir.

24 Q. Why would that matter to you?

25 A. It mattered to me because I was not safe. I don't know

1 the people and I wasn't trying to -- I should have listened to
2 my gut. You know, it was --

3 Q. Did you want to give these gentlemen a ride that night?

4 A. No.

5 Q. So you're all in the car, they're in the back, you're in
6 the front. Tell me what happens next. Do you know where
7 you're going?

8 A. No. I didn't know where I was going. He was giving me
9 directions.

10 Q. Who was giving you directions?

11 A. Shooter Loo, Shooter Loo was giving direction.

12 Q. Tell me what this fellow was doing, was he passed out?

13 A. No, he was not passed out. He was talking but I was
14 just making a right, making a left, making a right, making a
15 left, making a right, I didn't know where I was going so I was
16 talking to my Lord, you know. I didn't know where I was going.
17 He was giving me direction, not Boozy. The gentleman -- the
18 dude with twists, Shooter Loo.

19 Q. At any point did Boozy speak up?

20 A. Boozy speaked up five minutes before the last
21 destination.

22 Q. So five minutes before you --

23 A. Yes, before we get to the destination, yes.

24 Q. -- he spoke up, what did he speak up and say to you?

25 A. He said, don't make a right, make a left.

1 Q. So hang on. I want to be clear. So we've already
2 entered this into evidence, this is State's 33. When you're
3 driving you end up on Plantation Drive, we know that. You
4 started out up here, but in the between all this do you know
5 where you're going, these roads?

6 A. No.

7 Q. When you went down this road did you know to take a left
8 or a right?

9 A. No.

10 Q. Somebody had to tell you that?

11 A. Yes, sir.

12 Q. When you got down here close to Plantation Road did you
13 know to take a left?

14 A. No, sir.

15 Q. Okay. Did he say he told you how to go?

16 A. He told me.

17 Q. So he definitely wasn't unconscious, was he?

18 A. No, he wasn't unconscious.

19 Q. And Tyrone, he's okay with everything so far? It seems
20 like everything's going good, you're uncomfortable, but is
21 there any beef with Tyrone and these fellows in the back?

22 A. No.

23 Q. What happens when you get to Plantation Drive?

24 A. Before I get to Plantation Drive, Shooter Loo, the young
25 man behind Tyrone, told Tyrone, do not turn around, if you do I

1 will take your life.

2 Q. Did you hear him say this?

3 A. Yes, sir.

4 Q. And this is the guy behind Tyrone?

5 A. Yes, sir.

6 Q. When he said that what did Tyrone do?

7 A. He turned around facing him and turned back around his
8 direction, faced his direction, he got shot, I don't know how
9 many times, three four times. As soon as he got shot I had a
10 ring in my ear, it was ZZZZZZZZ (indicating) for a little
11 while.

12 Q. Did you see who shot him?

13 A. And then I got shot.

14 Q. And then you got shot?

15 A. Yes. Before I got shot God leaned me in the side to the
16 window. I got leaned, God got me leaned and then I got shot, I
17 don't know how many times I got shot.

18 Q. What did you see before you got shot, did you see a gun?

19 A. Honestly, I did not see a gun.

20 Q. Did you turn around?

21 A. I did not turn around, no. I heard, you know, LISTEN
22 Shooter Loo, he was telling Tyrone, do not turn around, I will
23 take your life. As soon as he turned around and got back to
24 his direction, he got shot.

25 Q. And did you know Tyrone got shot when he got shot, did

1 you realize what was happening?

2 A. Yes, sir.

3 Q. What happened to you next?

4 A. I got shot.

5 Q. Do you know who shot you?

6 A. I believe it was Boozy because --

7 MS. WILLIAMS: Your Honor, I'm going to object. I
8 think calls for speculation.

9 THE COURT: Let's see what his belief is based on.

10 THE WITNESS: It's not a speculation, ma'am, it's
11 just the fact --

12 THE COURT: No, no, no, no. You're going to have to
13 firm that foundation up and ask him what the basis of his
14 belief is.

15 MR. HELMS: Okay.

16 BY MR. HELMS:

17 Q. What were you doing when you got shot, tell me?

18 A. I was driving.

19 Q. Was the car still moving when you got shot?

20 A. No.

21 Q. Why do you believe one person shot you over another?
22 What makes you believe what you believe?

23 A. I believe the reason, because when I got shot they both
24 came out of the car. Boozy came out of the passenger seat,
25 obviously, and Shooter Loo came out the passenger -- I'm

1 saying -- Excuse me, guys, I'm sorry. Boozy came out the
2 driver's seat, the backseat, and Shooter-lo came out the
3 passenger seat and he went and opened the door, went straight
4 to my pocket.

5 Q. Who did?

6 A. Boozy.

7 Q. That fellow right there (indicating)?

8 A. Yes, sir.

9 Q. He went to your pocket?

10 A. Yes, sir.

11 Q. Now, let me ask you something. Hang on. You got a
12 bullet in you, or a bullet just went through your head. You
13 still know who was going through your pockets?

14 A. Yes, yes, my eye was wide open. I was bleeding and God
15 allowed me to hear.

16 Q. Alright. Stop. So you could hear, you could see?

17 A. Yes, yes, sir.

18 Q. When they got out of the car, listen to my question,
19 when they got out of the car what did you hear?

20 A. When they got out of the car I hear, he opened the door,
21 I hear the door open, he went through my pockets, Shooter Loo
22 opened the door of Tyrone, he went through his pockets, and
23 Boozy told Shooter Loo: Yeah, hurry up before I finish him.

24 Q. And what did you take that to mean?

25 A. To me: I shot you first but I could end you, I don't

1 won't take a chance, I'll make sure I will end you.

2 Q. Now, that's what you heard this defendant say to the
3 other one?

4 A. Yes, and common sense, it was Boozy.

5 Q. Listen to me. Did the other defendant say anything
6 back?

7 A. He did.

8 Q. What was that?

9 A. He replied, hey, he's dying.

10 Q. What did you take that to mean?

11 A. Don't worry about that.

12 Q. Okay. Then what happened?

13 A. Then they walked off, and I see a vehicle -- before the
14 vehicle was pulling up then Boozy and Shooter Loo walked off.

15 Q. You saw them walk off?

16 A. Yeah, they walked off. I didn't see them but you know,
17 it just --

18 MS. WILLIAMS: Your Honor --

19 THE DEFENDANT: -- they was gone.

20 THE COURT: Okay. I think that answers.

21 MS. WILLIAMS: Thank you.

22 BY MR. HELMS:

23 Q. How long after Boozy and Loo walked off did it take, or
24 do you even know, before somebody else showed up?

25 A. Well, I was talking to my Lord and I helped trying to

1 get some help, because I seen a white car pull in.

2 Q. Was it the white car we saw in the video?

3 A. Yeah.

4 Q. And then what?

5 A. And then I was asking for help.

6 Q. And did the person in the white car help you?

7 A. Yes.

8 Q. Do you know who that person was?

9 A. It was a white female and a black male and I think a few
10 people was -- a black male was banging on the roof.

11 Q. And we heard that in -- you heard the 911 tape?

12 A. Yeah, he was banging on the roof, why black people
13 killing black people and this and that, I don't know.

14 Q. So all the banging and stuff, that was the bystander
15 that was there on the video?

16 A. Yes, sir.

17 Q. Did he hurt you? Did he shoot you, that fellow?

18 A. Who?

19 Q. That was banging on the car?

20 A. No, no.

21 Q. Did he shoot Tyrone?

22 A. No, no.

23 Q. Did you call 911?

24 A. No, I couldn't call 911, somebody helped me out.

25 Somebody helped call.

1 Q. Now, we heard you talk at someone saying, this is
2 Hassan, I've been shot. Was that you?

3 A. That was me.

4 Q. So you did speak to 911?

5 A. Yes, I speaked to them, but I did not dial 911.

6 Q. You didn't make the call?

7 A. No. Someone else dialed the number.

8 Q. But that was, obviously, you speaking to the 911
9 operator?

10 A. Yeah.

11 Q. The person that said, my name is Hassan, that was you?

12 A. Yes, sir.

13 Q. Why didn't you just dial 911?

14 A. I couldn't.

15 Q. Fair enough.

16 A. I was talking to my Lord, couldn't.

17 Q. Did you have any beef with these boys?

18 A. I've never seen them a day in my life. I don't know
19 what they were doing, the first time seeing them. I would
20 never forget the face, never, never. I see them in my sleep.

21 Q. I'm going to show you now what has been marked for
22 identification purposes as State's Numbers 9, and we got these
23 wrapped in plastic, and State's Number 11. Do you see --

24 A. This is my pants.

25 Q. What about these right here (indicating?)

1 A. That's mine, it was under my pants, it was under my
2 white sweat pants.

3 THE COURT: Which one is which?

4 Q. I'm showing you State's 9, these were where?

5 A. Under my white pants.

6 Q. And State's 11 were the white pants you were wearing on
7 top?

8 A. Yes, sir.

9 Q. And you were wearing these during the shooting?

10 A. Yes, sir.

11 MR. HELMS: At this time I would tender State's 9 and
12 11 into evidence, Your Honor.

13 THE COURT: Ms. Williams?

14 THE WITNESS: And the pocket was not --

15 MR. HELMS: Hang on one second.

16 THE COURT: Hang on just a second.

17 MS. WILLIAMS: Your Honor, without objection.

18 THE COURT: Without objection, State's 9 and 11 now
19 in evidence.

20 MR. HELMS: Thank you, Judge.

21 (State's Exhibits 9 & 11 were marked for
22 identification and admitted into evidence.)

23 Q. Let's talk about 9 first. These look like basketball
24 shorts, Hassan.

25 A. Yes, sir.

1 Q. Are they basketball shorts?

2 A. Yeah, Nike.

3 Q. And you were wearing these under those?

4 A. Yes, sir.

5 Q. Did you also have underwear on?

6 A. Yes, sir.

7 Q. Okay. So you had two pairs of pants on?

8 A. Yes, sir.

9 Q. These were under the white ones?

10 A. Yes, sir.

11 Q. Where did you keep money? Which pair of pants did you
12 keep your money in? So you kept your money in --

13 A. The shorts, sir.

14 Q. -- in the shorts --

15 A. Yes.

16 Q. -- underneath these?

17 A. Yes, sir.

18 Q. Did you keep any money in these? Did you keep money in
19 these (indicating)?

20 A. No, sir.

21 Q. Now, I want to ask you something. Do you see that
22 pocket right there (indicating)?

23 A. Yes, sir.

24 Q. Do you see how it's out right now?

25 A. Yes, sir.

1 Q. You see the blood right there or the brown or the red,
2 whatever you want to call it, it looks like blood?

3 A. Yes, sir.

4 Q. Did you walk around with your pockets out like that all
5 the time?

6 A. No, sir.

7 Q. Okay. Because we saw you in the video and it looked
8 like you were wearing those. Those were the ones you were
9 wearing?

10 A. Yes, sir.

11 Q. Did you have any money on you, Hassan?

12 A. Yes, sir.

13 Q. Where was the money?

14 A. Under the sweat pants, the white sweat pants.

15 Q. I want to ask you this question and I want you to tell
16 me if you remember. Boozy was going through your pockets?

17 A. Yes, sir.

18 Q. Do you remember if he found your money?

19 A. I don't remember if he found my money. I was talking to
20 my Lord. I mean, I was going through it.

21 Q. But you know you kept your money in --

22 A. The left pocket shorts, the Nike shorts.

23 Q. I understand.

24 A. I always, you know, when I go out, I like to keep it
25 safe.

1 Q. This is important to me, Hassan, did you have any guns?

2 A. No, sir.

3 Q. Did you have any knives?

4 A. No, sir.

5 Q. Did you intend to do anything harmful to Boozy or his
6 friend?

7 A. No, sir.

8 Q. Did you have any beef with Boozy or Loo?

9 A. No, sir.

10 Q. Had you ever even seen them before that night?

11 A. No, sir.

12 Q. How old are you?

13 A. Forty-two.

14 Q. You're 42 years old?

15 A. Yes, sir.

16 Q. Do you know how old Tyrone was?

17 A. Fifty-three, 54.

18 Q. Did you generally hang out with younger folks like
19 Boozy?

20 A. No.

21 Q. No?

22 A. No. I always hang out with older people.

23 Q. Do you have any reason to lie to this jury?

24 A. No, sir.

25 MS. WILLIAMS: Your Honor, I'm going to object to

1 that question.

2 THE COURT: I'll sustain that objection.

3 MR. HELMS: I'll rephrase, Your Honor, I'll rephrase.

4 Q. Are you lying to this jury?

5 A. No, sir.

6 Q. Did you tell this jury the same thing you told law
7 enforcement?

8 A. Yes, sir.

9 MR. HELMS: Please answer any questions the defense
10 has.

11 THE COURT: Ms. Williams, Cross-Examine?

12 MS. WILLIAMS: Your Honor, may we approach?

13 THE COURT: Yes, ma'am.

14 (Off the record discussion was held at the bench by
15 Court and counsel.)

16 THE COURT: Ladies and gentlemen, thank you for your
17 patience. Normally we don't huddle up and talk behind the
18 jury's back. Sometimes we just send you out of the courtroom
19 while we talk about those things, but I can tell you what we're
20 talking about. We're planning your immediate future, and so
21 I've decided that we're going to take the lunch break now.
22 It's 12:25. The cross-examination of Mr. Benhamedane is going
23 to be somewhat lengthy and will run well past 1:00 and well
24 into your lunch hour. Then redirect examination will follow
25 that which means it could be 2:00 at the earliest before we

1 ever take a lunch break. That's a lot more test of your
2 tolerance, then, frankly, I'd like to impose on you. So the
3 long and short of it is we're going to take our recess right
4 now for lunch. I'm going to ask you to be back in the jury
5 room in an hour and 15 minutes at 1:45. We'll resume the trial
6 of the case at that time. I'll remind you, as always, that
7 you're not to talk about this case among yourselves or with
8 anybody else and when you get back into the jury room at 1:45
9 don't discuss it among yourselves at that time. Everybody
10 understand that? Enjoy your lunch, I'll see you at 1:45.
11 Thank you.

12 (Jury exited the courtroom.)

13 THE COURT: Mr. Benhamedane? Am I saying your name
14 right?

15 THE WITNESS: Yes, Your Honor.

16 THE COURT: Obviously, you don't have to stay in that
17 chair during the lunch hour, you can take a lunch hour like
18 everybody else.

19 THE WITNESS: I appreciate it.

20 THE COURT: But you cannot discuss your testimony
21 with anybody while you're off the stand. Normally we don't
22 separate a witness. Once you get on the stand, you're there
23 until you finish, but you've heard me explain the reason we're
24 not going to do that with you because it wouldn't be fair to
25 you, nor to the jury, quite frankly, for everybody to have to

1 sit in place for another hour and a half or whatever it would
2 take.

3 THE WITNESS: I appreciate it.

4 THE COURT: So the short of it is you can get off the
5 stand, you can enjoy lunch like everybody else, but you cannot
6 discuss your testimony with anybody while you're off the stand,
7 do you understand that?

8 THE WITNESS: Yes, Your Honor.

9 THE COURT: Good. I'll look to see you back at 1:45.
10 Thank you.

11 THE WITNESS: You're welcome.

12 THE COURT: Anything else from the State before we
13 break for lunch?

14 MR. HELMS: No, Your Honor.

15 MS. WILLIAMS: Nothing from the defense.

16 THE COURT: Thank you. Alright, 1:45, folks.

17 MR. HELMS: Yes, sir.

18 (Lunch Recess taken.)

19 THE COURT: Please be seated. Good afternoon.

20 MS. WILLIAMS: Your Honor, I have one matter that I'd
21 like to take up before the jury comes back in.

22 THE COURT: Okay. What do we got?

23 MS. WILLIAMS: Well, Your Honor, at this time I would
24 like to move for a mistrial based on a non-produced
25 non-notified in-court identification. I had no idea the victim

1 was going to say that my guy was the one that shot him. There
2 is nothing in any of my evidence whatsoever, in fact, all of
3 the evidence points to prior statements of inconclusive, he
4 doesn't know who did it. There have been numerous court
5 appearances. In fact, Your Honor, even as much as a month ago
6 the statement was telling the other co-defendant, finish the
7 job. There was never any type of notification, and I don't see
8 any way that I can get around the prejudicial value of that
9 when I was not prepared for that, my client was not prepared
10 for that, I mean, that's never been before us. This whole case
11 has been basically a hand of one is a hand of all type case and
12 a hand of one is a hand of all type defense.

13 THE COURT: Right.

14 MS. WILLIAMS: The fact that he got on the stand and
15 said my guy is the one that shot him, I just don't see any way
16 that I can repair any of that and have no preparation for it.

17 THE COURT: Mr. Helms?

18 MS. LIVESAY: Judge, would you mind if I handled this
19 argument?

20 THE COURT: No, that would be fine.

21 MS. LIVESAY: Thank you, Judge. First of all, the
22 State's contention is there would be no necessary pre-trial
23 motions such as a Biggers Hearing that I believe Ms. Williams
24 is speaking of. There was not lineup shown to him. There was
25 nothing shown to Hassan from the police regarding the

1 identification of this gentleman, Tyrell Harrison. So there
2 would be no Biggers Hearing because there could be no
3 allegation that there was any taint of any kind of in-court
4 testimony. Now, as to whether or not he could be identified
5 and if the victim could identify him, we did have her put on
6 notice because in the police report he told the police which
7 was documented in their report that the guy he saw on the news
8 that was arrested was the guy that shot him. So that is the
9 police report, because they went, they spoke with him when he
10 was still in the hospital and they had already arrested Tyrell
11 Harrison at that time. Tyrell was arrested three hours after
12 the shooting. The shooting took place around 4:00 a.m. They
13 were at Tyrell's house at 7:00 a.m. So he was arrested before
14 they even spoke with Hassan. They did show a six-pack lineup
15 of the co-defendant and he picked out the co-defendant and at
16 that time he said the guy he saw on the news that had been
17 arrested was the other guy. So he had identified him, that was
18 in the police report so there are was notice to the defense
19 that he was able to identify both individuals in the car.

20 MS. WILLIAMS: Your Honor, if I may clarify. Ms.
21 Livesay is correct, partially correct, I will say. There is
22 one statement in Detective Wydra's report where he indicates
23 that she is correct, that they went to the hospital right after
24 this happened and spoke with Mr. Benhamedane, that as they
25 said, my client had already been arrested and he did tell them

1 he was familiar with my client because his booking picture had
2 been on the TV. Your Honor, there is an indication for when
3 you read Detective Wydra's report it basically says that Tyrell
4 was the short guy who shot him, but it's not as a statement
5 because then it goes further on to say that Mr. Benhamedane
6 says he does not know who the shooter was. There were two guys
7 present. Then you get Detective Marcus' report and it says he
8 doesn't know who he is. There's reports from later on even as
9 of -- I mean, I have the dates written down. He's not sure
10 January 3rd, he's not sure on January 5th, and then the victim
11 goes back to the police department on the 28th, relays some
12 additional information and at that point on the 28th he once
13 again lets them know that he's not sure who the shooter is. So
14 there's no way that we were legitimately prepared to deal with
15 an in-court -- I mean, this completely contradictory testimony,
16 and my client wasn't prepared for this, and I just don't see
17 any way to get over the prejudicial value of that.

18 THE COURT: Yes, ma'am?

19 MS. LIVESAY: Thank you, Judge. Just real quick, for
20 clarification, Mr. Hassan testified that he did not turn
21 around, that he believed that Boozy shot him. There was an
22 objection. After that Mr. Helms said, why do you believe that?
23 Nobody ever said that Hassan pointed out Boozy and said, I saw
24 him shoot him. He then said, he got out, he went through my
25 pockets, and he said, I'm gonna finish him off. I took from

1 that, my belief is that he is the one that shot me. So there
2 never an in-court identification of, I saw that guy shoot me.
3 That was not the testimony that came out. The testimony as to
4 identification came out as, I gave him a ride, the guy with the
5 teardrop, and I also gave a ride to Shooter Loo, the guy with
6 the twists.

7 MS. WILLIAMS: And Your Honor, my response to that
8 would simply be that to say that I believe it was so and why do
9 you believe in there, Your Honor, and then he made these other
10 statements, which by the way are not provided in any of the
11 evidence, as well. You know, that statement was not here. You
12 know, there's no statements about what my guy said, no
13 statements against interest, there's none. The only statement
14 against interest that I have is one that the co-defendant, that
15 this victim says that the co-defendant threatened, which was
16 different than what he testified to on the stand, but that's
17 against the co-defendant, so I just don't see it.

18 THE COURT: I don't think that the testimony that he
19 offered hear in court amounted to finger pointing, at least in
20 his final analysis, when you take it all there's a lot of
21 ambivalence in it at one point in time, because the point was
22 made, he said that the other guy told the victim, the other
23 victim: Turn around and I'll shoot, or take your life, I think
24 were his words, and Tyrone turned around, he was shot, and then
25 said: And then I got shot. And it was a conclusory statement

1 that he made and he testified, the record would reflect that he
2 testified that after he got shot then Boozy came out, came
3 around to the driver's side and came to his seat and started
4 going through his pockets, and from that he had concluded that
5 Boozy had gone through his pockets and had shot him, I suppose
6 is the conclusion that was reached. I don't think that that
7 amounts to something that is so prejudicial that given all of
8 the other inconclusive statements that he made about he didn't
9 know, and of course, that's cross-examination, which you
10 obviously developed in that regard, that the record is tainted
11 so as to declare a mistrial in this case. I think that the
12 inexactness of this identification, the ambivalence of it, if
13 you will, his explanation of how he arrived at that, never
14 saying I saw him shoot me, for example, one guy behind him, one
15 guy behind the passenger, two folks got shot, you know, that's
16 the sort of conclusion, whether that's the conclusion that the
17 State is alluding to or whether they're going to rest on the
18 hand of one is the hand of all, or both, is a matter I suppose
19 that we'll deal with when we get to the charge part of this.
20 The Motion for Mistrial is respectfully denied for those
21 reasons. The hold of this is that Mr. Benhamedane's testimony
22 does not rise to the level of saying, I saw him shoot me. So
23 for that reason the identification is not so prejudicial, if it
24 exists at all, quite frankly, in the jury's mind. The Motion
25 for Mistrial is respectfully denied.

1 MS. WILLIAMS: Thank you, Your Honor.

2 MR. HELMS: Thank you.

3 THE COURT: Anything else now before the jury comes
4 in?

5 MR. HELMS: Nothing from the State, Your Honor.

6 MS. WILLIAMS: Nothing else from the defense.

7 MR. HELMS: Your Honor, should Mr. Benhamedane take
8 the stand before the jury comes in?

9 THE COURT: He can. Mr. Benhamedane, of course you
10 remember that you're still under oath. You can bring us the
11 jury.

12 (Jury entered the courtroom.)

13 THE COURT: Folks, thank you for your prompt return.
14 We're now ready to pick up where we left off before lunch. You
15 may recall that the direct examination of Mr. Benhamedane had
16 been completed and so we took the lunch break to divide the
17 direct from the cross-examination and now Mr. Benhamedane is
18 subject to cross-examination by Ms. Williams. Ms. Williams?

19 MS. WILLIAMS: Thank you.

20 CROSS-EXAMINATION

21 BY MS. WILLIAMS:

22 Q. Mr. Benhamedane, there's no doubt you were shot,
23 correct?

24 A. There is no doubt, the Lord knows the best.

25 Q. There is no doubt that Mr. Tyrone Davis was shot,

1 correct?

2 A. Yes, ma'am, rest in peace.

3 Q. And there's no doubt that two people have been charged
4 with that, correct?

5 A. Yes, ma'am.

6 Q. And it's safe to say that you would like the
7 people/person who did this to pay the penalty for doing that,
8 right?

9 A. Yes.

10 Q. And part of what you did was talk to the police about
11 what happened, correct?

12 A. Yes, ma'am.

13 Q. And you told them as much as you could, right, to help
14 try to get the right person or persons arrested so they could
15 face what they had done, right?

16 A. Yes, ma'am.

17 Q. And you were truthful with them, right?

18 A. Yes, ma'am.

19 MS. WILLIAMS: Madam court reporter, can I ask you to
20 read the last question that the State asked and the victim's
21 answer?

22 THE COURT REPORTER: Sure, just one second. Before
23 we broke for lunch?

24 MS. WILLIAMS: Right before we broke for lunch, yes,
25 ma'am.

1 THE COURT REPORTER: The question was: Did you tell
2 this jury the same thing you told law enforcement? Answer:
3 Yes, sir.

4 Q. So you told the jury and answered the State's question
5 right before lunch that everything you told the jury you told
6 law enforcement, right?

7 A. Yes, ma'am.

8 Q. So let's see, you told them there were no guns and no
9 weapons in the car, correct?

10 A. I said there was no guns? I didn't have no gun on me.

11 Q. Okay, you didn't have a gun on you?

12 A. No, ma'am.

13 Q. Were there guns in the car you were driving?

14 A. Not that I know of. All I heard is a trigger, that's
15 all, and Tyrone got shot and I got shot after him.

16 Q. And the car that ya'll were in was the car you were
17 driving?

18 A. Yes, ma'am.

19 Q. It was your mom's car, right?

20 A. Yes, ma'am.

21 Q. Registered here in South Carolina?

22 A. Yes, ma'am.

23 Q. But you drove it?

24 A. Yes, ma'am.

25 Q. So if the police reports that when they were searching

1 the car that in the rear driver's seat they observed two black
2 firearms, one of which was a BB gun, that wouldn't have been
3 true?

4 A. A BB gun?

5 Q. There were two black -- two firearms in that car?

6 MR. HELMS: Your Honor, that's not true.

7 THE COURT: Just one second, let's get this cleared.

8 Yes, sir, the objection?

9 MR. HELMS: She's misstating facts, Your Honor.

10 There was a pellet gun found, a BB gun found in the car but
11 there were no firearms found in that vehicle.

12 MS. WILLIAMS: You can clarify that if that's an
13 issue, Ms. Williams.

14 BY MS. WILLIAMS:

15 Q. So was there a BB gun in the car?

16 A. Probably, I don't remember.

17 Q. Did you drive the car all the time?

18 A. Yes, ma'am.

19 Q. But if the police had reported that when they searched
20 that car and they found a pellet gun, that would be accurate?

21 A. Yes, ma'am.

22 Q. And if they said they found two guns, that would be
23 accurate, correct, pellet guns, firearms whatever it was,
24 whatever the police found, that would be accurate, correct?

25 A. Yes, ma'am.

1 Q. But you don't know if they were in there or not?

2 A. No, ma'am, I didn't know. I knew it was no gun when I
3 was driving by myself, but when I picked up Mr. Boozy and Mr.
4 Shooter Loo, obviously, we got shot, it got to be a gun
5 involved, ma'am.

6 MS. WILLIAMS: Can I direct that the witness to
7 answer the questions?

8 THE WITNESS: Yes, ma'am.

9 THE COURT: Right. I think he's just affirming his
10 answer one way or the other. It's not completely responsive to
11 the question, I'll give you that, but you can clarify that if
12 you want.

13 MS. WILLIAMS: Thank you.

14 BY MS. WILLIAMS:

15 Q. Mr. Benhamedane, how long has your mom lived here at
16 Myrtle Beach?

17 A. Back and forth, a few years back and forth, we got
18 family out here.

19 Q. How often have you been to Myrtle Beach to visit?

20 A. A couple times.

21 Q. And how often did you come visit Tyrone when you were
22 here, Mr. Davis?

23 A. How long?

24 Q. Yeah, how many times did you come visit Mr. Davis when
25 you were here?

- 1 A. Mr. Davis?
- 2 Q. Tyrone Davis?
- 3 A. Oh, a few times.
- 4 Q. Because you said you all were really good friends.
- 5 A. Yeah, we are good friends.
- 6 Q. Did he ever go visit you in New York?
- 7 A. He never came to New York. He has family from New York.
- 8 Q. Now, as the State has entered these two pieces of
- 9 evidence, these white sweat pants and these shorts were what
- 10 you were wearing the night this incident occurred, correct?
- 11 A. Yes, ma'am.
- 12 Q. And you had over \$2,000.00 inside your pocket, didn't
- 13 you?
- 14 A. Yes, ma'am.
- 15 Q. In 20's?
- 16 A. I had \$2,000.00.
- 17 Q. In 20's inside your pocket, right?
- 18 A. Inside my pocket. Not my sweat pants, the shorts, the
- 19 basketball shorts, ma'am, on the left side.
- 20 Q. But you were at a club at 4:00 a.m., correct?
- 21 A. I was in the club at 4:00 a.m.?
- 22 Q. Correct, that's what I'm asking.
- 23 A. No, I was in the club around 1:00 -- 1:30, 2:00.
- 24 Q. So where were you between 1:30 and 2:00 and about --
- 25 A. 1:00 -- well, I went to pick up Tyrone, rest in peace,

1 yes, ma'am.

2 Q. And then you all went back to the club?

3 A. No, we didn't go back to the club. I came from Myrtle
4 Beach to pick up Tyrone. From Tyrone we went back to the club.

5 Q. And what time did you all arrive at the club?

6 A. I don't remember, around 1:30, 2:00 in the morning.

7 Q. And what time did you all leave?

8 A. We left around 3:30, I don't remember exact.

9 Q. 3:30 in the morning, you had \$2,000.00 cash in your
10 pocket?

11 A. Yes, ma'am.

12 Q. And you testified you didn't like the place because you
13 were a stranger there, correct?

14 A. I was not comfortable. The first time you go to a
15 strange place, anyone, you feel some type of uncomfortably --

16 Q. Understandably so.

17 A. -- you know, yes, ma'am.

18 Q. And especially having \$2,000.00 cash in your pocket can
19 make you that much more uncomfortable, correct?

20 A. No, ma'am, it ain't about the money.

21 Q. Okay. Mr. Benhamedane, what do you do for a living?

22 A. Well, I used to work at the restaurant. I used to go to
23 church helping people, you know, every Thursday and Sundays.

24 Q. What's your full-time jobs, do you have one?

25 A. I used to be a translator. I translate in New York.

1 And as far as being here, I used to work as a salesperson and a
2 cook, yes, ma'am.

3 Q. Now, on direct testimony you told the solicitor that you
4 were worried about, I believe you called the other guy in the
5 backseat by his nickname, Shooter Loo, right?

6 A. It was a Shooter Loo and the gentleman over there, Boozy
7 (indicating.)

8 Q. Boozy. But Shooter Loo is the one you wanted Mr. Davis
9 to trade up in the front seat with, correct?

10 A. Not necessarily -- yes. Not necessarily, I wanted --
11 yeah, I wanted anyone in the backseat to swap with Tyrone, rest
12 in peace.

13 Q. And this happened, it was January 2nd, correct, when
14 this incident happened?

15 A. Yes, ma'am, January 2nd, January, 3rd.

16 Q. Well, second or third.

17 A. January 3rd.

18 Q. And you were in the hospital and the police came to talk
19 to you about who you thought had done this, correct?

20 A. Yes, ma'am.

21 Q. And you told them you weren't sure who actually shot
22 you, correct?

23 A. I was not sure but I knew there was both of them. I
24 would never remember their face, I sleep and I see their face
25 every day.

1 Q. But you told the police you weren't sure who shot you,
2 correct?

3 A. Yes.

4 Q. And then you talked to the police again on the 5th and
5 you told them you were still not sure who shot you, correct?

6 A. Well, I told them the very true story that I would never
7 forget about, that Boozy came out -- when Tyrone got shot I got
8 shot right after and I leaned over in my driver's seat and
9 Boozy came out and went through both of my pockets, I remember
10 that, even though I was hurting, and he told Shooter Loo:
11 Hurry up before I finish him. To my understanding is when you
12 say to a person: Hurry up before I finish him, meaning, I shot
13 you and I'm gonna continue, I'm gonna finish you.

14 MS. WILLIAMS: Your Honor --

15 THE COURT: Wait a minute.

16 THE WITNESS: Yes, sir, I apologize --

17 THE COURT: Just a second, hold on.

18 THE WITNESS: -- ask me a question, I'll answer it.

19 THE COURT: Your objection?

20 MS. WILLIAMS: Your Honor, his response is, first of
21 all, it's just to appear a narrative and he's drawing
22 conclusions and it's not responsive to the questions that I
23 asked him.

24 THE WITNESS: All due respect, Your Honor.

25 THE COURT: Well, I'm not sure, the jury will have to

1 decide whether it's responsive or not. The question was,
2 you told the police you're not sure who shot me. I'm not sure
3 he's ever answered that. He says, I told them the true story
4 and then he started about Boozy came out and went through my
5 pockets and so forth. He never responded to your question
6 which was: Did you not tell the police that you're not sure
7 who shot you? You're entitled to a response to that question.

8 BY MS. WILLIAMS:

9 Q. Mr. Benhamedane?

10 A. Yes, ma'am. Can you repeat the question?

11 Q. I did. On January 5th, you told the police you were not
12 sure who shot you, correct?

13 A. I was not -- yeah, I was not sure but I knew who shot
14 me. I mean, it was Boozy and Shooter Loo.

15 Q. So you were sure, but you told them you didn't know who
16 it was?

17 A. I never said -- I never said, ma'am, all due respect,
18 don't put words in my mouth, please. The Lord is above us,
19 please.

20 Q. I got you, so let me ask you this. So if you gave the
21 detective a statement, correct? You told them who shot you?

22 A. I told them who shot me, it was two of them. So one of
23 them could be one of them who shot me, but according -- my
24 story, I'm going to stick with it, is Mr. Boozy came out and
25 mentioned to Shooter Loo: Let's hurry up before I finish him.

1 And Shooter Loo replied: He's dying. To my understanding -- I
2 was hurting, ma'am, you know, even now, as we're talking, I
3 can't remember the words, you know, I'm trying.

4 Q. I understand, so let me ask you --

5 A. I was not like that before, so, yeah.

6 THE COURT: Don't continue talking when she's trying
7 to ask you the question. Please answer the question.

8 MS. WILLIAMS: Thank you, Your Honor.

9 Q. So you're telling us that's the statement you gave the
10 police yes?

11 A. Yes. That's the statement I told them, I told them --
12 yeah.

13 Q. So let me ask you this, that's important, don't you
14 think?

15 A. God is important, yes, ma'am.

16 Q. That's not answering my question. Is that statement you
17 just told me that you told the police important, in your
18 opinion?

19 A. I told the police what?

20 Q. That you thought that Boozy was the one who came out and
21 said all this stuff and did everything?

22 A. I never said that, ma'am. I said, I'm going to rephrase
23 it, when the police came to the hospital I said that I remember
24 that that's the ones, I would never forget about them, Boozy
25 and Shooter Loo, I picked both of them.

1 Q. Correct. You said that, but then you sat here and you
2 just said just then you told the police that my client made a
3 statement.

4 A. I said that your client made a statement?

5 Q. Yes.

6 A. Yes, I did say that, he made a statement. He made a
7 statement when -- before we arrived, at that time I don't know
8 that was his destination. He said, let's make a left and make
9 a right, and you said, again, when we came out he was in the
10 driver's seat, in the backseat, I see it, I would never forget
11 a face, and I heard every words come out of their mouth.

12 Q. And you said that my client actually said something else
13 after he went through your pockets, correct?

14 A. When he went through my pockets --

15 Q. Just give me a yes or a no.

16 A. Yes, ma'am, yes, ma'am, he did say --

17 Q. He said something else.

18 A. -- he did say something else.

19 Q. And you're here telling us that you told the police what
20 he said.

21 A. I told the police what he said?

22 Q. After he went through your pockets, you told the police
23 about what he said?

24 A. Yes, probably, yes, I did say that. I was in the
25 hospital, ma'am, like we said. He came to me asking me if

1 this -- and I picked them out. Yes, ma'am, go ahead.

2 Q. What about on January 28th when you went back to the
3 police department to collect your money and some of the things
4 that they had in evidence, did you tell them anything then or
5 did you also tell them then you could not specify which
6 defendant shot Tyrone or him or you?

7 A. Probably. I never said that he particularly shot me but
8 to his words, yes, ma'am. Go ahead, I apologize.

9 Q. I'm just saying, you told the police you didn't know
10 which one shot you, correct?

11 A. Yes, ma'am, probably, yeah, I did, I don't remember
12 that. I definitely remember who, who was involved, Boozy and
13 Shooter Loo, yeah.

14 Q. No doubt my client was in the backseat of your car,
15 correct?

16 A. Yeah, he was.

17 Q. Correct, he was in the backseat?

18 A. Yes, yes, ma'am, he was.

19 Q. And no doubt he gave you directions to turn left instead
20 of turn right because it was --

21 A. Yeah, he did give me a direction.

22 THE COURT: Mr. Benhamedane --

23 THE WITNESS: Yes, sir. I'm sorry, I didn't mean to
24 cut you off.

25 THE COURT: -- let her finish. Mr. Benhamedane,

1 please --

2 THE WITNESS: Yes, sir, I apologize.

3 THE COURT: -- it helps if you will let her finish
4 the question before you start the answer. It helps the jury
5 keep up with it that way.

6 THE WITNESS: Yes, I apologize, Your Honor.

7 THE COURT: That's alright, just let her finish
8 before you start talking. Go ahead.

9 MS. WILLIAMS: Thank you, Your Honor.

10 Q. So there is no doubt that my client basically told you
11 turn, go left or go right, whichever way, I get those confused,
12 because you would have been heading the other way, and the
13 other way was back towards what's going to end up being back
14 toward his house, correct?

15 A. There's no doubt, yes, ma'am.

16 Q. Mr. Benhamedane?

17 A. You can call me Ben to make it easier for you.

18 Q. I'm sorry, I don't mean to be disrespectful with your
19 name at all.

20 A. No, you're okay, it's kind of hard to pronounce.

21 Q. You're here today to tell this jury that you think my
22 client should be found guilty, correct?

23 A. Yes, ma'am.

24 Q. But you didn't tell the police that it was him who shot
25 anybody, did you?

1 A. Ma'am, did I say that he shot me?

2 Q. Correct. I'm asking you, you're sitting on the stand.

3 A. You're asking me? I'm asking you.

4 Q. I'm not going to argue with you, I'm not going to do
5 that.

6 A. I know that, all due respect, ma'am.

7 Q. Because nobody else has been found guilty of this. Mr.
8 Davis hasn't, has he, Tylik, the other, Shooter Loo, right?

9 A. What about him, ma'am?

10 Q. He hasn't been found guilty of anything, has he?

11 A. You tell me. You got more experience than I do, ma'am.

12 THE COURT: I think she's asking you what you know,
13 Mr. Benhamedane, what you know, she's asking you.

14 THE WITNESS: What I know?

15 THE COURT: In response to the question that she just
16 asked you.

17 THE WITNESS: Yes, Your Honor.

18 THE COURT: The question was: Do you know of anybody
19 else who has been found guilty of whatever it was of this
20 crime. So the question is what you know. That's all you can
21 testify about is what you know.

22 THE WITNESS: Yes, Your Honor.

23 BY MS. WILLIAMS:

24 Q. Can you answer my question?

25 A. What was your question again?

1 Q. Has Shooter Loo been found guilty of this?

2 A. Obviously, he's here, I mean.

3 Q. That's not Shooter Loo.

4 A. That's not Shooter Loo, I'm talking about the other guy.

5 This is Boozy, I know that.

6 Q. And I'm asking about the other guy.

7 A. I know that.

8 Q. Has the other guy been found guilty?

9 A. Yes, ma'am, probably. I'm not sure if he's found guilty
10 or not, ma'am.

11 MS. WILLIAMS: May I have the Court's indulgence?

12 THE COURT: Yes, ma'am.

13 MS. WILLIAMS: That's all the questions that I have.

14 THE COURT: Redirect?

15 MS. WILLIAMS: Hold on one moment. I'm sorry.

16 THE COURT: Take it back.

17 BY MS. WILLIAMS:

18 Q. Mr. Benhamedane, on your Direct --

19 A. Yes, ma'am.

20 Q. -- when you were answering questions for the Solicitor,
21 isn't it true that you told this jury that you thought Shooter
22 Loo was the person who shot Tyrone?

23 A. Yes, ma'am.

24 MS. WILLIAMS: That is it. Thank you.

25 A. Excuse me, excuse me.

1 THE COURT: You've answered the question, Mr.
2 Benhamedane. If there's any clarifications, Mr. Helms will
3 deal with that.

4 THE WITNESS: Yes. Thank you.

5 THE COURT: Redirect?

6 REDIRECT EXAMINATION

7 BY MR. HELMS:

8 Q. She just asked you if you thought Shooter Loo shot
9 Tyrone, and you said, yes; is that right?

10 A. Yes.

11 Q. Who do you think shot you?

12 A. Boozy.

13 Q. Okay. Now, let me ask you something. Do you know what
14 a pellet gun is, a BB gun?

15 A. A BB gun is a toy, right?

16 Q. It's a what?

17 A. It's a toy.

18 Q. That's what it is, that's right. Is it a firearm?

19 A. No, sir.

20 Q. I want to ask you this. We got these in evidence and
21 this is State's 34 through 41, if I'm not mistaken, it is. Did
22 you have a firearm in that car?

23 A. No, sir.

24 Q. The defense counsel wants to bring up a BB gun, a pellet
25 gun, right, that was found. Do you see a pellet gun anywhere

1 in the front of the car?

2 A. No, sir.

3 Q. And I'm showing him State's 38, Your Honor. In State's
4 39, do you see a pellet gun?

5 A. No, sir.

6 Q. So let me ask you this, if they did find a pellet gun, a
7 toy in your car, did you use it to point it at anybody?

8 A. No, sir.

9 Q. Did you present it at anybody?

10 A. No, sir.

11 Q. Did you threaten anyone with it?

12 A. No, sir.

13 Q. Did you even show anybody a pellet gun?

14 A. No, sir.

15 Q. Did you know there was a pellet gun in the car?

16 A. No, sir.

17 Q. Let me ask you about cash. She questioned you about a
18 lot of cash you had on you that was found at the hospital
19 inside State's, I think you testified inside State's number 9.
20 You don't carry traveler's checks, Hassan?

21 A. No, sir.

22 Q. So when you travel do you carry cash?

23 A. Yes, sir.

24 Q. Were you traveling?

25 A. No.

1 Q. When you were down here visiting, were you traveling?

2 A. I was traveling, yes, sir, I was coming from New York.

3 Q. When law enforcement spoke to you what kind of condition
4 were you in?

5 A. Severe, severe condition.

6 Q. Where were you?

7 A. In the hospital.

8 Q. Why were you in the hospital?

9 A. Because I got shot.

10 Q. Were you thinking about all the details that you're
11 thinking about today?

12 A. No, sir. I was praying to the Lord, you know, I was
13 getting close to the Lord.

14 Q. Do you remember talking to law enforcement in the
15 hospital?

16 A. Yes, I do, I remember, I remember.

17 Q. What was your principle concern at that time? What was
18 the main thing on your mind when you were in the hospital?

19 A. I was just praying to the Lord.

20 Q. For what?

21 A. To get me back, get me back on my feet.

22 Q. She asked you about the co-defendant, if he's been found
23 guilty or not guilty. Let me ask you a question, have you been
24 to the co-defendant's trial yet?

25 A. No, sir.

1 Q. Is this the first time you've testified so far?

2 A. Yes, sir.

3 Q. When the co-defendant goes to trial are you going to
4 testify against him, too?

5 A. Yes, sir.

6 Q. Thank you. Answer any questions the defense has.

7 THE COURT: Any follow up?

8 MS. WILLIAMS: Yes, sir, just briefly.

9 RECROSS-EXAMINATION

10 BY MS. WILLIAMS:

11 Q. Now, you were in the hospital on January 4th and 5th,
12 correct? You stayed in the hospital like two or three days
13 after the incident happened, right?

14 A. No, I was there for longer than that, ma'am.

15 Q. Well, on January 28th you were out because you went to
16 police department, right?

17 A. Yes, ma'am.

18 Q. And then you were well enough to go to the police
19 department and talk to them, correct?

20 A. Yes, ma'am.

21 Q. And you, in fact, at that point you did give them some
22 additional information?

23 A. I remember, yeah, I think.

24 MS. WILLIAMS: That's all I have. Thank you.

25 THE COURT: Thank you. Mr. Benhamedane, you can step

1 down.

2 THE WITNESS: Yes, sir.

3 THE COURT: Mr. Helms, Ms. Livesay, next witness?

4 MR. HELMS: Yes, sir.

5 MS. LIVESAY: Your Honor, at this time I'm going to
6 call Sandy Lowe to the stand.

7 **Sandy Lowe being first duly sworn, testified as**
8 **follows:**

9 THE CLERK: Please state your name and spell it for
10 the Court.

11 THE WITNESS: Sandy Lowe, S-a-n-d-y, L-o-w-e.

12 DIRECT EXAMINATION

13 BY MS. LIVESAY:

14 Q. Ms. Lowe, where are you currently employed?

15 A. The J. Reuben Long Detention Center.

16 Q. And how long have you been there?

17 A. Thirty years.

18 Q. What are your job responsibilities?

19 A. I am the Sergeant over the classification department.

20 Q. And does the classification department keep photographs
21 and information on everybody that checks in and out of J.
22 Reuben Long?

23 A. Yes.

24 Q. And are those records kept in a form or fashion that
25 can't be tampered with?

1 A. Yes.

2 Q. And does that include every information, all the
3 information you collect as far as height, weight, all of that?

4 A. Yes.

5 Q. I'm going to show you now what's been marked as State's
6 Exhibit Number 43. Do you recognize it?

7 A. Yes.

8 Q. And is that a photograph that's kept in the ordinary
9 course of business?

10 A. Yes.

11 Q. Has it been tampered with in any form or fashion?

12 A. No.

13 Q. And is that a photograph of the defendant currently on
14 trial, Tyrell Harrison?

15 A. Yes.

16 Q. And does that depict how he appeared on January 3rd of
17 2020?

18 A. Yes.

19 MS. LIVESAY: Your Honor, at this time the State
20 wishes to place State's Exhibit 43 into evidence.

21 THE COURT: Any objection?

22 MS. WILLIAMS: Your Honor, I don't see the relevance
23 of the photo.

24 MS. LIVESAY: I can briefly explain that, Judge.

25 THE COURT: Sure. Go ahead.

1 MS. LIVESAY: Mr. Hassan just testified regarding the
2 people in the car with him during the time of the crime and he
3 was specific as to a mark on this particular defendant's face,
4 so this is going to show that particular mark.

5 THE COURT: The jury will have to decide whether the
6 particular mark that he described belonged to this individual
7 or not, okay, I can see the point of it.

8 MS. LIVESAY: That's the relevance here, identifying
9 characteristics.

10 THE COURT: I'll allow it. What's the number of it
11 again?

12 MS. LIVESAY: Number 43.

13 THE COURT: Number 43 into evidence over objection.

14 MS. LIVESAY: Thank you, Your Honor.

15 (State's Exhibit Number 43 was marked for
16 identification and admitted into evidence.)

17 MS. LIVESAY: Thank you, Your Honor.

18 BY MS. LIVESAY:

19 Q. And so this is a picture of Tyrell Harrison taken on
20 January 3rd?

21 A. Yes.

22 Q. And does Mr. Harrison have a co-defendant?

23 A. Yes.

24 Q. Who is that co-defendant?

25 A. Tylik Griffin.

1 Q. And do whether or not Mr. Griffin has come to trial on
2 his charge?

3 A. No, he hasn't, he's still waiting a trial.

4 Q. Okay. So he hasn't even come to trial?

5 A. No.

6 Q. Nobody's had any sort of determination, guilt, not
7 guilty, not had any kind of trial?

8 A. No.

9 MS. LIVESAY: No further questions, Your Honor, for
10 this witness.

11 THE COURT: Thank you. Ms. Williams?

12 MS. WILLIAMS: I have no questions for Officer Lowe.

13 THE COURT: Thank you, ma'am. Ms. Lowe, you can step
14 down.

15 THE WITNESS: Thank you.

16 MS. LIVESAY: Thank you, Judge. At this time the
17 State is going to call Renisha Jackson to the stand.

18 THE COURT: Ms. Jackson, come forward, please, be
19 sworn.

20

21

22

23

24

25

1 **Renisha Jackson being first duly sworn, testified as**
2 **follows:**

3 THE CLERK: Please state your full name and spell
4 your last name for the Court.

5 THE WITNESS: Renisha Jackson, J-a-c-k-s-o-n.

6 DIRECT EXAMINATION

7 BY MS. LIVESAY:

8 Q. Ms. Jackson, how old are you?

9 A. Thirty-two.

10 Q. And in what area of Horry County do you currently live?

11 A. Longs.

12 Q. I'm sorry?

13 A. Longs, South Carolina.

14 Q. If you don't mind, speak up and speak clear, so
15 everybody can hear you. Now, do you remember being on
16 Plantation Drive and what you saw that night?

17 A. Yes, I do.

18 Q. Do you remember talking to the folks at 911?

19 A. I do.

20 Q. Now, this young man back here, Hassan, do you remember
21 him?

22 A. I do.

23 Q. Do you remember him from that night?

24 A. I do.

25 Q. Now, Ms. Jackson, earlier in that night on January 3rd,

- 1 where were you?
- 2 A. In Cedar Branch.
- 3 Q. Where?
- 4 A. Cedar Branch.
- 5 Q. And were you hanging out at Terry's?
- 6 A. I was.
- 7 Q. And who were you with?
- 8 A. A girl named Sharika.
- 9 Q. And did you see Hassan there?
- 10 A. I did.
- 11 Q. Did you see the deceased victim, Tyrone Ford?
- 12 A. I did.
- 13 Q. And had you known Hassan before that night?
- 14 A. I didn't.
- 15 Q. How about Tyrone Ford?
- 16 A. I did.
- 17 Q. How did you know him?
- 18 A. From the neighborhood.
- 19 Q. So he clearly lived in the area, hung out in the area?
- 20 A. Yes.
- 21 Q. And the boy, Boozy, in this picture right here, State's
- 22 evidence number 43, did you see him at the club?
- 23 A. Across the room.
- 24 Q. Ma'am?
- 25 A. Across the room.

1 Q. Okay, so you did see him?

2 A. Uh-huh.

3 Q. And do you remember when Tyrone and Hassan left the
4 club?

5 A. I remember when Hassan and Tyrone came in the club.
6 Tyrone spoke to me and Sharika because he called her his niece.
7 He called her a niece because the lady that has cancer, she
8 raised us. She called him his sister, which is Mona Lisa.
9 They basically like brothers and sisters so he always makes
10 sure he speaks to us, that's how I know Ty.

11 Q. And did Tyrone and Hassan leave before you? Were they
12 already gone when you left?

13 A. They was gone when I left.

14 Q. And had Boozy already left when you left?

15 A. Yes.

16 Q. So when you left all of them were already gone?

17 A. They was.

18 Q. And tell this jury about when you left, what happened?

19 A. I was going home and I normally take the route to go
20 around the curb on Plantation. When I was coming around the
21 curb I was running in the back of the little car so I swerved
22 over. I stopped, thinking that they needed some help, but when
23 I walked up to the car I saw different. Hassan was in the
24 driver's seat. He had 911 on the call and the light, I turned
25 the light on. He was bloodied up, shirt was bloody, blood was

1 coming out of his mouth, he was trying to talk to the police.
2 He just couldn't talk no more, so I told them where he was
3 located. I knew Ty was dead from the way he was leaning to the
4 right with his hand, and blood was coming down his hand, so I
5 knew right then and there he was dead.

6 Q. And did other people show up to the car?

7 A. They started coming around, the girl that stayed across
8 the road, she came also because she basically almost hit my
9 car.

10 Q. Were you the first person to get to him?

11 A. I was.

12 Q. So you were the first person that drove up on him. So
13 when you drove up was there anybody else around Hassan and
14 Tyrone in that car?

15 A. I didn't see anybody.

16 Q. And did you see Boozy around the car when you drove up?

17 A. I didn't see anybody.

18 Q. So you were the first one?

19 A. I didn't see nobody.

20 Q. And did you stay there until the police got there?

21 A. I did.

22 Q. Okay. And did you talk to the police and give them your
23 information?

24 A. I did.

25 Q. And do you regret that now that you're in here?

1 A. I don't. I'm glad that he lived. I just hate that Ty

2 --

3 Q. Do you want to be here?

4 A. I'm glad that he -- I just hate that's how it ended.

5 Q. And did you see a video showing Hassan and Tyrone in the
6 car that night?

7 A. I did.

8 Q. And in fact, did the video show your car getting moved?

9 A. It did.

10 Q. And did that accurately depict what you saw that night?

11 A. I did.

12 Q. Now, you were there, the very first person when he's
13 bleeding and Tyrone's passed, and you're there until the end.
14 Did you go through Hassan's pockets at any point while you were
15 out there?

16 A. I did not.

17 MS. WILLIAMS: Your Honor, I'm going to ask to object
18 to the form of the question. That's a leading question. That
19 was like a whole strand of information ahead of time, and then
20 a question, which basically, you know, puts a whole information
21 out. You know, they're supposed to say, what if anything did
22 you, as opposed to, did you do this.

23 THE COURT: Well, Mr. Benhamedane had testified that
24 those were his pants with the pocket turned outside and he did
25 not do it himself, and he's testified somebody else did it, as

1 a matter of fact, that's my recollection. It's a fair line of
2 inquiry for this witness who was the first one on the scene to
3 be asked a similar question about the pocket being turned out.
4 I'll note your objection respectfully.

5 MS. LIVESAY: Thank you, Judge.

6 Q. And did you see anybody else out there go through his
7 pockets?

8 A. No, ma'am.

9 Q. Now, I'm going to show you what's already in evidence as
10 State's evidence number 42. Can you see it (indicating?) Is
11 that what you saw that night?

12 A. Uh-huh.

13 Q. And that white car that you saw go by, is that your car?

14 A. Uh-huh.

15 THE COURT: I'm sorry? Could you answer that?

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Thank you.

18 Q. And when you drove up in the picture there is blood on
19 Hassan. Was it like that when you first rolled up?

20 A. Yeah.

21 Q. Now, did you ever touch Hassan while you were out there
22 to help him or anything like that?

23 A. I don't recall.

24 Q. When you left there where did you go? After you talked
25 to the police where did you go?

1 A. Went home.

2 Q. And when you went home did you have blood all over your
3 clothes?

4 A. I didn't.

5 Q. Ma'am?

6 A. No, ma'am.

7 Q. You did not?

8 A. (No audible response.)

9 Q. Do you remember what color pants Hassan had on?

10 A. I don't recall.

11 Q. But whatever it was, it's on that video?

12 A. Yes, ma'am.

13 Q. So if it's white pants, then it's white pants?

14 A. Yes, ma'am.

15 MS. LIVESAY: No further questions, Your Honor.

16 THE COURT: Thank you. Cross-examination, Ms.

17 Williams?

18 MS. WILLIAMS: Thank you, Your Honor, beg the Court's
19 indulgence?

20 THE COURT: Yes, ma'am.

21 CROSS-EXAMINATION

22 BY MS. WILLIAMS:

23 Q. Ms. Jackson, you just said you were the first person on
24 the scene, correct?

25 A. Yes, ma'am.

1 Q. Did you dial 911 for anybody? I believe you said he was
2 already, Mr. Benhamedane was already on 911?

3 A. Yes, ma'am.

4 Q. So you didn't dial it for him?

5 A. No, ma'am. He was already on the phone and I just took
6 it and told the location and told them where we was located.

7 MS. WILLIAMS: Okay. That's all I have. Thank you.

8 THE COURT: Thank you. Ms. Jackson, you can step
9 down. Anything further from her?

10 MS. LIVESAY: No, sir.

11 THE COURT: Ms. Jackson, you can step down. Thank
12 you, ma'am.

13 MS. LIVESAY: And can she be excused, Your Honor?

14 MS. WILLIAMS: Without objection.

15 THE COURT: Thank you. You can be excused Ms.
16 Jackson. Thank you for coming.

17 MS. LIVESAY: Thank you, Judge. At this time the
18 State is going to call Michael Knapp to the stand.

19 THE COURT: Come forward, Mr. Knapp. Please be
20 sworn.

21 **Michael Knapp being first duly sworn, testified as**
22 **follows:**

23 MS. WILLIAMS: Your Honor, before we begin this
24 testimony, may we approach?

25 THE COURT: Yes, ma'am.

1 (Off the record discussion was held at the bench by
2 Court and counsel.)

3 THE CLERK: Please state your name and spell it for
4 the Court.

5 THE WITNESS: Michael Knapp, K-n-a-p-p.

6 DIRECT EXAMINATION

7 BY MS. LIVESAY:

8 Q. Where are you currently employed?

9 A. Horry County Police.

10 Q. How long have you been employed there?

11 A. Three years.

12 Q. And what kind of training have you undergone?

13 A. I went to the South Carolina Justice Academy in
14 Columbia, South Carolina.

15 Q. Do you do yearly training?

16 A. Yes. It's shooting, DT's, defensive tactics, driving,
17 stuff like that.

18 Q. And were you working with the police department
19 January 3, 2020?

20 A. Yes, ma'am.

21 Q. And tell this crowd here what your general
22 responsibilities were?

23 A. I answer calls for service as they come in through
24 dispatch, normal patrol, traffic stops, kind of every day
25 cases.

1 Q. So working patrol?

2 A. Yes, ma'am.

3 Q. And so you're answering dispatch calls?

4 A. Yes, ma'am.

5 Q. I understand. And when you are working patrol do you
6 wear a Body Camera?

7 A. Yes, ma'am.

8 Q. Do you turn that Body Camera on whenever you're having
9 interaction with other folks?

10 A. Yes, ma'am.

11 Q. And is that to collect whatever you see and hear?

12 A. Yes, ma'am.

13 Q. Now, the case that we are here today for involving Mr.
14 Hassan as a victim, did you assist in this case?

15 A. Yes, ma'am.

16 Q. And tell this jury where you went to assist on this
17 case.

18 A. Went to Grand Strand Hospital, 82nd Parkway in the City
19 of Myrtle Beach.

20 Q. And when you went to Grand Strand was Hassan there?

21 A. Yes. He was coming by ambulance to the hospital.

22 Q. Did you collect any evidence from Hassan?

23 A. We collected the clothing that he was wearing.

24 Q. You collected the clothing he was wearing in the
25 hospital?

1 A. Yes, ma'am.

2 Q. Is that on the video?

3 A. Yes, ma'am.

4 Q. And does it show you getting any money out of the
5 pockets of Hassan's clothes?

6 A. My training officer, when she was collecting the
7 clothing she did what felt like a wallet and when she went to
8 go collect the wallet, she located a large sum of cash inside
9 one of the pockets?

10 Q. So does your Body Camera show whether the money came out
11 of these white pants or these black ones?

12 A. They came out of the black pants.

13 Q. And is that on the video?

14 A. Yes, ma'am.

15 Q. And do you recognize what I'm showing you now, State's
16 Exhibit 44?

17 A. Yes, ma'am.

18 Q. And is this your Body Camera video?

19 A. Yes, ma'am.

20 Q. And have you watched it?

21 A. Once since the incident.

22 Q. And did you initial?

23 A. Yes, ma'am.

24 Q. And are those initials indicating that, indeed, that
25 camera footage is accurate, and that is, indeed, what you saw

1 and heard on that day?

2 A. Yes, ma'am.

3 Q. And was that when you were at Grand Strand Hospital with
4 Hassan collecting the clothes?

5 A. That would be correct.

6 MS. LIVESAY: Your Honor, at this time the State
7 wishes to put into evidence 44 and publish it to the jury.

8 THE COURT: Thank you.

9 MS. WILLIAMS: Your Honor, I'll object. I believe
10 that it's cumulative. I mean, the testimony's already here
11 that both of the items that were collected are in evidence.
12 There's been testimony already about where the money was and it
13 was going in, then the officer just testified where the money
14 comes from. It think this will be cumulative. I don't think
15 it's necessary, not to mention I think it will be inflammatory
16 because, obviously, the state of the items at that time, and
17 obviously, the whole state of where it was going on and what
18 was happening and how it has to happen, I just don't it is
19 appropriate and I think it is more prejudicial than probative.
20 The testimony I think is highly insufficient.

21 THE COURT: Of course, I haven't seen it so I don't
22 know the prejudicial aspect of it. Address that, Ms. Livesay.
23 What is the circumstances surrounding all of this?

24 MS. LIVESAY: Your Honor, the video is going to show
25 it's not going to show anything, any part, really, of Hassan.

1 It's going to show the doctors pulling the clothes off Hassan
2 handing it to the police officer. The doctor says there's
3 something in his pocket and you see them search the pocket and
4 you see the money and you see what clothing the money came out
5 of. I think it is by far the best evidence. It's hard to
6 question the credibility of a video through --
7 cross-examination.

8 THE COURT: I understand that.

9 MS. WILLIAMS: Your Honor, may I say that obviously
10 Ms. Livesay just testified what it is, the doctor's coming to
11 testify. They testified they collected the evidence from it.
12 I see why this is duplicative and they're saying it's
13 cumulative.

14 THE COURT: Right. Well --

15 MS. WILLIAMS: And I'll stipulate. I mean, we know,
16 I mean, he's already testified, I've already asked the
17 questions that the money came from the inside pants pockets,
18 not the white pants.

19 THE COURT: Well, the question then is, the State
20 doesn't have to accept the stipulation, I'll leave it up to
21 them. Ms. Livesay, are you willing to accept that stipulation,
22 or do you think you need to show the video anyway?

23 MS. LIVESAY: Your Honor, what the State would
24 propose to relieve any sort of issues, we can play the portion
25 just showing the doctor handing the officer the clothing and

1 showing the officer taking the money out of the clothing. That
2 part is probably a minute, and that way there won't be any
3 issues.

4 THE COURT: Okay.

5 MS. LIVESAY: But clearly it shows what's going on,
6 that Hassan is in the hospital, these things are part of the
7 case. I mean, that's part of our burden.

8 THE COURT: And they are, but they're not in dispute
9 either, and so the balancing between probative and prejudicial,
10 of course, weighs on that.

11 MS. LIVESAY: I understand, Judge. Do you want me to
12 just show that particular --

13 THE COURT: Show the part that you just suggested,
14 that will be fine. I think that will deal with my concerns
15 about the unnecessary addition of something that you really
16 don't need. The part that you just mentioned, that's fair
17 game. Go ahead.

18 MS. LIVESAY: Okay. We'll just play that portion,
19 Judge.

20 THE COURT: Okay. That portion of State's 44 in
21 evidence over objection.

22 (State's Exhibit No. 44 was admitted into evidence.)

23 MS. WILLIAMS: Thank you, Your Honor.

24 (Video playing.)

25

1 Q. And does that show the black pants that the money came
2 out of?

3 A. Yes, ma'am.

4 Q. And those were these black pants that came off of Hassan
5 in the ER?

6 MS. WILLIAMS: Your Honor?

7 THE COURT: Yes, ma'am?

8 MS. WILLIAMS: I'm sorry, she took it off the screen,
9 that's okay. Thank you.

10 BY MS. LIVESAY:

11 Q. Now, the police also collected State's evidence number
12 11 off Hassan. No money came out of those?

13 A. Uh-uh, no, ma'am.

14 Q. You've got to say either yes or no for this.

15 A. No, ma'am.

16 Q. Just the black pants?

17 A. Just the black pants.

18 MS. LIVESAY: No further questions, Your Honor.

19 THE COURT: Thank you. Ms. Williams, cross-examine?

20 MS. WILLIAMS: Just briefly.

21 CROSS-EXAMINATION

22 BY MS. WILLIAMS:

23 Q. Officer Knapp, you've been with police department how
24 long? I'm sorry, I missed that.

25 A. Three years.

1 Q. Three?

2 A. Yes.

3 Q. Alright, so have you ever arrested anybody?

4 A. Yes, ma'am.

5 Q. Let me ask you this. Do police officers always consider
6 a BB gun a toy?

7 A. Can you repeat your question, please, ma'am?

8 Q. Do police officers always consider a BB gun a toy? Is
9 it just a toy?

10 A. It depends on the circumstances.

11 Q. Correct. It can be a toy or it cannot be a toy,
12 correct?

13 A. Yes, ma'am.

14 MS. WILLIAMS: That's all. Thank you so much.

15 THE COURT: Thank you. Any follow up on that narrow
16 point, Ms. Livesay?

17 REDIRECT EXAMINATION

18 BY MS. LIVESAY:

19 Q. You went to the Criminal Justice Academy?

20 A. Yes, ma'am.

21 Q. And do they kind of teach you general laws to know when
22 you can write somebody a ticket or get a warrant for somebody's
23 arrest?

24 A. Yes, ma'am.

25 Q. And are you familiar with BB guns?

1 A. A little bit, yes, ma'am.

2 Q. And can they be sold to kids?

3 A. Typically, no. I would say an adult would have to be
4 present with them.

5 Q. And are BB guns the same as a firearm?

6 A. They look similar.

7 Q. But are they the same?

8 A. Yes.

9 Q. Do you carry a BB gun?

10 A. No, ma'am.

11 Q. What do you carry?

12 A. A Glock.

13 Q. A what?

14 A. A Glock firearm.

15 Q. So you carry what caliber?

16 A. Forty cal.

17 Q. You carry 40 cal.?

18 A. Yes, ma'am.

19 Q. And you're the police?

20 A. Yes, ma'am.

21 Q. And you don't carry a BB gun?

22 A. No, ma'am.

23 MS. WILLIAMS: I have no follow up, Your Honor.

24 THE COURT: Folks, I think that sometimes we don't
25 give a jury enough credit to understand what's important and

1 what's not important. Detective, you can step down. Thank you
2 so much. You can call your next witness.

3 MR. HELMS: Yes, sir. At this time, Your Honor, we
4 call Mr. Donnie Mack to the stand.

5 THE COURT: Come forward, please, sir, and be sworn.

6 **Donnie Mack Williams being first duly sworn,**
7 **testified as follows.**

8 MS. WILLIAMS: And while this witness is being
9 seated, I just want to make sure this is, in fact, Mr. Donnie
10 Williams.

11 THE COURT: I was trying to find the name, myself.

12 MR. HELMS: Donnie Williams, I'm sorry, Your Honor.

13 THE COURT: Okay.

14 MS. WILLIAMS: Thank you.

15 THE COURT: Thank you.

16 THE CLERK: State your name and spell it for the
17 Court.

18 THE WITNESS: My name is Donnie Mack Williams. I
19 spell it D-o-n-n-i-e, M-a-c-k.

20 DIRECT EXAMINATION

21 BY MR. HELMS:

22 Q. Mr. Williams, you've talked to me before, right?

23 A. Yes, sir.

24 Q. And I'm going to be honest with you, I have a hard time
25 understanding you sometimes and I know this jury is going to

1 have a hard time understanding you, so I want you to speak as
2 clearly as you can to the jury and speak up into that
3 microphone.

4 A. Alright.

5 Q. How old are you?

6 A. Sixty-one.

7 Q. How old?

8 A. Sixty-one.

9 Q. Sixty-one?

10 A. Yes, sir.

11 Q. Where are you from?

12 A. Longs, South Carolina.

13 Q. Longs. How long have you lived there?

14 A. All my life.

15 Q. What's your address in Longs?

16 A. [REDACTED] Plantation Drive.

17 THE COURT: Mr. Williams, can I ask you to slide that
18 chair a little bit closer to that microphone so that that
19 microphone is a little bit closer to you? And you can speak
20 directly into it, it will be helpful to us to understand you.

21 THE WITNESS: Alright.

22 THE COURT: Thank you.

23 BY MR. HELMS:

24 Q. Tell this jury your address one more time.

25 A. My address would be [REDACTED] Plantation Drive, Longs, South

1 Carolina.

2 Q. [REDACTED] Plantation Drive. Let me ask you a question. Look
3 right here. Do you see that on this map?

4 A. Yes, sir.

5 Q. Point to it for me.

6 A. There you go (indicating.)

7 Q. That red dot right there?

8 A. Yes, sir.

9 Q. Thank you very much. How long have you lived there,
10 Donnie?

11 A. At that address? About 18 years.

12 Q. That's a long time.

13 A. Yes, sir.

14 Q. Do you know that young man?

15 A. Yes, sir.

16 Q. Who is that?

17 A. That's Boozy.

18 Q. How do you know Boozy?

19 A. By my niece, Jalisa, fat baby, I call her fat baby, her
20 name's Jalisa.

21 Q. Jalisa? She just left here, or she's here, you seen
22 her. That is your niece?

23 A. Yes, sir.

24 Q. And how does that -- how does she know Boozy?

25 A. I don't really have an idea how she met him, but I know

- 1 that's her boyfriend.
- 2 Q. Boyfriend?
- 3 A. Yes, sir.
- 4 Q. Were they staying with you ever?
- 5 A. Yes, sir.
- 6 Q. Back in January of '20 were they staying with you?
- 7 A. Yes, sir.
- 8 Q. Were they both staying there?
- 9 A. Yes, sir, both of them.
- 10 Q. Did they stay in a room together?
- 11 A. Yes, sir.
- 12 Q. Did they have their own room?
- 13 A. No, sir. Oh, yeah, their own bedroom, yes, sir.
- 14 Q. And just them used that bedroom?
- 15 A. Yes, sir.
- 16 Q. I understand. Now, how long did they live with you?
- 17 A. Probably about eight, nine months.
- 18 Q. Oh, okay. Okay. So did Boozy live with you the night
- 19 that the shooting happened?
- 20 A. Yes, sir.
- 21 Q. Do you remember that night pretty good?
- 22 A. Yes, sir.
- 23 Q. Do you remember what happened?
- 24 A. No, sir.
- 25 Q. Let me ask you this. Do you remember when the police

1 came?

2 A. Yes, sir.

3 Q. Tell this jury about it.

4 A. We were sleep. Me and my girlfriend, we were sleeping,
5 then the police knocked on the door. He said, who all in the
6 house with you? I said nobody but me and Jalisa and Sara.

7 Q. You Jalisa and Sara?

8 A. Yeah.

9 Q. Sara, your girlfriend?

10 A. Yeah.

11 Q. Okay. Keep going.

12 A. So he had said, can we come in? I said, come in for
13 what? That's all that's in your house, Mr. Donnie? I said,
14 yes, sir. He said, when he went in, he said can I check your
15 house? I said, yes, sir. He called Jalisa and told all of us
16 to get out of the house because the police thought I was lying
17 to him.

18 Q. Police thought she was lying to him?

19 A. Yeah. So we get by the door, the police get in the
20 house and then brought Boozy back out.

21 Q. Now, stop right there. So when the cop got there you
22 told him that it was just you, Sara and Jalisa in the house?

23 A. Yes, sir.

24 Q. Why didn't you tell them about Boozy?

25 A. I didn't know that Boozy came home or not.

1 Q. You didn't know Boozy came home?

2 A. No.

3 Q. Okay. Keep going.

4 A. He told us to step outside, we step outside, they go
5 over there and told me, Sara and Jalisa to step out.

6 Q. You, Sara and Jalisa to step out?

7 A. Step outside. So after we got outside they went in.

8 Q. They went in?

9 A. When he came back out they came out with Boozy.

10 Q. They come out with Boozy?

11 A. So they went back in the house and got a white jacket
12 Boozy had on, it was bloodied up.

13 Q. Tell me that again, a white jacket what?

14 A. That boozy had on that he wore out.

15 Q. That he wore out?

16 A. Yeah.

17 Q. Did he wear it out the night before?

18 A. I don't have no idea.

19 Q. Did he wear it normally?

20 A. Not really, since that day, probably a shirt on.

21 Q. But it was his jacket?

22 A. Yes, sir.

23 Q. And did the police bring it out or was Boozy wearing it?

24 A. No, the police brung it out and put it on him, it was
25 kind of cold.

1 Q. Oh, they gave it to him?

2 A. Yeah, it was still bloodied up, and I thought, damn,
3 where y'all get this blood from?

4 Q. Blood on what?

5 A. On Boozy's jacket.

6 Q. There was blood on Boozy's jacket?

7 A. Yeah, white jacket.

8 Q. Keep going.

9 A. So they told me I have a murderer in my house. I asked
10 them, who is the murderer because I didn't do nothin'. They
11 said, Mr. Boozy.

12 MS. WILLIAMS: Your Honor, I'm going object to
13 hearsay. I get he's trying to testify, but I would ask the
14 Solicitor to, you know.

15 THE COURT: I'm trying to figure out where the
16 hearsay is coming from to see if it satisfies that. Can you
17 help me with that?

18 MR. HELMS: Yes, sir.

19 BY MR. HELMS:

20 Q. Listen to me carefully. I don't want you to tell me
21 what the cop said. You can't tell me what the police officer
22 said. You can tell only tell me what came out of his mouth.
23 Do you understand?

24 A. Okay.

25 Q. So what did he say?

1 A. He told the police that if I can get out I'm gonna kill
2 all you all mother fuckers, and the police told me to leave.

3 Q. Let me ask you a question. Did the police take him into
4 is custody?

5 A. Yes, sir.

6 Q. They put him under arrest?

7 A. Yes, sir.

8 Q. And did they talk to you?

9 A. No, sir.

10 Q. Did you see the shooting?

11 A. No, sir.

12 Q. Did you know Tyrone Ford?

13 A. All my life, sir.

14 Q. You knew him all your life?

15 A. Yes, sir.

16 Q. When did you find out he was dead?

17 A. After the police woke me up.

18 Q. So you knew Tyrone pretty good?

19 A. Yes, sir.

20 Q. Did Boozy know Tyrone, do you know?

21 A. I don't have no idea.

22 Q. Did you ever see them hang out?

23 A. No, sir.

24 Q. Did Tyrone, was he a rich fellow?

25 A. No. He wasn't rich but he always had a little change in

1 his pocket.

2 Q. He always had a little change?

3 A. Yes, sir.

4 Q. By "change," you mean, money, cash?

5 A. Yes, sir.

6 Q. Did you notice anything else about Boozy when he came
7 out of the house?

8 A. No, sir, he always act the same.

9 MR. HELMS: Please answer any questions defense has.

10 THE COURT: Ms. Williams, cross-examination?

11 MS. WILLIAMS: Beg the Court's indulgence?

12 THE COURT: Yes, ma'am.

13 MS. WILLIAMS: I don't have any questions. Thank
14 you, Your Honor.

15 THE COURT: Thank you. You can with step down.

16 Thank you, Ms. Williams.

17 MR. HELMS: Your Honor, can Mr. Donnie Mack Williams
18 be released?

19 THE COURT: Without objection?

20 MS. WILLIAMS: No objection, Your Honor.

21 THE COURT: Thank you. Mr. Williams, you're free to
22 go. Thank you.

23 THE WITNESS: Thank you.

24 MS. WILLIAMS: Your Honor, if I may, while he's
25 stepping down. My client was having a hard time seeing the

1 witness.

2 THE COURT: Okay. You can move it.

3 MS. WILLIAMS: If we can maybe shift it somehow,
4 maybe like that.

5 THE COURT: That's right.

6 MS. WILLIAMS: So he could see. Thank you so much.

7 THE COURT: Okay. Yes, sir. Mr. Helms?

8 MR. HELMS: Thank you, Your Honor. At this time the
9 State would call Josiah Doyle.

10 **Josiah Doyle being first duly sworn, testified as**
11 **follows:**

12 THE CLERK: Please state your name and spell it for
13 the Court.

14 THE WITNESS: Josiah Doyle, J-o-s-i-a-h, D-o-y-l-e.

15 DIRECT EXAMINATION

16 BY MR. HELMS:

17 Q. Mr. Doyle, this is how it goes. Where do you work, what
18 do you do?

19 A. I work at Taco Mundo Kitchen and Cantino and I'm a front
20 of the house manager.

21 Q. You didn't always work there?

22 A. No, sir.

23 Q. What did you do before that?

24 A. I worked for Horry County Police Department.

25 Q. How long did you work for Horry County?

1 A. From October of 2016 through '18 and then got hired back
2 again, then left in 2020.

3 Q. In 2020, before you left, did you have an opportunity to
4 work on this case just a little bit?

5 A. Yes, sir.

6 Q. What were your duties, what was your rank in 2020?

7 A. Patrol officer.

8 Q. When you were a patrol officer was part of your duties
9 to wear a body worn camera?

10 A. Yes, sir.

11 Q. And generally speaking, does that camera capture what
12 you see?

13 A. Yes, sir.

14 Q. I mean, I know that you don't hold that camera and focus
15 it, right?

16 A. Correct.

17 Q. It's just on there?

18 A. Yes, sir.

19 Q. And it catches what it catches?

20 A. Yes, sir.

21 Q. I'm going to show you, well, let me get this marked.
22 What did you do in this case?

23 (State's Exhibit No. 45 was marked for identification.)

24 A. Transported.

25 Q. What did you transport?

1 A. The suspect.

2 Q. From where?

3 A. From the incident location down the road to, I believe
4 it was the ML Brown Building.

5 Q. Were you wearing your Body Camera at that time?

6 A. When I was at the incident location, correct.

7 Q. Yes. And I'm going to show now what's been marked for
8 identification as State's Exhibit 45. Do you know what that
9 is, sir?

10 A. My Body Camera.

11 Q. And you've seen this?

12 A. Yes.

13 Q. And how do you know that you've seen that?

14 A. Because my name and initials are on there.

15 Q. Was that tampered with in any way?

16 A. No, sir.

17 Q. Did this accurately reflect your involvement in the
18 case?

19 A. Yes, sir.

20 MR. HELMS: Your Honor, at this time the State would
21 tender 45 into evidence and publish.

22 THE COURT: Ms. Williams?

23 MS. WILLIAMS: Your Honor, I would object to that
24 coming in. There's no statement on it. I mean, there's
25 nothing on there that could be more probative than prejudicial,

1 if it's a matter of transport. I mean, if they're trying to
2 say the clothes that they got him in, and they obviously got
3 it, I don't see the probative value of this at all.

4 THE COURT: What does the State intend to prove by
5 this evidence, Mr. Helms?

6 MR. HELMS: Your Honor, this is the Body Camera from
7 this officer who transported this defendant to the jail in what
8 he was wearing. It will show that he was wearing a white
9 jacket, and we purport that it had blood on it.

10 THE COURT: I'll allow it if that's the narrow issue
11 that needs to be accomplished by this.

12 MR. HELMS: Thank you, Judge.

13 MS. WILLIAMS: And Your Honor, can we make sure
14 there's no sound so that just in case there's any type of
15 statement, any type of any spontaneous --

16 THE COURT: Alright. If you all will mute any sound
17 that doesn't add anything to restore knowledge about this, that
18 would be good. Thank you.

19 MR. HELMS: Yes, Your Honor.

20 THE COURT: State's 45 in evidence over objection.

21 (State's Exhibit No. 45 was admitted into evidence.)

22 (video playing.)

23 MS. WILLIAMS: Your Honor, at this point I would ask,
24 you know, obviously, there's continuing to ride in police car
25 somebody showing handcuffs. Can we stop? I mean, if the

1 purpose was to show that this was a jacket with blood on it,
2 that has already been shown.

3 THE COURT: I'll ask Mr. Helms if he needs anything
4 else out of this video, do you?

5 MR. HELMS: No, sir, Your Honor. I agree. It's just
6 the complete evidence. I didn't want to stop it until it was
7 agreed upon, but if it's agreed upon I'll stop it.

8 THE COURT: Okay, good. Thank you.

9 MR. HELMS: Thank you, Judge.

10 BY MR. HELMS:

11 Q. Was that your Body Cam?

12 A. Yes, sir.

13 Q. Did anybody alter it in any way?

14 A. No, sir.

15 Q. Did you do anything else?

16 A. No, sir.

17 Q. Please answer any questions the defense has.

18 THE COURT: Ms. Williams?

19 MS. WILLIAMS: I don't have any questions for this
20 officer, Your Honor.

21 THE COURT: Thank you. Mr. Doyle, thank you for
22 coming. You're free to go.

23 MR. HELMS: And Your Honor, of course, we're asking,
24 can he be released?

25 THE COURT: Certainly. Without objection, you're

1 free to go back to work.

2 MR. HELMS: Thank you, Your Honor.

3 MS. LIVESAY: Your Honor, at this time the State asks
4 to call Heather Wilson to the stand.

5 THE COURT: Ms. Wilson, come forward, please, be
6 sworn.

7 MR. HELMS: Your Honor, may we approach?

8 THE COURT: Okay.

9 (Discussion was held off the record at the bench by
10 Court and counsel.)

11 THE COURT: Ladies and gentlemen, Ms. Wilson is on
12 her way. She is in route, but she is not here yet and it's
13 going to take a few minutes to get her here. We're just going
14 to take a brief break and get back at 3:30 in the afternoon,
15 this is an early afternoon break. In any event, it will be the
16 afternoon recess. Please don't discuss this case among
17 yourselves. We'll start back at 3:30. Thank you.

18 (Recess taken.)

19 THE COURT: Folks, are we deep enough into the trial
20 yet to have some idea of how we're doing schedule-wise? It
21 might be too early, and if it is --

22 MS. LIVESAY: It's not, Judge. I'll tell you how we
23 can handle it. Once we finish up Ms. Wilson, that will
24 probably finish us out for the day and we'll get everybody else
25 here tomorrow at 9:30 and we should be done tomorrow at lunch.

1 Some of these people are S.L.E.D. witnesses coming, and I just
2 can't get them here this quick turnaround, but we'll get the
3 here tomorrow morning. Thanks, Judge.

4 THE COURT: I understand how that works, that's
5 right. I'm not holding you to a tight time schedule, I just
6 wanted to make sure that we were going able to squeeze it in
7 this week and you've answered my question in that regard.

8 MS. LIVESAY: Yes, sir.

9 THE COURT: Thank you, folks, we'll start back at
10 3:30.

11 MR. HELMS: Thank you, Your Honor.

12 MS. WILLIAMS: Thank you, Your Honor.

13 MS. LIVESAY: Thank you, Your Honor.

14 (Recess taken.)

15 THE COURT: You can bring us the jury. Thank you.

16 (Jury entered the courtroom.)

17 THE COURT: Thank you, folks, for that accommodation.
18 Ms. Wilson is now here. Ms. Livesay, you can call your next
19 witness.

20 MS. LIVESAY: Thank you, Your Honor. At this time
21 the State calls Ms. Heather Wilson to the stand.

22 THE COURT: Thank you. Ms. Wilson, come forward,
23 please, ma'am, to be sworn.

24 **Detective Heather Wilson being first duly sworn,**
25 **testified as follows:**

1 THE CLERK: State your name and spell it for the
2 Court.

3 THE WITNESS: Heather Wilson, W-i-l-s-o-n.
4

5 THE CLERK: The Court.

6 THE WITNESS: Heather Wilson, W-i-l-s-o-n.

7 DIRECT EXAMINATION

8 BY MS. LIVESAY:

9 Q. And Ms. Wilson, if you don't mind, tell the jury where
10 you're currently employed.

11 A. Horry County Police Department.

12 Q. And how long have you been with the police department?

13 A. With Horry County, a little over 17 years.

14 Q. And what kind of training have you undergone?

15 A. So I received basic law enforcement training, and then I
16 have received training in forensic field, so crime scene
17 analysis, crime scene reconstruction, I did an internship with
18 S.L.E.D., the South Carolina Law Enforcement Division for three
19 weeks which was part of my initial training. I've had blood
20 stain pattern analysis training, scene reconstruction training,
21 shooting reconstruction, basic fingerprints, advanced
22 fingerprints, palm prints, AFA certification.

23 Q. And what are your current responsibilities?

24 A. I'm currently the lieutenant over the crime scene unit,
25 so I supervise the crime scene unit, I also go out and assist

1 on crime scenes. I work some of my own cases. I handle most
2 of the fingerprints that come into our building, and then at
3 times I will also help process people or things that come into
4 the building, into the ML Brown Building.

5 Q. What were your responsibilities in the January of 2020?

6 A. It was pretty much the same as now, it's just I was a
7 sergeant in January of 2020 and now I'm currently a lieutenant.

8 Q. And in January of 2020 did you assist as a crime scene
9 investigator on this case?

10 A. I did, at the ML Brown Building.

11 Q. And as part of your assistance, did you collect clothing
12 from the defendant, Tyrell Harrison?

13 A. Yes, I did.

14 Q. I'm showing you what's been marked as State's Exhibit
15 10. Do you recognize what I'm showing you?

16 A. I do.

17 Q. And what is it?

18 A. It's a white Tommy Hilfiger jacket.

19 Q. And was this jacket collected off Tyrell Harrison?

20 A. Yes, in one of the interview rooms at the ML Brown
21 Building.

22 Q. And was it put into evidence?

23 A. Yes.

24 Q. Tell these folks a little bit about the evidence room at
25 ML Brown.

1 A. So crime scene and evidence are in the same division,
2 however, we're a separate unit. So in the crime scene unit
3 there is a separate locker that we utilize that only the crime
4 scene investigators have, so we lock our items in there when we
5 collect them. We only have custody and control of those items.
6 Once we're done processing those items then we release them to
7 an evidence person which is in the evidence department and then
8 they take custody and control of the item.

9 Q. And has this been tampered with in any form or fashion?

10 A. No.

11 Q. Was it processed to collect evidence off of it?

12 A. I processed it, yes.

13 MS. LIVESAY: Your Honor, at this time the State
14 wishes to place State's Exhibit Number 10 into evidence and
15 publish to the jury.

16 THE COURT: Thank you. Ms. Williams?

17 MS. WILLIAMS: No objection, Your Honor.

18 THE COURT: Without objection, State's 10 in
19 evidence.

20 (State's Exhibit No. 10 was admitted into evidence.)

21 Q. Now, you've said that you collected this jacket, State's
22 evidence Number 10 --

23 A. Yes, I did.

24 Q. -- off Tyrell Harrison?

25 A. Yes.

1 Q. Now, before you took the jacket off of him did you
2 photograph him in the jacket?

3 A. I did.

4 Q. And why did you do that?

5 A. That's our standard procedure. We take photographs of
6 someone prior to removing any clothing or collecting any
7 possible evidence.

8 Q. And see if I can put my hands on those particular
9 photographs. I'm going to show you now State's Exhibit 46
10 through 49. Do you recognize those photographs, Detective
11 Wilson?

12 A. Yes, I do.

13 Q. And do those photographs depict the defendant in the
14 white jacket?

15 A. They do.

16 Q. And were they taken at ML Brown?

17 A. They were in one of the interview rooms.

18 Q. And have they been tampered with in any form or fashion?

19 A. They have not.

20 Q. And do they accurately depict the evidence of that
21 jacket in the picture?

22 A. Yes, it does.

23 MS. LIVESAY: Your Honor, at this time the State
24 wishes to place State's Exhibit Number 46 through 49 and
25 publish to the jury.

1 THE COURT: Thank you. Ms. Williams?

2 MS. WILLIAMS: Your Honor, I don't believe -- my
3 objection would be that they are cumulative and unnecessary.
4 The jacket is already in and the witness has testified that she
5 collected them from him and they're on him and there are
6 pictures of him wearing it.

7 THE COURT: I will allow it. It indicates the
8 defendant is wearing the jacket at the time in question.
9 Whatever probative value that has will be whatever the jury
10 thinks it has, but they are entitled to consider that in event
11 if they choose to do it. Exhibits 46 through 49 in evidence
12 over objection of defense counsel.

13 MS. WILLIAMS: Thank you, Your Honor.

14 MS. LIVESAY: Thank you, Your Honor.

15 (State's Exhibits 46, 47, 48 & 49 were admitted into
16 evidence.)

17 BY MS. LIVESAY:

18 Q. Now, what are we looking at, Ms. Wilson?

19 A. This is just the frontal view of Mr. Harrison.

20 Q. And when you just see a frontal view do you see any
21 stains on the front of the jacket?

22 A. From where I'm sitting right here, I can cannot see
23 stains.

24 Q. And it looks like, if you don't mind, step down, if it's
25 okay with you, Judge.

1 THE COURT: That's fine.

2 MS. LIVESAY: Thank you, Judge.

3 THE COURT: Ms. Wilson, if you'll stand on the other
4 side of that exhibit and face this direction so you'll be
5 facing the court reporter, please.

6 THE WITNESS: Yes, sir.

7 THE COURT: Thank you.

8 BY MS. LIVESAY:

9 Q. Now, I'm looking at this number 46 which is what's on
10 the screen. I'm looking at the left, around the cuff, do you
11 see anything there?

12 A. Yes. There is a red stain consistent with blood on the
13 left sleeve.

14 Q. And do you know whether or not Mr. Harrison is right
15 handed or left handed?

16 A. I may have that in my notes, but I do not remember if
17 he's left or right handed.

18 Q. That's okay. So nothing else, nothing else on the
19 front?

20 A. Of the jacket? No, not that I can tell. Maybe just a
21 little bit on the right sleeve at the wrist, but that's about
22 all I can see on the front of the jacket.

23 Q. Okay. So when you just take a look like this you
24 wouldn't even know nothing?

25 A. Unless you really paid attention to the sleeves.

1 Q. And can we look at State's evidence number 47. What are
2 we looking at now?

3 A. So this is the back of Mr. Harrison, and this here is
4 his right sleeve, the back of the right sleeve (indicating.)
5 There is more red substance consistent with blood. Then on the
6 back right here along his waistband there's also blood present.

7 Q. How about along the hood and just the back areas?

8 A. I don't see any in that area, and I don't recall there
9 being any when we processed it.

10 Q. And how about State's evidence number 48?

11 A. That is a closer view of the back of the right sleeve
12 and you can see that the red substance consistent with blood
13 goes from the elbow area all the way down to the sleeve.

14 Q. And how about State's evidence number 49?

15 A. This, too, is just a closer view. You can see the right
16 sleeve in the background but then you can also see the
17 waistband area, and there looks to be like another red stain
18 here, up toward the back closer.

19 Q. So when I look at State's evidence number 49, it catches
20 a little bit of the left cuff and then the right arm. So
21 there's some red substance around the left cuff, and again on
22 the back right part of the arm?

23 A. Correct. Here (indicating) and then there is a little
24 here that you can see (indicating.)

25 Q. So where was the majority of the red stain?

1 A. On the back of the right sleeve of the jacket, which
2 would be in this area (indicating.)

3 Q. Thank you.

4 A. I'm sorry, this area, (indicating) from elbow down to
5 the wrist.

6 Q. Okay. And if you don't mind, did you swab any portion
7 of the jacket?

8 A. I did.

9 Q. What portion did you swab? Can you show the jury on
10 this jacket?

11 A. Could I refer back to my processing notes?

12 Q. You most certainly can.

13 A. I swabbed two areas. So if this is the back of the
14 jacket this would be the right sleeve, so this right sleeve was
15 swabbed --

16 THE WITNESS: Your Honor, do I need to turn around?

17 THE COURT: You're keeping your voice up nicely, we
18 can hear you as long as you keep it up like you are now. Thank
19 you.

20 THE WITNESS: Okay. Thank you.

21 BY MS. LIVESAY:

22 A. The back of the right sleeve, I swabbed, two touch DNA
23 swabs -- or I'm sorry, two DNA swabs were collected from the
24 back of the right sleeve, and two from the back of the left
25 sleeve. In the area of the large blood pool on the right

1 sleeve and on the left sleeve it would have been in this area
2 here where it's not as saturated (indicating.)

3 Q. So you swabbed, in essence, the red substance?

4 A. Correct.

5 Q. And why did you swab that area?

6 A. Because through my training and experience that does
7 appear consistent with blood.

8 Q. And so you swabbed it because you thought there was
9 blood on his jacket?

10 A. Correct, and we wanted to determine whose blood it was,
11 if possible.

12 Q. I understand. And Ms. Wilson, if you don't mind, have a
13 seat, and I'll place this right down here. Detective Wilson,
14 if you don't mind, tell me a little bit about what happened
15 once you swabbed what appeared to you to be blood? What
16 happens with that evidence to protect the integrity of it?

17 A. So the process of us swabbing items for evidence, in
18 this particular case the red stain consistent with blood, we
19 have a box, we label that box with where we collect the swabs,
20 our name, the date, the time, the case number. The two swabs
21 are like Q-tips that you would clean ears with, except they
22 come in a sterile container, two to each container. We open
23 that sterile container, you take one swab out, you use sterile
24 water, you moisten the tip of the first swab, you swab the area
25 of your choosing, which in this particular case the right

1 sleeve was the large blood pool area that we swabbed, or I'm
2 sorry, that I swabbed, then you take the dry swab out of the
3 sterile container, swab the exact same area, put both swabs
4 into the box, the box is sealed on both ends with seal tape,
5 initialed, and then placed into evidence when we turn in the
6 other items of evidence.

7 Q. And were those swabs labeled to know where those swabs
8 came from?

9 A. Yes, that's part of it. We label the swabs as to where
10 we collect it from. We also give it an item number. So for
11 example, the jacket was collected as item number 4 on my
12 evidence chain, so the right sleeve was collected as item 4A
13 and the swabs from the left sleeve were collected as item 4B.

14 Q. And were they labeled "red substance" to know that
15 that's where the swab came from?

16 A. It was.

17 Q. And while they were in your custody and control were
18 they ever tampered with?

19 A. No.

20 Q. And were they put into evidence which was a locked area?

21 A. Yes.

22 Q. Now, after you collected the swabs off of the
23 defendant's jacket you thought to be blood, did you collect any
24 DNA from the defendant, Tyrell Harrison?

25 A. I did.

1 Q. And tell me what you collected from him.

2 A. I collected buccal swabs, which are also known as
3 "standards," DNA swabs from the inside of his mouth.

4 Q. And tell this jury, again, how that was handled to
5 protect the integrity of that evidence.

6 A. So I asked for consent to collect those. He signed a
7 consent for collection. We have those boxes, the sterile swabs
8 again. This particular time, though, we take the sterile swabs
9 out at the same time and we just swab the inside of the
10 person's cheek. Those swabs go into the box. The box is
11 labeled with their name, our name, the date, the time, the case
12 number and the item number, sealed on both sides, and then we
13 turn it into evidence.

14 Q. And was the swabs that were taken from the defendant,
15 were they tampered with while they were in your custody and
16 control?

17 A. No.

18 Q. And did you place that evidence into a locked evidence
19 area?

20 A. I did.

21 Q. And were those items sent off for further testing?

22 A. So some of those items were sent, yes.

23 Q. And so you are looking for who the blood belongs to?

24 A. Correct.

25 Q. Okay. And it may be the defendant's blood on this

1 jacket?

2 A. Correct, we didn't know whose it belonged to.

3 Q. But you took his DNA to find out?

4 A. Correct.

5 Q. Now, where would these items be transferred to for
6 further testing?

7 A. After it leaves my presence for evidence.

8 Q. When you were taking the jacket and you were taking
9 swabs from the jacket, was that done at ML Brown?

10 A. It was.

11 Q. And the victim, Hassan, was he there that day on
12 January 3rd?

13 A. He was not.

14 Q. Was he in the room when you processed this jacket?

15 A. No.

16 Q. Was he in the room when you removed the jacket?

17 A. No.

18 MS. LIVESAY: No further questions, Your Honor, for
19 this witness.

20 THE COURT: Cross-examination?

21 MS. WILLIAMS: Thank you.

22 CROSS-EXAMINATION

23 BY MS. WILLIAMS:

24 Q. Ms. Wilson, as part of your duties with the police
25 department and crime scene, do you also ever collect GSR

1 results?

2 A. Yes.

3 Q. Can you tell us what that is just so we're all talking
4 the same thing?

5 A. So gunshot residue, it's what GSR is. We can only
6 collect a presumptive or what we believe may possibly be GSR.
7 It requires an actual analyst to tell us if, in fact, it is GSR
8 or not.

9 Q. And why do you collect it?

10 A. So in the past it has been used to determine if, in
11 fact, someone has carried a firearm, if they have fired a
12 firearm, or if they have been in proximity of a firearm in a
13 reasonable amount of time, however, there is a time limit on
14 GSR and a lot of stipulations that an analyst would have to
15 give you.

16 Q. Correct. So we collect it if we think somebody has
17 fired a gun and we try to test them to see if we can prove that
18 they did fire a gun?

19 A. Correct.

20 Q. But, there is a big "but," there's a bunch of things
21 that can basically throw a test off, right?

22 A. Correct.

23 Q. And did you collect GSR in this case?

24 A. I collected what we believed was GSR, yes.

25 Q. From the jacket?

1 A. Yes, from the jacket -- if I could refer to my notes?

2 Q. Sure. Please.

3 A. Okay. Yes, from the jacket, from the pockets of the
4 jeans and then a waistband of some shorts.

5 Q. Did you collect any from my client, Mr. Harrison?

6 A. I did not. We have a six-hour window and it was past
7 the six hours.

8 Q. And so because the six hours had past you thought it
9 might be, I guess, the term is, degraded enough, if it were
10 there it wouldn't be there?

11 A. S.L.E.D.'s protocol is they won't accept it if it's past
12 six hours, so we do not collect.

13 MS. WILLIAMS: Okay. That's all I have. Thank you.

14 THE COURT: Any Redirect?

15 MS. LIVESAY: No further questions for this witness.

16 THE COURT: Thank you, Ms. Wilson, you can step down.

17 THE WITNESS: Thank you, Your Honor.

18 THE COURT: Thank you. Yes, sir, Mr. Helms?

19 MR. HELMS: Your Honor, I think that we would ask if
20 the Court would allow us to break for the day, we'd be ready to
21 go sharp tomorrow morning. I think that would accommodate some
22 voters, too.

23 THE COURT: Folks, we have some more witnesses today.

24 We've got a pretty good read on this thing. We hope to finish
25 by Thursday at the latest, maybe before that, but you're not

1 going to be here on Friday and Saturday, it doesn't look like
2 at the present time, I'll tell you that. That would give you
3 some peace of mind in that regard, if that's peace of mind.
4 The witnesses tomorrow are, most of them are out of town
5 witnesses who are people who testify in other courts, as well,
6 and they have to coordinate their presence here with their
7 requirements to be other places at the same time. So we'll
8 take up with those witnesses tomorrow and continue throughout
9 the day as long as it takes us to complete all of the trial
10 testimony. I remind you as always, of course, not to discuss
11 this case among yourselves or with anybody else while you're
12 out of the courtroom and I'll look to see you all tomorrow
13 morning at 9:30. Please be back in the jury room tomorrow at
14 9:30.

15 (Jury exited the courtroom.)

16 Anything else before we break for the day from the
17 State, Mr. Helms, Ms. Livesay?

18 MR. HELMS: No, sir.

19 THE COURT: Thank you. Ms. Williams, from the
20 defense?

21 MS. WILLIAMS: Nothing from the defense, Your Honor.

22 THE COURT: Okay, 9:30 tomorrow morning, folks.

23 MR. HELMS: Thank you, Your Honor.

24 MS. WILLIAMS: Thank you.

25 (Whereupon trial concluded for the day Tuesday, June 14, 2022)

1 (Whereupon proceedings reconvened Wednesday, June 15, 2022.)

2 THE COURT: Mr. Helms, Ms. Livesay, is the State
3 ready for the jury?

4 MR. HELMS: Yes, Your Honor.

5 THE COURT: Is the defense ready for the jury, Ms.
6 Williams?

7 MS. WILLIAMS: Yes, sir.

8 (Jury entered the courtroom.)

9 THE COURT: Good morning, Madam Forelady, and members
10 of the jury. Thank you for your prompt return as always this
11 morning. I hope you had time to enjoy the breakfast that the
12 Clerk's office has prepared. They do a good job in taking care
13 of you all and some of your taxpayers money coming back to you
14 in some sort way. We're ready now to continue with the trial
15 where we left off yesterday. You'll recall the State is
16 offering evidence and testimony in support of the charges that
17 has been brought in these indictments. You can call your next
18 witness, Ms. Livesay.

19 MS. LIVESAY: Thank you, Judge. At this time the
20 State is going to call Jalisa Davis to the stand.

21 THE COURT: Please come forward Ms. Davis and be
22 sworn.

23

24

25

1 **Jalisa Davis being first duly sworn, testified as**
2 **follows:**

3 THE CLERK: Please state your name and spell it for
4 the Court.

5 THE WITNESS: My name is Jalisa Davis, it's
6 J-a-l-i-s-a, D-a-v-i-s.

7 MS. LIVESAY: And Ms. Davis, if you don't mind, I'm
8 not going to get too close to you, if you would pull down your
9 mask, I'd deeply appreciate it. Thank you. I promise you I'll
10 keep my distance.

11 DIRECT EXAMINATION

12 BY MS. LIVESAY:

13 Q. Ms. Davis, if you don't mind, tell this jury where you
14 currently live, what area?

15 A. I live Tar Heel, North Carolina.

16 Q. Where are you from?

17 A. I'm from Whiteville, North Carolina.

18 Q. And are you working anywhere right now?

19 A. Yes, ma'am, in Tar Heel at Hardee's.

20 Q. Do you have any children?

21 A. No, ma'am.

22 Q. And did you at one live here in Horry County?

23 A. Yes, ma'am.

24 Q. And if you don't mind, tell this jury who you lived with
25 in January of 2020.

- 1 A. I lived with my uncle, Donnie Mack.
- 2 Q. With who?
- 3 A. My uncle, Donnie Mack.
- 4 Q. Donnie Mack?
- 5 A. Uh-huh.
- 6 Q. And about how old is Donnie Mack?
- 7 A. He's probably about in his late 50's, 60's.
- 8 Q. And where was that house at?
- 9 A. On Plantation Drive.
- 10 Q. Okay. On Plantation Drive. And who all lived in that
- 11 house?
- 12 A. Me, him, his ex, Sara, and Tanya, but she was locked up
- 13 at the moment.
- 14 Q. Who?
- 15 A. Tanya, his girlfriend. She was locked up, though, at
- 16 the moment, and Tyrell.
- 17 Q. When you say "Tyrell," who are you talking about?
- 18 A. Boozy.
- 19 Q. And is that the defendant?
- 20 A. Yeah.
- 21 Q. And at that time what was your relationship with the
- 22 defendant?
- 23 A. My boyfriend.
- 24 Q. And so did you all stay in the same room together in the
- 25 house?

1 A. Yes, ma'am.

2 Q. And I know you don't probably know an exact number of
3 days, but about how long had you all dated and lived there on
4 Plantation?

5 A. Probably about three months, two and a half months.

6 Q. Did you say three months?

7 A. No, probably about three months.

8 Q. Okay, about three months. And is the defendant from
9 Horry County?

10 A. No, ma'am.

11 Q. And so he had moved to Horry County recently when you
12 dated him?

13 A. Yes, ma'am.

14 Q. And the entire three months had he lived there with you
15 and Donnie Mack?

16 A. Yes, ma'am.

17 MS. WILLIAMS: Your Honor, I would ask the State -- I
18 object to leading to the form of the question.

19 THE COURT: Well, it is leading, but it's not the
20 sort of thing that apparently is in dispute and it helps moves
21 things along. On critical issues, of course, I'll be more
22 mindful of that.

23 MS. WILLIAMS: Thank you, Your Honor.

24 MS. LIVESAY: Thank you, Judge.

25

- 1 BY MS. LIVESAY:
- 2 Q. Do you know Tyrell -- I'm sorry, Tyrone Ford?
- 3 A. Yes, ma'am.
- 4 Q. And he's the victim in this case, did you know that?
- 5 A. Yes, ma'am.
- 6 Q. And did you know Hassan, the man in the yellow shirt?
- 7 A. No, ma'am.
- 8 Q. And how did you know Tyrone?
- 9 A. I knew him through my father.
- 10 Q. And how old was Tyrone?
- 11 A. I don't know. I don't know, I know my daddy is 50, so
- 12 he's up in that age with my father.
- 13 Q. And how long had you known Tyrone?
- 14 A. Since we was kids. My father knew him.
- 15 Q. So is Tyrone from that area?
- 16 A. I don't know exactly where he's from. I just know he
- 17 lived down there.
- 18 Q. And do you remember the night that Tyrone was shot?
- 19 A. No, not until the next day.
- 20 Q. Do you remember when the police came to your house?
- 21 A. The next morning.
- 22 Q. Now, that night, was Boozy at the house with you and
- 23 Donnie Mack and the rest of the crowd?
- 24 A. Are you talking about when he came home?
- 25 Q. What time did he get home?

1 A. Probably about 2:00 or 3:00, I can't remember, it's been
2 so long. It was the next day, though, the morning before
3 daylight, I know that.

4 Q. So he came home early morning hours?

5 A. Yes, ma'am.

6 Q. And tell me about when he got home.

7 A. He came home, he came in the room, I asked him why he
8 was breathing so hard. He said, don't worry about it, just
9 shut the "F" up and lay down, and that's all it was, the next
10 morning, a knock came on the door.

11 Q. And did you lay down?

12 A. I just sat there. I didn't go right to sleep. He went
13 to sleep. I didn't go right to sleep right then. It was like
14 30, about at least like 45 minutes before I really went to
15 sleep and that's when he got a knock on the door.

16 Q. And what got you all up?

17 A. The knock on the door from the police.

18 Q. And how did you know it was the police at the door?

19 A. I didn't know until the door was opened and I heard them
20 say whatever the police is supposed to say and somebody asked
21 who is it, that's how I knew it was the police.

22 Q. Who was in the room with you when the police knocked on
23 the door?

24 A. He was in the room laying down on the bed.

25 Q. So you and the defendant?

1 A. Uh-huh.

2 Q. And was that the room you all normally stayed in?

3 A. Yes, ma'am.

4 Q. And what happens in that room when the police knocked on
5 the door?

6 A. When the police knocked on the door and I heard them
7 say, the detective, what the police said, when somebody asked
8 who is it, I told them, I said, the police is at the door, he
9 got up and started runnin', tremblin', putting clothes on,
10 tried to get out the one door, couldn't get out the back door
11 so he came in, Donnie Mack let him in, and they wanted all of
12 us out the house.

13 Q. And when the police came were you dressed?

14 A. Yeah, I was dressed. I had to put something else on,
15 like some pants or something. He let me do that. The police
16 stood outside of the door. He wasn't watching me putting stuff
17 on but he let us put it on and that's when we walked outside.
18 He came back in because he wanted something, that's when he
19 went in there and got some shoes and that jacket, and that's
20 when he came out.

21 Q. Did Boozy get dressed, or the defendant, when the police
22 knocked?

23 A. He had something on, I can't remember. I know he put
24 something on but he went back in the house, they let him go
25 back in the house to get something but they went with him and

1 out with the jacket and the shoes.

2 Q. And what was the defendant wearing when he walked out of
3 the house?

4 A. He wasn't wearing nothing right then, he asked to go get
5 whatever he wanted out of that jacket. He wanted to go get
6 that and those shoes and he walked back out, that's when he
7 came out with the jacket and the shoes on.

8 Q. And what was on the jacket?

9 A. It was something red. I asked him what it was, he told
10 me, don't worry about it.

11 Q. And did you say anything to the defendant about that?

12 A. No.

13 Q. I'm going to show you something now. It's already been
14 put into evidence as State's Number 45. Is this your house
15 there? Is that the house on Plantation? Hold on. You've got
16 to talk right there, I'll put that right there for you.

17 A. Yes, ma'am.

18 Q. So that's your house?

19 A. That's Donnie Mack's house.

20 Q. And is that the house you and the defendant were staying
21 at?

22 A. Yes, ma'am.

23 Q. Who is that?

24 A. That's me.

25 Q. Say it in the mic.

1 A. That's me.

2 Q. So that's you? And who is that in the car?

3 A. That's Boozy.

4 Q. That's the defendant?

5 A. Yes, ma'am.

6 Q. And if you don't mind, stop it right there. And you see
7 that red stuff on the jacket?

8 A. Yes, ma'am.

9 Q. And did you see that on the jacket when he first put it
10 on?

11 A. No, I spotted it.

12 Q. I'm sorry?

13 A. I spotted it. That's when I asked him what it was and
14 he told me don't worry about it.

15 Q. Who is that in the black hood?

16 A. That look like me.

17 Q. Now, was you in the black hoodie talking to him?

18 A. Yes, ma'am.

19 Q. And at that point had you already seen the blood on the
20 jacket?

21 A. I seen it while he was standing on the porch. When he
22 came out the house and stood on the porch with the detectives,
23 that's when I seen it.

24 Q. So you had already seen it before this point?

25 A. Yeah, he was coming out of the house and we stood there

1 for a minute and that's when I seen it.

2 Q. And you saw and you're still kind of talking to him
3 trying to help him through the situation?

4 A. Yes, ma'am.

5 Q. And you all had lived together for how long?

6 A. For about three months, two-and-a-half, three months, at
7 most.

8 Q. And had you ever seen him with blood on his clothes like
9 that before?

10 A. No, ma'am.

11 Q. So something's different about this?

12 A. Yes, ma'am.

13 MS. WILLIAMS: Your Honor, objection.

14 THE COURT: I'll sustain the objection. Thank you.

15 Q. Let me ask you this: Did you continue to talk to him
16 after that day?

17 A. I talked to him for, like, a couple weeks, and then I
18 stopped putting money on the books and stuff for him.

19 MS. WILLIAMS: Your Honor?

20 THE COURT: I'm sorry?

21 MS. WILLIAMS: I'm sorry, I want to make sure where
22 this conversation is going. I don't believe that that type of
23 evidence would be admissible. May we approach?

24 THE COURT: Well, I think Ms. Livesay may know what
25 you're talking and maybe she can guide Ms. Davis around this.

1 MS. WILLIAMS: Thank you, Your Honor.

2 THE COURT: The question was whether she had
3 continued to talk with Mr. Harrison after the date of what was
4 shown here.

5 MS. LIVESAY: Yes, sir.

6 THE COURT: And I don't know what the answer to that
7 is going to be, but if we're going to intrude in some areas
8 we're not supposed to I'm going to count on you to either stay
9 away from those areas or guide her around them. Do you
10 understand?

11 MS. LIVESAY: Yes, sir.

12 BY MS. LIVESAY:

13 Q. Did you continue to talk to him?

14 A. I talked to him for, like, a couple of weeks.

15 Q. And at some point did you stop having contact with him?

16 A. Yes.

17 Q. And any time during the time you spoke with him did he
18 ever mention to you anything about a gun?

19 A. The only thing he said at the house that night, or the
20 next morning, that he hid a gun, but I didn't know what gun. I
21 guess the one that they found in there. I don't know, it been
22 so long.

23 Q. But you didn't know what gun he was talking about?

24 A. No, ma'am.

25 Q. And that was the morning he came home?

1 A. Yes, ma'am.

2 Q. And had he ever said anything like that to you before?

3 A. No, ma'am.

4 Q. The white jacket he had on --

5 A. Yes, ma'am.

6 Q. -- you saw it on the video?

7 A. Yes, ma'am.

8 Q. Is that your jacket?

9 A. No, that's not.

10 MS. LIVESAY: No further questions for this witness,
11 Your Honor.

12 THE COURT: Thank you. Cross-examination, Ms.
13 Williams?

14 MS. WILLIAMS: Yes, sir, just briefly.

15 CROSS-EXAMINATION

16 BY MS. WILLIAMS:

17 Q. Good morning, Ms. Davis.

18 A. Good morning.

19 Q. Let me ask you, I just want to make sure I heard your
20 testimony correct. You said that when the police took Tyrell
21 outside then they took him back in and he got the boots and the
22 jacket, correct?

23 A. Yes, ma'am.

24 Q. So he went back in and actually got that white jacket
25 that had stuff on it?

1 A. Yes, ma'am.

2 Q. And he wore it knowing that he was already there with
3 the police?

4 A. Yes, ma'am.

5 Q. Now, my other question is, do you know what time the
6 police got there and banged on the door and all that happened?

7 A. Not right off hand, I don't remember. I know it was
8 daylight, just getting daylight.

9 Q. So it was really early in the morning?

10 A. Yes, ma'am.

11 MS. WILLIAMS: That's all I have. Thank you so much.

12 THE COURT: Thank you. Ms. Livesay, any follow up?

13 MS. LIVESAY: Yes, sir, just one question.

14 REDIRECT EXAMINATION

15 BY MS. LIVESAY:

16 Q. Did you see him put the jacket on?

17 A. No.

18 MS. LIVESAY: No further questions, Judge.

19 THE COURT: Ms. Davis, you can step down. Thank you,
20 ma'am.

21 MS. LIVESAY: Can she be excused?

22 THE COURT: Without objection, she can be excused.

23 MS. WILLIAMS: Without objection, Your Honor.

24 THE COURT: Ms. Davis, you're free to go. Thank you.

25 MS. LIVESAY: Thank you, Ms. Davis. That means

1 you're free to go, you're from your subpoena.

2 THE WITNESS: Yes, ma'am.

3 THE COURT: Ms. Livesay?

4 MS. LIVESAY: Thank you, Judge. At this time the
5 State calls Ken Marcus to the stand.

6 THE COURT: Mr. Marcus, come forward, please, be
7 sworn.

8 **Detective Kenneth Marcus being first duly sworn,**
9 **testified as follows:**

10 THE CLERK: State your name and spell it for the
11 Court.

12 THE WITNESS: It's Detective Kenneth Marcus and
13 that's M-a-r-c-u-s.

14 DIRECT EXAMINATION

15 BY MS. LIVESAY:

16 Q. And if you don't mind, tell this jury where you're
17 currently employed.

18 A. With the Horry County Police Department.

19 Q. How long have you been employed there?

20 A. A little over 15 years.

21 Q. And what are your job responsibilities?

22 A. Right now I am one of the investigators in our major
23 crimes divisions, specifically involving missing persons and
24 cold case investigations.

25 Q. What type of training have you undergone to become a

1 police officer and to do major crimes?

2 A. It was a several-month process, initially, at the
3 criminal justice academy in South Carolina. Over the years
4 we've gone back, or I have gone back for advanced classes,
5 school resource officer. At one point in time I've taken
6 several classes through the investigations division for
7 homicide investigations, violent sexual assaults, I also took a
8 couple of classes through the Southern Police Institute out of
9 Louisville, Kentucky for cold case investigations, as well.

10 Q. And what were your job responsibilities in January of
11 2020?

12 A. So in January of 2020, I was one of the homicide
13 investigators assigned to the major crimes division.

14 Q. And did you assist on this case involving Tyrell
15 Harrison?

16 A. Yes, I did.

17 Q. And as part of your assistance did you collect DNA from
18 this victim, Hassan Benhamedane?

19 A. Yes, I did.

20 Q. And tell us about the process of collecting DNA,
21 specifically from Hassan.

22 A. So I received the phone call to respond to the hospital
23 at the time of the incident. Mr. Hassan, at the hospital was
24 unconscious, had a tube in his mouth for to control his
25 breathing and was listed in stable but critical status at the

1 time. They were unsure if he would survive his injuries.
2 Typically when we collect DNA from someone we would collect an
3 oral swab. We would swab the inside of their cheek and then
4 turn that swab in for testing, but in this instance because he
5 had had a tube in his mouth and it was critical that none of
6 this be disturbed for his breathing, I took a swab of blood
7 from an injury on his face and I spoke with the nurses there to
8 make sure that the place that I swabbed which was right here on
9 his cheek was an injury from him and that the sample would be
10 his and not potentially anybody else's.

11 Q. And what was, DNA, were you swabbing his skin, were you
12 swabbing blood --

13 A. No. It was actually, I later found out this was
14 potentially an exit wound from the gunshot that he had
15 received, and I had swabbed just on the flap of the skin right
16 there, the actual wound itself.

17 Q. And so at that time he couldn't talk, couldn't open his
18 mouth?

19 A. No.

20 Q. When was that?

21 A. That was the day of the incident. I had received the
22 phone call the minute that our investigators were called to
23 respond to the scene and was told to go straight to the
24 hospital.

25 Q. So that would have been January 3rd?

1 A. Yes.

2 Q. And did you see Mr. Hassan Benhamedane again during the
3 course of your assistance with this investigation?

4 A. I did.

5 Q. And when was that?

6 A. That was I believe the 6th just a few days later, yes,
7 January 6th.

8 Q. Okay. So January 6th, you went in there and where was
9 he then?

10 A. He was in a, I believe it was in one of the ICU rooms.

11 Q. And how did he appear at that time?

12 A. He was conscious and alert, however, he was in a lot of
13 physical discomfort and struggling but was able to speak with
14 us at the time.

15 Q. And he was in ICU at the time?

16 A. He was in one of the recovery rooms, yes, ma'am.

17 Q. And during that time the police were in there collecting
18 information from him?

19 A. Yes.

20 Q. And did he appear to be comfortable?

21 A. For the most part, yes. I mean, he was in physical
22 discomfort, and I know as we were talking with him he got a
23 little bit more upset. At one point in time we had to step out
24 and get a nurse to make sure that he could get an inhaler
25 because at the time he was using an inhaler for his treatment.

1 Q. And that was the 6th?

2 A. That was the 6th, correct.

3 Q. And at that point he was still in ICU?

4 A. Yes.

5 Q. But he was able to convey some conversation?

6 A. Absolutely, yes, ma'am.

7 Q. Now, was he able to convey conversation like me and you
8 are talking?

9 A. He was talking, he was using hands, he was able to nod
10 his head. He spoke really low so you had to listen to him and
11 I believe English was not his primary language. It was my
12 first time speaking with him so it was a little difficult to
13 understand him at first, but we were able to communicate, yes.

14 Q. And when you were talking to him, was he walking around?
15 Did you ever see him walk around?

16 A. No, he was still laid up in the bed.

17 Q. Once you collected the swab from Hassan's face, tell
18 this jury what you did to protect the integrity of that
19 evidence.

20 A. So once we collect the swab from something for DNA we
21 package it in a carton so that the standard can dry. We end up
22 taking it and sealing it with tape, we initial it, we label the
23 box correctly so that the people who are looking at the
24 evidence know where it came from, when it was collected, who
25 was the person who collected it, then it was stored in my

1 vehicle, in the trunk of my vehicle which I only have the
2 access to because I had the keys in my pocket, and then later
3 maybe about an hour or two after I finished what I needed to do
4 at the hospital, that morning, took it to our evidence
5 department and checked it in with the clerk there.

6 Q. And did you tamper with it in any form or fashion while
7 it was in your custody or control?

8 A. No, ma'am.

9 Q. And is the evidence room a restricted area in the police
10 department?

11 A. Yes.

12 MS. LIVESAY: No further questions, Your Honor.

13 THE COURT: Thank you. Cross-examination, Ms.
14 Williams?

15 MS. WILLIAMS: Beg the Court's indulgence for just
16 one moment?

17 THE COURT: Yes, ma'am.

18 MS. WILLIAMS: I don't have any questions for
19 Detective Marcus. Thank you.

20 THE COURT: Thank you. Detective, you can step down.
21 Thank you, sir.

22 MR. HELMS: May he be released, Your Honor.

23 THE COURT: Without objection.

24 MS. WILLIAMS: Without objection.

25 THE COURT: You're free to go, Detective. Thank you

1 for coming.

2 THE WITNESS: Thank you.

3 MS. LIVESAY: Your Honor, at this time the State
4 wishes to call Peter Cestare to the stand.

5 THE COURT: Come forward, Mr. Cestare, be sworn.

6 **Peter Cestare being first duly sworn, testified as**
7 **follows:**

8 THE CLERK: Please state your name and spell it for
9 the Court.

10 THE WITNESS: Peter Cestare, C-e-s-t-a-r-e.

11 DIRECT EXAMINATION

12 BY MS. LIVESAY:

13 Q. Mr. Cestare, where are you currently working?

14 A. I'm currently retired.

15 Q. And at one point did you work at the police department
16 here in Horry County?

17 A. Yes, ma'am, I worked for the Horry County Police
18 Department.

19 Q. And where did you work before the Horry County Police
20 Department?

21 A. New York City Police Department.

22 Q. And how long did you work for the New York City Police
23 Department?

24 A. Twenty years.

25 Q. And how long did you work for Horry County?

1 A. A little over 17.

2 Q. And what were your responsibilities at the Horry County
3 Police Department?

4 A. I was a lieutenant in charge of crime scene, property
5 and evidence and the drug testing laboratory.

6 Q. And if you don't mind, tell this jury a little about
7 your responsibilities in that position.

8 A. I had an overall command of the crime scene response
9 unit. Those are folks that go out any time there's a major
10 incident and they document everything. Also, had the regional
11 drug testing lab which is a lab that tests drugs for several
12 different agencies and counties in South Carolina to assist
13 S.L.E.D., and then of course, the property and evidence section
14 which is charged with care, custody and control of every piece
15 of evidence that comes into the county's possession, whether it
16 be to store it properly, transport it to S.L.E.D., or prepare
17 it for court.

18 Q. And as part of your responsibilities, you dropped off
19 items from crime scene to South Carolina Law Enforcement
20 Division?

21 A. Yes, on many occasions.

22 Q. Where is South Carolina Law Enforcement Division?

23 A. Where? I'm sorry?

24 Q. Where?

25 A. In Columbia, South Carolina, so it's about two and a

1 half hours away from Conway area here.

2 Q. And when you drop evidence off do you sign indicating
3 that that evidence was dropped off?

4 A. Yes. They have a locker system where when you go to
5 S.L.E.D. to deliver evidence you have everything, what's called
6 "pre-logged" already. We do computer entries at the
7 headquarters here in Conway. Those items are then taken with
8 the appropriate paperwork to S.L.E.D. to their headquarters
9 building where the lab is. They're brought into their evidence
10 logging system. Again, everything is checked, locked into a
11 secure locker and along with the paperwork and so forth and set
12 up for testing.

13 Q. And for this particular case, Tyrell Harrison, did you
14 drop items off for further testing at South Carolina Law
15 Enforcement Division?

16 A. Yes, I did.

17 Q. Would you recognize your signature on the documentation
18 showing when it was dropped off and that, indeed, you dropped
19 it off?

20 A. Yes, ma'am.

21 MS. LIVESAY: I'm going to mark this as a State's
22 Exhibit.

23 (State's Exhibit No. 50 was marked for identification.)

24 Q. Do you recognize State's, I'm showing you now State's
25 Exhibit Number 50. Do you recognize that document?

1 THE COURT: The number again, I'm sorry?

2 THE WITNESS: State's Exhibit 50.

3 THE COURT: Thank you.

4 A. Yes, I do. This is our prepared pre-log cases. So this
5 is all the information that we at Horry County would enter into
6 the system for S.L.E.D. into what's called an iLab system to
7 allow them to see ahead of time what we're bringing so that
8 they know and then they can verify everything that we've
9 brought versus what the paperwork says that we brought to
10 ensure that it's all there, but this pertains to Horry County
11 Case Number 20000614 and it's assigned a lab case number of
12 L-20-00352. This evidence was delivered by me and secured in
13 S.L.E.D. evidence Locker Number 21 on January 8, 2020.

14 Q. Is your signature on that documentation?

15 A. Yes, it is.

16 Q. And that signature indicates, indeed, you dropped those
17 items off?

18 A. That's correct.

19 Q. And did you ever tamper with those items when they were
20 in your custody or control?

21 A. No. Everything is secured, sealed and so forth when
22 it's delivered so everything is pretty much tamper resistant.

23 Q. And did the documentation include the defendants and the
24 victims in the case that items were dropped off on?

25 A. Yes.

1 Q. And who are they?

2 A. Two victims listed, Tyrone -- Tyree -- Ford, Hassan --

3 THE COURT: We know who it is.

4 MS. LIVESAY: Benhamedane.

5 A. Okay. And suspect Tyrell Harrison, suspect Tylik
6 Griffin.

7 Q. And can you look at that documentation and tell me
8 whether DNA samples were taken to S.L.E.D. from those four
9 individuals: Tyrell Harrison, the co-defendant, Tylik Griffin,
10 and both victims, Tyrone Ford and Hassan Benhamedane?

11 A. Yes, it appears that it was.

12 Q. So DNA from all four individuals were taken to S.L.E.D.?

13 A. That's correct, yes.

14 Q. And can you look at that documentation and tell me
15 whether or not swabs from the red substance on the white jacket
16 were taken to S.L.E.D.?

17 A. Yes, that would be item 024.

18 Q. And how is it labeled on the documentation?

19 A. Two DNA swabs from red substance on right sleeve of
20 white jacket.

21 Q. And were any of those items tampered with in any form or
22 fashion?

23 A. No, ma'am.

24 Q. And you took all of those items to S.L.E.D.?

25 A. That's correct.

1 Q. And the reason -- why were they taken? What kind of
2 comparison?

3 A. They were sent for various -- several items from this
4 transport were sent for various items, anything from DNA
5 analysis to gunshot residue analysis, to firearms, several
6 different things were taken.

7 Q. And when the DNA is sent up there, DNA is sent up there
8 from the individual; is that correct?

9 A. Yes.

10 Q. And then like this swab, the red substance, was it sent
11 up there to compare the standards from the individuals, the
12 co-defendants and the victims, to the red substance on the
13 jacket?

14 A. It would have been sent up for analysis in general, and
15 would match anything else that's there or within the CODIS
16 database.

17 MS. LIVESAY: Thank you, Mr. Cestare. No further
18 questions.

19 THE COURT: Ms. Williams, cross-examine?

20 MS. WILLIAMS: Thank you, Your Honor. May I approach
21 the witness, please?

22 THE COURT: Yes, ma'am.

23

24

25

1 CROSS-EXAMINATION

2 BY MS. WILLIAMS:

3 Q. So this is a complete list of everything you guys took
4 to S.L.E.D., right?

5 A. That's a list of everything I took, yes, ma'am.

6 Q. And you just said, you talked about GSR kit, which is a
7 gunshot residue kit, right?

8 A. That's correct.

9 Q. And you get that because it's to test to see if --
10 basically, if somebody has fired a weapon there should be
11 gunshot residue on their hands, correct?

12 A. That's not necessarily true, but a gunshot residue is to
13 test for residue gunshot particles and residue, yes, ma'am.

14 Q. But if I had shot a gun, more than likely I would have
15 it on my hand?

16 A. There's a good chance you may or there's a possibility
17 you may not.

18 Q. Or I may not. Correct, if I washed my hands or taken a
19 shower or some stuff like that I probably would have washed it
20 off.

21 A. Well, based on the time length, yes, ma'am.

22 Q. Okay. Let's see, it says, but you took GSR up here. So
23 we've got GSR. Can you tell me who we actually took? Can you
24 look at this and tell me who we actually did get GSR samples
25 from? Because specifically, I'm looking at they took, I

1 believe you guys got, and when I say, "they," I mean, the
2 police, got samples from Mr. Hassan, because that would have
3 been protocol, right? We got GSR from Mr. Hassan, and then I
4 believe we also got GSR --

5 MR. HELMS: Your Honor, there's a lot of questions.
6 Those are compound questions.

7 THE COURT: Well, I think that he's got -- she's
8 going down the checklist, as I understand it.

9 MR. HELMS: Okay.

10 MS. WILLIAMS: Yeah, I want him to make sure that
11 these are the ones that specifically the two victims from Mr.
12 Hassan and the deceased victim, Mr. Ford.

13 BY MS. WILLIAMS:

14 A. There is a kit here, item number 067, which is a GSR kit
15 from Tyrone Ford. I don't see any other labels specifically as
16 to who they're from, but there is several other kits of GSR
17 that was collected from various locations.

18 Q. Thank you, sir.

19 MS. WILLIAMS: I beg the Court's indulgence for just
20 one moment.

21 THE COURT: Sure.

22 MS. WILLIAMS: That's all the questions that I have.
23 Let me return this though.

24 THE COURT: Thank you. Any Redirect, Ms. Livesay?

25 MS. LIVESAY: Just one, Judge.

1 REDIRECT EXAMINATION

2 BY MS. LIVESAY:

3 Q. Mr. Cestare, how soon do you have to collect GSR for
4 S.L.E.D. to test it?

5 A. Generally with four hours.

6 MS. LIVESAY: No other questions, Your Honor.

7 THE WITNESS: Four hours from the time of the actual
8 shooting.

9 MS. LIVESAY: Thank you, Judge. No further
10 questions.

11 THE COURT: Thank you.

12 MS. WILLIAMS: Can I do a quick re-cross on that?

13 THE COURT: On that one, yes. Okay.

14 RECROSS-EXAMINATION

15 BY MS. WILLIAMS:

16 Q. And you have how many years of law enforcement?

17 THE COURT: Well, now --

18 MS. WILLIAMS: I'm just going to say --

19 Q. So let me ask you this: Would it be standard
20 protocol --

21 MS. LIVESAY: Your Honor?

22 THE COURT: Wait a second, wait just one second. The
23 question was, a four-hour collection window, and you want to
24 ask about that, right?

25 MS. WILLIAMS: Correct.

1 Q. If you had a potential suspect in your custody you would
2 immediately collect GSR if you thought he was a shooter,
3 correct, if you could?

4 A. That's a difficult statement to answer. Within four
5 hours, yes, if you suspect the person of shooting, I would
6 suggest trying to do a GSR kit.

7 MS. WILLIAMS: That's all I have. Thank you.

8 THE COURT: Thank you.

9 MR. HELMS: May he be excused?

10 THE COURT: Yes.

11 MS. WILLIAMS: Without objection.

12 THE COURT: Former Detective, thank you for coming
13 and go back to continue to enjoy your retirement.

14 THE WITNESS: Thank you, Your Honor.

15 MS. LIVESAY: Thank you, Judge. At this time the
16 State is going to call Bethany Davidson to the stand.

17 THE COURT: Ms. Davidson, come forward, please, to be
18 sworn.

19 **Bethany Davidson being first duly sworn, testified as**
20 **follows:**

21 THE CLERK: Please state your name and spell it for
22 the Court.

23 THE WITNESS: Bethany Davidson, B-e-t-h-a-n-y,
24 D-a-v-i-d-s-o-n.

25

1 DIRECT EXAMINATION

2 BY MS. LIVESAY:

3 Q. Ms. Davidson, where are you currently employed?

4 A. I currently work for the South Carolina Law Enforcement
5 Division, also known as S.L.E.D..

6 Q. What do you do at S.L.E.D., what are your
7 responsibilities?

8 A. I'm currently the coordinator for our training unit, but
9 previously I was a forensic technician in the evidence control
10 department.

11 Q. And if you don't mind, tell this jury a little bit about
12 what S.L.E.D. does.

13 A. S.L.E.D. as a whole? We are an assistant agency so any
14 time a police department or county sheriff's department or any
15 agency calls us to request for help we will respond to those
16 requests.

17 Q. And as part of it do you also take in evidence like DNA?

18 A. Yes, we do.

19 Q. And some DNA is tested at S.L.E.D.; is that correct?

20 A. That is correct.

21 Q. And as part of your responsibilities you take that DNA
22 in, those swabs?

23 A. That is correct. Any in-coming evidence to our
24 laboratory as a forensic technician in evidence control, we
25 would log in that evidence.

1 Q. And would you take it in if it had been tampered with?

2 A. If it appeared to have been tampered with or let's say
3 the evidence appeared to be unsealed, we would log that
4 evidence in. There would be photographs taken of the evidence
5 and there would be remarks made on the case. There would be,
6 you know, narratives added, plenty of case comments, to let you
7 know what the evidence looked like when it came, and then as an
8 evidence technician we would have seal that evidence to meet
9 our laboratory policies and then photograph that evidence again
10 before we were able to fully log it in.

11 Q. So it would be extensively documented if there was any
12 appearance of tampering?

13 A. Correct.

14 Q. Okay, wonderful. Now, did you take in any evidence on
15 this case involving Tyrone Ford, Hassan Benhamedane, Tyrell
16 Harrison, the defendant here, and his co-defendant, Tylik
17 Griffin?

18 A. Yes, I did.

19 Q. And did you take in DNA swabs?

20 A. Yes, ma'am, I did.

21 Q. And did those DNA swabs include standards from those
22 four individuals?

23 A. Yes, ma'am, they would have.

24 Q. And did it also include a swab for red substance on a
25 white jacket?

1 A. Do you know what item that would be by chance? I'm
2 sorry, can you repeat that one again, what item was it?

3 Q. Did it also include swabs of a red substance off a white
4 jacket?

5 A. Yes, ma'am, it did, I checked that in.

6 Q. You checked in the swabs from the red substance and from
7 the victims and the defendant, that DNA?

8 A. Yes, ma'am.

9 Q. And what date was that?

10 A. I would have logged that into our laboratory on
11 January 10, 2020 at 10:28 a.m.

12 Q. January 10, 2020?

13 A. Yes, ma'am.

14 Q. So not long after the incident on January 3rd. Now, let
15 me ask you something, did it appear to be tampered with?

16 A. No, ma'am. When I logged in the evidence the seal would
17 have been intact.

18 Q. So there was no indication at all that that evidence had
19 been tampered with when it went to S.L.E.D.?

20 A. It was not tampered with when I logged it in, no, ma'am.

21 Q. And it got checked in January 10th, just a couple weeks
22 after the incident?

23 A. Yes, ma'am.

24 Q. And now, did you open that bag?

25 A. No, ma'am.

1 Q. Did you tamper with it?

2 A. No, ma'am.

3 Q. Did you break the seal in any form or fashion?

4 A. No, ma'am. The seal was intact when I logged it in.

5 Q. And it was intact when it left your custody and control?

6 A. Correct.

7 Q. And all of that happened on January 10th?

8 A. Yes, ma'am, it did.

9 Q. And the police department filled out a bunch of
10 paperwork to check it in at S.L.E.D.?

11 A. Yes, ma'am, they do.

12 Q. And all of that was alright?

13 A. Yes, ma'am.

14 Q. Ms. Davidson, I have used the word "DNA standard." Do
15 you know what that is?

16 A. DNA standard is typically what we also would consider a
17 buccal swab or a swab from the mouth. There's very many
18 different words for that.

19 Q. So DNA standard is DNA from just a particular
20 individual?

21 A. Yes.

22 Q. So if I said a DNA standard from Tyrell Harrison, this
23 defendant, it would be a buccal swab, just a swab of his mouth?

24 A. Correct.

25 Q. And that's why it's called a standard?

1 A. Yes.

2 Q. And then if you compare it to something at the crime
3 scene then you're comparing this particular standard to
4 something that is unknown?

5 A. To my knowledge, yes. I also am not a DNA analyst, so I
6 can't speak extensively on that.

7 Q. Because it's specific on that?

8 A. Yes, correct.

9 Q. But you know what a buccal swab is?

10 A. A buccal swab is coming from a known person, that's why
11 it's called a known standard, yes.

12 MS. LIVESAY: Thank you, I appreciate that, Ms.
13 Davidson. That's all the questions I have.

14 THE COURT: Ms. Williams?

15 MS. WILLIAMS: No questions for this witness. Thank
16 you.

17 THE COURT: Thank you, Ms. Davidson. You can step
18 down.

19 THE WITNESS: Thank you.

20 MS. LIVESAY: Can she be excused, Judge?

21 THE COURT: Certainly, without objection?

22 MS. WILLIAMS: Without objection.

23 MS. LIVESAY: Your Honor, at this time the State is
24 going to call Bailey Haynes to the stand.

25 THE COURT: Ms. Haynes, come forward, please, ma'am,

1 and be sworn.

2 **Bailey Haynes being first duly sworn, testified as**
3 **follows:**

4 THE CLERK: Please state your name and spell it for
5 the Court.

6 THE WITNESS: My name is Bailey Haynes, H-a-y-n-e-s.

7 DIRECT EXAMINATION

8 BY MS. LIVESAY:

9 Q. And Ms. Haynes, if you don't mind, tell this jury where
10 you're currently employed.

11 A. I'm currently employed at the South Carolina Law
12 Enforcement Division, otherwise known as S.L.E.D..

13 Q. And where is S.L.E.D.?

14 A. S.L.E.D. is in Columbia, South Carolina.

15 Q. And if you don't mind, tell this jury a little bit about
16 what S.L.E.D. does.

17 A. S.L.E.D. is an assisting agency. We assist agencies all
18 throughout the state, and we're also responsible with forensic
19 evidence testing, as well.

20 Q. Does DNA get tested at S.L.E.D.?

21 A. Yes, ma'am.

22 Q. Ms. Haynes, what are your particular job
23 responsibilities up there?

24 A. I'm a forensic technician for the evidence control
25 department. I'm responsible for the intake of evidence from

1 agencies throughout the state and the distribution of that
2 evidence throughout the lab.

3 Q. Okay, wonderful. And did you take any evidence in for
4 this case involving a Tyrone Ford, Hassan Benhamedane, Tyrell
5 Harrison, and his co-defendant, Tylik Griffin?

6 A. Did I receive the evidence from the agency?

7 Q. Yes, ma'am.

8 A. No, ma'am, I was not the one that received it from the
9 agency.

10 Q. Did you ever touch that evidence?

11 A. Yes, ma'am.

12 Q. And did you touch another DNA swab labeled "red
13 substance from white jacket"?

14 A. Can you repeat that question?

15 Q. Did you also touch a DNA sample that was labeled "red
16 substance from white jacket"?

17 A. May I refer to my chain of custody?

18 Q. Sure, you certainly can.

19 A. Do you have a specific item number?

20 Q. I don't, I apologize. I do not have it in front of me,
21 I should. I'm sorry about that. I think it's within those
22 first few items of the chain.

23 A. Did you say it was a jacket or jeans?

24 Q. Jacket, red substance on a white jacket.

25 A. Yes, ma'am, I did.

1 Q. So you touched the standard for the two victims and the
2 two co-defendants; is that correct?

3 A. I touched the sealed envelopes, yes, ma'am.

4 Q. And those sealed envelopes were labeled: Tyrone Ford;
5 Hassan Benhamedane; Tyrell Harrison and Tylik Griffin?

6 A. Tyrell Harrison -- yes, ma'am.

7 Q. And you also touched the envelope that had in it
8 labeled: Red substance from white jacket?

9 A. Yes, ma'am.

10 Q. And where did you get that from?

11 A. I received it from our DNA intake shelf.

12 Q. And when you got it did you break the seal on it?

13 A. No, ma'am.

14 Q. Did you tamper with it in any form or fashion?

15 A. No, ma'am.

16 Q. When it came to you had the seal been broken?

17 A. No, ma'am.

18 Q. So it had not been tampered with?

19 A. No, ma'am.

20 Q. And you didn't tampered with it?

21 A. No, ma'am.

22 Q. Now, what is the date that you touched it?

23 A. May 26, 2022.

24 Q. May 26, 2022. And it came in January 10th of 2020?

25 A. According to the chain of custody; that is correct.

1 Q. And when you say -- so May, just last month?

2 A. Yes, ma'am.

3 Q. And when you touched it what did you do with it?

4 A. I placed it on our agency return shelf.

5 Q. The return shelf?

6 A. Yes, ma'am.

7 Q. And it had never been to a forensic analyst at S.L.E.D.

8 according to that chain?

9 A. According to the chain of custody, that is correct.

10 Q. And nobody had ever broke the seal on it in two years up

11 there?

12 A. Yes, ma'am.

13 MS. LIVESAY: No further questions for Ms. Haynes,

14 Judge.

15 THE COURT: Ms. Williams?

16 MS. WILLIAMS: No questions, Your Honor.

17 THE COURT: Thank you. You can step down, Ms.

18 Haynes. Thank you.

19 MS. LIVESAY: And she can be excused, Judge?

20 THE COURT: She can be excused, without objection.

21 Thank you.

22 MS. LIVESAY: At this time the State calls Madison

23 Willis to the stand.

24 **Madison Willis being first duly sworn, testified as**

25 **follows:**

1 THE COURT: Ms. Willis, come forward, please, and be
2 sworn.

3 THE CLERK: Please state your name and spell it for
4 the Court.

5 THE WITNESS: My name is Madison Willis, my first
6 name is spelled, M-a-d-i-s-o-n, last name is W-i-l-l-i-s.

7 DIRECT EXAMINATION

8 BY MS. LIVESAY:

9 Q. Ms. Willis, tell this jury where you're currently
10 employed.

11 A. I'm currently employed at the South Carolina Law
12 Enforcement Division, commonly known as S.L.E.D..

13 Q. Where is S.L.E.D.?

14 A. S.L.E.D. is in Columbia, South Carolina.

15 Q. And about how long did it take you to get here this
16 morning?

17 A. About two hours and 30 minutes.

18 Q. So you had an early morning?

19 A. Yes, ma'am.

20 Q. At S.L.E.D. do they test DNA?

21 A. Yes, ma'am.

22 Q. What are your job responsibilities?

23 A. We log in evidence. I'm in the evidence control
24 department, so we log in evidence from outside agencies to
25 submit it to our lab. We distribute it through laboratory to

1 analyst and return it back to agencies when we're notified.

2 Q. So you move the evidence around?

3 A. Yes, ma'am.

4 Q. To where it needs to be?

5 A. Yes, ma'am.

6 Q. Now, let me ask you about the evidence specific to our
7 case. Did you touch DNA standards for Tyrone Ford; Hassan
8 Benhamedane; Tyrell Harrison and Tylik Griffin?

9 A. Yes, ma'am. It looks like I returned it back to the
10 agency.

11 Q. And did you also touch a swab labeled "red substance on
12 white jacket"?

13 A. Yes, ma'am.

14 Q. And what was your part on touching the items?

15 A. I took the items off of an agency return self, which is
16 our secure location in our evidence department, and I returned
17 it back to the agency.

18 Q. And if you don't mind, tell these jurors the date that
19 you returned that DNA back to the Horry County Police
20 Department.

21 A. Sorry, I'm just referring to the chain of custody real
22 quick.

23 Q. Sure.

24 A. It looks like it was all returned on May 26, 2022 at
25 10:59 a.m.

1 Q. So last month?

2 A. Yes, ma'am.

3 Q. And it was checked in January 10th of 2020?

4 A. Yes, ma'am.

5 Q. Did you break the seal?

6 A. No, ma'am.

7 Q. When you received it was the seal broken?

8 A. No, ma'am.

9 Q. While it was sitting up there for two years did anybody
10 break the seal on those items of evidence?

11 A. No, ma'am.

12 Q. Did anybody for two years test those items sitting up
13 there at S.L.E.D.?

14 A. No, ma'am.

15 MS. LIVESAY: No further questions, Your Honor.

16 THE COURT: Ms. Williams?

17 MS. WILLIAMS: I have no questions for this witness.

18 Thank you.

19 THE COURT: Thank you. Ms. Willis, you can step down
20 and be excused.

21 THE WITNESS: Thank you.

22 MS. LIVESAY: At this time we're going to call Matt
23 Stephenson to the stand.

24 THE COURT: Mr. Stephenson, come forward, please, to
25 be sworn.

1 **Matthew Stephenson being first duly sworn, testified**
2 **as follows:**

3 THE CLERK: Please state your name and spell it for
4 the Court.

5 THE WITNESS: Matthew Stephenson, M-a-t-t-h-e-w,
6 S-t-e-p-h-e-n-s-o-n.

7 DIRECT EXAMINATION

8 BY MS. LIVESAY:

9 Q. Mr. Stephenson, if you don't mind, tell these folks
10 where you're currently employed.

11 A. I'm employed with the Horry County Police Department.
12 I'm currently a detective with the crime scene division.

13 Q. Where is the Horry County Police Department?

14 A. It's located in Conway at 2560, North Main Street.

15 Q. So right here in Conway?

16 A. Yes, ma'am.

17 Q. And how long have you been with the police department?

18 A. Right at 16 years.

19 Q. And if you don't mind, tell these folks a little bit
20 about your training.

21 A. I worked patrol, I've been in the training division, I'm
22 a certified instructor in several aspects. I've been with the
23 crime scene division for a little over a year and I've been to
24 numerous training classes on photography, DNA collection,
25 fingerprinting and more classes that I can't even name.

1 Q. So you've done a little bit of all of it?

2 A. Yes, ma'am.

3 Q. Now, the case that we're here for, Tyrell Harrison, have
4 you been with crime scene in May?

5 A. Yes, ma'am.

6 Q. Of this year, last month?

7 A. Yes, ma'am.

8 Q. Now, did you assist on this particular case?

9 A. I did.

10 Q. And did you move some evidence?

11 A. I did.

12 Q. And if you don't mind, tell this jury what you did, what
13 evidence you moved?

14 A. I went up to S.L.E.D.'s headquarters in Columbia. The
15 DNA swabs for this case were signed over to me. I transported
16 them to Richland County Sheriff's Office to be tested for DNA
17 and signed them over to their analyst, David McClure.

18 Q. And when did you go to S.L.E.D. and pick up these items
19 and move them to a different agency?

20 A. It was on May 26th of 2022.

21 Q. So just last month?

22 A. Yes, ma'am.

23 Q. And when you picked up the items had they been tampered
24 with?

25 A. No, ma'am.

1 Q. Had the seal been broken?

2 A. No, ma'am.

3 Q. And how long did it take you to get from here to
4 S.L.E.D.?

5 A. Less than 20 minutes. Oh, excuse me, from here? I
6 actually picked it up at S.L.E.D., it was already there.

7 Q. So how long did it take you to get from Conway to
8 Columbia, or to S.L.E.D.?

9 A. About two, two-and-a-half hours.

10 Q. And how long did it take you to take it from S.L.E.D. to
11 Richland County?

12 A. Twenty minutes or less.

13 Q. And who did you give it to at Richland County?

14 A. One of their deputies, David McClure.

15 Q. So he was a forensic analyst?

16 A. Yes.

17 Q. Do you know why he was being given that evidence?

18 A. Yes, ma'am. The Solicitor's office requested that a
19 rush be put on the analysis of that DNA.

20 Q. So it could finally get tested?

21 A. Yes, ma'am.

22 MS. LIVESAY: No further questions, Mr. Stephenson.

23 THE COURT: Thank you.

24 MS. WILLIAMS: May I have the Court's indulgence for
25 just one moment?

1 THE COURT: Okay.

2 MS. WILLIAMS: I don't have any questions. Thank
3 you.

4 THE COURT: Thank you. Mr. Stephenson, you can step
5 down. Thank you, sir.

6 MS. LIVESAY: Can he be excused, Your Honor?

7 THE COURT: Certainly, without objection. Mr. Helms?

8 MR. HELMS: Judge, at this time the State would call
9 Mr. David McClure.

10 THE COURT: Mr. McClure, come forward, please, be
11 sworn.

12 **David McClure being first duly sworn, testified as**
13 **follows:**

14 THE CLERK: Please state your name and spell it for
15 the Court.

16 THE WITNESS: David McClure, D-a-v-i-d,
17 M-c-c-l-u-r-e.

18 VOIR DIRE

19 BY MR. HELMS:

20 Q. Mr. McClure, what is your occupation, sir?

21 A. I currently work for the Richland County Sheriff's
22 Department.

23 Q. And what do you do for the Richland County Sheriff's
24 Department?

25 A. I'm the supervisor of the DNA unit.

1 Q. Tell me about the DNA unit. What does the DNA unit do?

2 A. The DNA unit receives evidence from mostly our cases in
3 Richland County, but we also do some outside agency cases that
4 request as well. We will receive that evidence into the
5 department and then we will analyze it and see if there's any
6 DNA on that evidence.

7 Q. What is DNA?

8 A. DNA stands for Deoxyribonucleic acid. It's the genetic
9 material found within the eukaryotic cells of all living
10 organisms.

11 Q. Before I get too far into that, to know about all this
12 stuff, to test all this stuff, did you go to school for it?

13 A. Yes, sir, I did.

14 Q. And tell us a little bit about your educational
15 background.

16 A. I've got a Bachelor of Science Degree in Microbiology
17 from Clemson University. That includes studying, according to
18 the FBI's quality assurance standards you have to have classes
19 in statistics, genetics, biochemistry and molecular biology. I
20 also attended the FBI's DNA analysis training school which was
21 accredited through The University of Virginia as a
22 graduate-level class. I was also invited by the FBI to do 15
23 weeks in their training facility in which we did research on
24 DNA analysis.

25 Q. And you may have said this, but how long have you

1 actually been at S.L.E.D.?

2 A. I worked for S.L.E.D. for 23 years and then retired, and
3 then went to work in private industry for seven years and then
4 went back to the Richland County Sheriff's Department.

5 Q. So currently you're employed in Richland County?

6 A. That is correct.

7 Q. So you are in law enforcement right now?

8 A. That is correct.

9 Q. Did your education include hands-on work with DNA
10 testing techniques?

11 A. Yes, it did.

12 Q. Have you performed actual research in the area of DNA
13 and DNA testing?

14 A. Yes, sir, I have.

15 Q. Do you regularly read scientific journals and
16 periodicals about DNA?

17 A. We do. We read scientific journals and periodicals
18 every quarter to keep up with the technology.

19 Q. Have you testified before regarding DNA?

20 A. Over 50 times.

21 Q. Have you been qualified as an expert?

22 A. Yes, sir, over 50 times.

23 Q. And what specifically were you qualified in an expert
24 as?

25 A. In the analysis and the interpretation of DNA.

1 Q. Analysis and interpretation of DNA. What courts were
2 you qualified in, sir?

3 A. Various courts throughout the State of South Carolina.
4 Working for S.L.E.D. we went pretty much to every county.

5 Q. And you said over 50 times?

6 A. Yes, sir.

7 MR. HELMS: Your Honor, at this time I would tender
8 Mr. McClure as an expert in the field of DNA analysis and
9 interpretation.

10 THE COURT: Ms. Williams, Voir Dire?

11 MS. WILLIAMS: I have no objections. I totally
12 concur with Officer McClure's expertise.

13 THE COURT: Thank you, ma'am. Mr. McClure is so
14 qualified as an expert in analysis and interpretation of DNA.

15 MR. HELMS: Thank you, Your Honor.

16 DIRECT EXAMINATION

17 BY MR. HELMS:

18 Q. You told us what DNA is, you told us what it stands for.
19 Why is DNA important in law enforcement?

20 A. For the law enforcement aspects of DNA there are certain
21 locations on chromosomes that every individual has, but they
22 are unique to every individual. That means, the size of the
23 fragment that we look at in forensics is different for each
24 individual. So we can take evidence that is left by someone at
25 a crime scene, determine the DNA profile from that, and then

1 compare that to known standards that are submitted to us and if
2 they match then that person left that DNA evidence at the crime
3 scene. If it doesn't match then they did not.

4 Q. Did you have an opportunity to perform DNA testing in
5 this case?

6 A. Yes, sir, I did.

7 Q. And please tell this jury a little bit about what you
8 did in this case.

9 A. There were several items, known standards submitted to
10 me, along with several evidence items submitted to me, that we
11 extracted the DNA and developed a profile from and did a
12 comparison to those.

13 Q. Can you tell this jury about those items, what those
14 were?

15 A. We received a buccal swab from Tylik Griffin, a buccal
16 swab from Tyrone Ford, a buccal swab Hassan Benhamedane, a
17 buccal swab from Tyrell Harrison, and a buccal swab from Ashley
18 Pugh, swabs from the interior rear labeled DR door handle,
19 swabs from the interior rear PASS door handle, swabs from a red
20 substance on the right sleeve of a white jacket.

21 Q. What number is that?

22 A. Item eight from our department.

23 Q. Thank you.

24 A. And swabs from a red substance on the bottom left front
25 jeans.

1 Q. When you say a swab, a buccal swab, that's also known as
2 a standard in law enforcement; is that right?

3 A. That is correct. Usually a buccal swab is taken from
4 the cheek area that is a known standard from that person.

5 Q. Just out of curiosity, you said usually it can be taken
6 from anywhere else?

7 A. Yes, it can. Sometimes we get blood stains from
8 individuals.

9 Q. So you could take a standard from, say, a bullet wound?

10 A. You could, yes.

11 Q. Let me ask you this question: Did you perform any
12 testing on the items that you received?

13 A. Yes, I did. I developed a DNA profile from some of the
14 items.

15 Q. When you received these items were they sealed?

16 A. Yes, they were.

17 Q. Did they appear tampered with in any way?

18 A. No, they did not.

19 Q. Did you bring these items with you today?

20 A. Yes, sir, I did.

21 Q. And do you have them there in that box?

22 A. Yes, sir.

23 MR. HELMS: Your Honor, at this time I would ask that
24 Mr. McClure be allowed to open the box.

25 THE COURT: Mr. McClure, open the box.

1 Q. Mr. McClure, I think the easiest way to do this, just
2 for us to mark these quickly, and we're not going to enter them
3 all, but if you could pull out items number one through four,
4 please, that are listed, and then I believe those are the --
5 you said those are buccal swabs from Tylik Griffin, buccal swab
6 or standard from Tyrone Ford, a standard from Hassan
7 Benhamedane, and a standard from Tyrell Harrison, the
8 defendant. Do you have those items?

9 A. Uh-huh.

10 MR. HELMS: And Your Honor, at this time I'd ask that
11 I be allowed to mark these.

12 THE COURT: Please.

13 MR. HELMS: Thank you.

14 This is item number 1.

15 THE COURT: So that would be State's Exhibit Number,
16 next, whatever it is, item number one, we'll identify that as
17 swabs from.

18 MR. HELMS: Your Honor, I'm sorry for the pause, but
19 as you know, it's hard to undo this if you do it wrong.

20 THE COURT: Right. Okay. Let's deal with what
21 you've got marked and numbered so far. Item number one that
22 you handed up has been given State's Number what?

23 THE COURT REPORTER: 51.

24 THE COURT: 51. Thank you.

25 MR. HELMS: Yes, sir, Your Honor.

1 THE COURT: And the others follow in order?

2 MR. HELMS: That's correct, Judge.

3 THE COURT: Thank you.

4

5 Q. Alright, sir. So these items are items all you tested:
6 51, 52, 53 and 54?

7 A. They're all the items I tested.

8 (State's Exhibits 51, 52, 53 & 54 were marked for
9 identification.)

10 MR. HELMS: Your Honor, at this time I would tender
11 these that have been marked for identification purposes into
12 evidence. The chain has been laid, Your Honor.

13 THE COURT: Can I have a little bit more help, item
14 number one is a swab from whom -- or Number 51 is a swab from
15 whom?

16 MR. HELMS: Yes, sir.

17 Q. And as it concerns identification, sir, please identify
18 for the Court what's been marked for identification what is
19 State's Number 51.

20 A. Buccal swab from Tylik Griffin.

21 Q. Tell this Court what identification marked 52 is.

22 A. A buccal swab from Tyrone Ford.

23 Q. For identification, marked item 53, what is that, sir?

24 A. A buccal swab from Hassan Benhamedane.

25 Q. Yes, sir. And for identification that's been marked as

1 54?

2 A. It's a buccal swab from Tyrell Harrison.

3 THE COURT: Thank you. Now, go ahead, since we've
4 got that nailed down.

5 MR. HELMS: Yes, sir, I would just tender those into
6 evidence at this time.

7 THE COURT: They're been offered into evidence. Ms.
8 Williams, what says the defense?

9 MS. WILLIAMS: I don't have any objection to them
10 being entered, no objection, Your Honor.

11 THE COURT: Thank you. Without objection then,
12 State's 51, 52, 53 and 54 in evidence.

13 (State's Exhibits 51, 52, 53 & 54 were admitted into
14 evidence.)

15 BY MR. HELMS:

16 Q. Mr. McClure, when you take one of these buccal swabs or
17 one of these standards, you analyze it, what does it mean?

18 A. We'll take a swab and we'll put it in a solution that
19 will break open the cells and break open a nuclear membrane
20 which contains your chromosomes, or your DNA. We will extract
21 that out of that, purify it away from all of the other cellular
22 material and then we will label certain locations on certain
23 chromosomes that we look for in the forensic field to develop a
24 profile from those.

25 Q. So the last thing you said, and I'm going to dumb it

1 down because that's how I operate, is you develop a profile?

2 A. That's correct.

3 Q. Can that profile be used to compare to other DNA?

4 A. Yes, it can.

5 Q. I'm going to ask you to go back into your box and pull
6 out what you've marked what you have tested as item number
7 eight. Do you have that item?

8 A. Actually, item number eight and item number nine were
9 packaged in the same container.

10 Q. And tell this Court what items number eight and nine
11 were packaged as.

12 A. Item number eight are swabs from a red substance on the
13 right sleeve of a white jacket and item number nine is a swab
14 from a red substance from the bottom left front jeans.

15 Q. Did you test the substance, number eight?

16 A. Yes, I did.

17 Q. Were you able to analyze that and develop a conclusion
18 as it concerns number eight?

19 A. Yes, I was.

20 MR. HELMS: Your Honor, let me mark it for
21 identification.

22 (State's Exhibit No. 55 was marked for
23 identification.)

24 MR. HELMS: Your Honor, this has been marked for
25 identification as State's Exhibit 55, the two items the witness

1 just described, and at this time I would tender those into
2 evidence.

3 THE COURT: Any objection, Ms. Williams?

4 MS. WILLIAMS: Let me double check and see those two.
5 No, sir, no objection, Your Honor.

6 THE COURT: Thank you. State's 55, without
7 objection.

8 (State's Exhibit No. 55 was admitted into evidence.)

9 BY MR. HELMS:

10 Q. So you're looking at 55 there, and 55 contains two items
11 you said. Tell this jury one more time what it contains.

12 A. Item Number eight, which is DNA swabs from a white
13 substance on the right sleeve of a white jacket, and swabs from
14 a red substance from the bottom left front jeans as item number
15 nine.

16 Q. I want to specifically talk about Item Number eight and
17 we're talking about it paired together. You said you were able
18 to test that item?

19 A. That's correct.

20 Q. And you were able to conclude, you were able to come up
21 with a conclusion?

22 A. Yes, sir, I did.

23 Q. Tell this jury what your conclusion was that concerned
24 number eight.

25 A. The DNA result developed from Item Number eight was a

1 mixture. It was a major contributor and matches Hassan
2 Benhamedane and based on the most recent population data
3 available and the genetic results obtained, Hassan Benhamedane
4 is approximately 110 octillion times more likely to be that
5 major contributor on that DNA result than a random unrelated
6 individual and a minor contributor in that same as two being
7 compared.

8 Q. What does a major contributor mean?

9 A. That means there were, usually you have two peaks from
10 an individual because they get half their DNA from their mom
11 and half their DNA from their dad. So in every location we
12 look at you usually see two peaks. Sometimes you may see one
13 because they may inherit the some size fragment from their mom
14 and dad, so if you have three peaks or more then you know there
15 is a mixture in there. If the peaks are such that two of the
16 peaks are a lot higher than the other peaks, you can determine
17 that those two peaks don't go together and that's a major
18 contributor. It's kind of like if you have a bowl full of
19 balls and you've got 100 balls in there and 98 of them are
20 green and two of the are white, you can tell the major
21 contributor are the green balls.

22 Q. So, sir, in your expert opinion, the red substance you
23 tested from the right sleeve of the jacket, did it belong to
24 Hassan?

25 A. It did.

1 Q. Who contacted you and asked you to test these items?

2 A. Ms. Livesay.

3 Q. Do you know how many zeros are in octillion?

4 A. Twenty-seven.

5 MR. HELMS: Answer any questions the defense has.

6 THE COURT: Cross-examine, Ms. Williams?

7 MS. WILLIAMS: Thank you.

8 CROSS-EXAMINATION

9 BY MS. WILLIAMS:

10 Q. I guess it's technically Mr. McClure, Agent McClure?

11 A. Mr. McClure, at this point, yes, ma'am.

12 Q. Mr. McClure. So you tested the two swabs, as you said,
13 correct?

14 A. That is correct.

15 Q. And we know that in your expert analysis the swab from
16 the right jacket definitely belonged to Mr. Hassan Benhamedane?

17 A. That is correct.

18 Q. And based on your expert analysis, there wasn't enough
19 of anything else present to actually identify the other
20 contributors, if there were any?

21 A. That is correct.

22 Q. And what you do is just say was it there or not, there's
23 no way you could know how it got there, why it was there or
24 anything like that, right?

25 A. That is correct.

1 MS. WILLIAMS: That's all the questions I have.

2 Thank you so much.

3 THE COURT: Thank you. Redirect, Mr. Helms?

4 MR. HELMS: No, sir.

5 THE COURT: Thank you. Mr. McClure, you can step
6 down. Thank you, sir.

7 MR. HELMS: Judge, we'd ask that he be allowed to go
8 back to work.

9 MS. WILLIAMS: Without objection.

10 THE COURT: You're excused, Mr. McClure. Thank you
11 for coming.

12 MR. HELMS: At this time we'll call Dr. Valentino
13 Piacentino.

14 THE COURT: Come forward, Doctor, and be sworn.

15 **Dr. Valentino Piacentino being first duly sworn,**
16 **testified as follows:**

17 THE CLERK: Please state your name and spell it for
18 the Court.

19 THE WITNESS: Valentino, V-a-l-e-n-t-i-n-o,
20 P-i-a-c-e-n-t-i-n-o.

21 VOIR DIRE

22 BY MR. HELMS:

23 Q. Dr. Piacentino, where do you work?

24 A. Grand Strand Regional Medical Center.

25 Q. What do you do?

1 A. I am a surgeon on staff.

2 Q. How long have you been there?

3 A. Four years.

4 Q. What kind of schooling do you have?

5 A. I went to Temple Medical School followed by Duke
6 University Medical Center and University of Connecticut for
7 surgery.

8 Q. How long have you been a doctor?

9 A. Eighteen years.

10 Q. Where did you intern?

11 A. I interned at Duke.

12 Q. And since that time where have you practiced
13 principally?

14 A. I practiced in Arkansas in Russellville, Arkansas and
15 now in Myrtle Beach.

16 Q. Would you consider the nature of your practice
17 generalized or specialized?

18 MS. LIVESAY: I'm sorry, can he speak into the
19 microphone? I'm don't know if anybody else is having trouble
20 hearing, but I am, I'm sorry.

21 THE WITNESS: My apologies.

22 BY MR. HELMS:

23 Q. No worries. Thanks, Doc.

24 A. I'm sorry, can you repeat that question?

25 Q. Yes, sir. Would you consider the nature of your

1 practice general or specialized?

2 A. General.

3 Q. Do you treat injuries?

4 A. Yes.

5 Q. Trauma?

6 A. Yes.

7 Q. Do work in the ER?

8 A. Yes.

9 Q. All kinds of injuries, I would imagine?

10 A. Yes.

11 Q. Have you ever been qualified as an expert witness?

12 A. No.

13 Q. Have you ever testified in court?

14 A. No.

15 Q. Would you consider yourself an expert in trauma surgery?

16 A. Yes.

17 MR. HELMS: Your Honor, at this time I would tender
18 Dr. Piacentino as an expert in trauma surgery.

19 THE COURT: Ms. Williams, Voir Dire?

20 MS. WILLIAMS: Yes, without objection.

21 THE COURT: Thank you, without objection.

22 DIRECT EXAMINATION

23 BY MR. HELMS:

24 Q. Doctor, did you have an opportunity to operate on Mr.
25 Hassan Benhamedane?

1 A. I did not.

2 Q. Did you have an opportunity to treat Mr. Hassan
3 Benhamedane?

4 A. Yes.

5 Q. And tell this jury a little about the treatment that you
6 administered to Mr. Benhamedane.

7 A. The gentleman presented to the emergency room with
8 wounds on his face, wounds on his face such as that with a
9 possible reported penetrating injury. We proceeded to place
10 him on a ventilator with an endotracheal tube to secure his
11 airway to protect his airway and protect his vitals.

12 Q. Did you make that call?

13 A. Yes.

14 Q. Why?

15 A. Any penetrating injury to the face, your concern is that
16 you will block the airway or the trachea and a tube should be
17 placed into that to secure the airway to protect the patient.

18 Q. What happens if you don't do this?

19 A. The patient could asphyxiate and pass.

20 Q. Did you see the injury that the patient sustained,
21 obviously? Did you see it, did you observe the injury?

22 A. I saw blood and tissue damage on the face.

23 Q. Did you know the nature of the injury?

24 A. No.

25 Q. After you intubated him, is that another way of saying

1 what you did?

2 A. Correct.

3 Q. What did you do?

4 A. We performed multiple imaging studies, CT scans, and he
5 was admitted to the ICU.

6 Q. Did you make that call?

7 A. Yes.

8 Q. Why did you make that call?

9 A. So a patient that's intubated with injuries to the face,
10 a CT can help you understand the underlying injuries, and the
11 fact that he had has a limited exam can help you understand if
12 there's any further other injuries.

13 Q. About how long did you treat Mr. Hassan, do you know how
14 long you were the doctor for?

15 A. It would be a guess, I would say an hour or so.

16 Q. Do you know how long he stayed in the hospital?

17 A. I do not.

18 Q. Did you release him from the hospital that day?

19 A. I did not.

20 Q. Would you consider the -- I mean, you intubated him you
21 testified, would you consider the injury that he sustained life
22 threatening?

23 A. Yes.

24 Q. Had he not received medical treatment would he have
25 expired?

1 A. He could have.

2 MR. HELMS: Please answer any questions defense has.

3 THE COURT: Ms. Williams, cross-examine?

4 MS. WILLIAMS: May I have the Court's indulgence for
5 just one moment?

6 THE COURT: Okay.

7 CROSS-EXAMINATION

8 BY MS. WILLIAMS:

9 Q. I'm sorry, I can't pronounce your name, Doctor.

10 A. Dr. P is fine.

11 Q. Dr. P., so when you treated him you didn't perform any
12 type of surgery or anything, right?

13 A. Correct.

14 Q. But you were the one that admitted him into -- I mean,
15 you were the admitting physician when he came into the
16 hospital, correct?

17 A. Correct.

18 Q. So to your knowledge, there was never any type of
19 surgery performed?

20 A. I did not perform any surgery on him, correct.

21 MS. WILLIAMS: Thank you.

22 THE COURT: Any Redirect?

23 MR. HELMS: No, sir.

24 THE COURT: Thank you, Dr. Piacentino.

25 THE WITNESS: Thank you, sir.

1 THE COURT: You're free to go.

2 MR. HELMS: May it please the Court, Judge?

3 THE COURT: Yes, sir.

4 MR. HELMS: At this time we'll call Dr. Eric Eason.

5 THE COURT: Dr. Eason, come forward, please.

6 MS. WILLIAMS: Your Honor, may I have the Court's
7 indulgence for just one moment?

8 THE COURT: Okay.

9 MS. WILLIAMS: Thank you.

10 **Dr. Eric Eason being first duly sworn, testified as**
11 **follows:**

12 THE CLERK: Please state your name and spell it for
13 the Court.

14 THE WITNESS: First name, Eric, E-r-i-c. Last name
15 Eason, E-a-s-o-n.

16 VOIR DIRE

17 BY MR. HELMS:

18 Q. Doctor Eason?

19 A. Yes.

20 Q. Doctor, are you employed?

21 A. I currently work for myself. I formed an LLC when I
22 moved back to Charleston, South Carolina in 2020. I'm a
23 forensic pathologist and so I use my private business to
24 conduct autopsies for coroners around the state and to provide
25 expert witness testimony.

1 Q. What states do you practice in?

2 A. South Carolina and Illinois.

3 Q. How long have you been licensed in your profession, sir?

4 A. South Carolina since 1998, and then Illinois was 2013.

5 Q. Are you currently engaged in the practice of your
6 profession?

7 A. Yes.

8 Q. Where did you receive your education and training?

9 A. I received my degree in Biology from Clemson University,
10 that was in 1994. I then received my Medical Degree from the
11 Medical University of South Carolina, that was in 1998. I then
12 spent a year in Columbia at the University of South Carolina
13 and completed a family practice internship. During that year I
14 decided to transfer into a different specialty. That would be
15 pathology, so in 1999 I moved back to Charleston, and for the
16 next four years completed my anatomic in clinical pathology
17 residency training. During that time I decided to
18 subspecialize in forensic pathology and so I moved to Atlanta,
19 Georgia and from 2003 to 2004 I completed my forensic pathology
20 fellowship at Emory University through the Fulton County
21 Medical Examiner's Office, and when that was complete I then
22 started full-time work.

23 Q. How many autopsies have you performed?

24 A. It's going to be close to 4,000 post-mortem exams of
25 which most of those were autopsies, so it's probably around

1 3,000 or so.

2 Q. You said, as far as specializing, I think you covered
3 pathology, but is pathology? What does it include, what is it?

4 A. It is a medical specialty that is more behind the
5 scenes. We are medical doctors but we don't actually see
6 patients. We examine tissue from the patients to diagnose
7 disease and cancer and we also examine bodily fluids to help
8 the clinicians diagnose diseases, and then a subspecialty of
9 pathology is forensic pathology, which is what I do, and
10 that's -- we examine individuals who have died suddenly or
11 unexpectedly and the goal is to determine the cause of death
12 and the manner of death and we'll do that by conducting
13 autopsies.

14 Q. Have you ever testified as an expert in pathology?

15 A. Yes.

16 Q. How many times?

17 A. It's getting close to 200 now.

18 MR. HELMS: At this time, Your Honor, I would tender
19 Doctor Eason as an expert in forensic pathology.

20 THE COURT: Ms. Williams?

21 MS. WILLIAMS: Your Honor, I agree that Dr. Eason is
22 an expert in forensic pathology, however, may the Solicitor and
23 I approach?

24 THE COURT: Okay.

25 (Off the record discussion was held at the bench by

1 Court and counsel.)

2 THE COURT: Thank you. Dr. Eason is qualified as an
3 expert in forensic pathology. Mr. Helms?

4 MR. HELMS: Thank you, Judge. I'm just going to have
5 this marked for identification.

6 (State's Exhibit No. 56 was marked for identification.)

7 DIRECT EXAMINATION

8 BY MR. HELMS:

9 Q. Dr. Eason, did you have an opportunity to review an
10 autopsy report on this case?

11 A. Yes.

12 Q. Who was that autopsy performed by?

13 A. Dr. Proctor.

14 Q. Do you know Dr. Proctor?

15 A. I haven't met him but I know of him, yes.

16 Q. And who is Dr. Proctor?

17 A. Dr. Proctor, Lee Proctor, he is a Pathologist who works
18 for -- or used to work for I think Grand Strand Regional
19 Medical Center. In 2020 he caught COVID and has been dealing
20 with that ever since, and so around two years ago I was asked
21 to act as a surrogate expert witness for his cases that he
22 already conducted because he -- I'm told he can't testify
23 anymore, it would be too stressful for him. So I am taking his
24 autopsy report and the photographs, reviewing them and coming
25 up with my own opinion on the case.

1 Q. As an expert witness have you relied on other expert's
2 reports to form opinions?

3 A. Yes.

4 Q. And were you able to review this report and form an
5 opinion?

6 A. Yes.

7 Q. Who was the autopsy performed on, who was the subject?

8 A. I have his name was Tyrone Ford. He was a 49-year-old
9 male.

10 Q. Black male, white male?

11 A. Black male, yes.

12 Q. Do you know when the date of the autopsy was?

13 A. I have January 4th of 2020.

14 Q. And just so we're clear, you're not here today saying
15 you performed the actual autopsy?

16 A. Correct.

17 Q. You reviewed the report?

18 A. That's right.

19 Q. I understand. In reviewing the report were you able to
20 determine what a cause of death was?

21 A. Yes.

22 Q. Tell this jury what the cause of death was, please.

23 A. He died from a gunshot wound to the head, single gunshot
24 wound to the head.

25 Q. Does the report identify the entrance and exit wounds?

1 A. Yes.

2 Q. Would you be able on a diagram to show this jury where
3 the entrance and exit wounds were?

4 A. Yes.

5 MR. HELMS: Your Honor, I'm showing now what's been
6 marked for identification only at this point, State's Exhibit
7 33. Hang on, Doctor, stay up there until the judge says you
8 can step down.

9 THE COURT: State's 33 --

10 MR. HELMS: I'm sorry, I grabbed the wrong poster,
11 56.

12 THE COURT: 56, alright. If you show it to the
13 doctor, has he identified it?

14 MR. HELMS: Yes, sir.

15 Q. What is this, Doctor?

16 A. That is a body diagram.

17 Q. Have you used one of these before?

18 A. Oh, yes, all the time.

19 Q. In using this would it help you to explain where the
20 entrance and exit wounds were?

21 A. Yes.

22 MR. HELMS: Your Honor, at this time I would ask the
23 doctor be allowed to use State's 56, and I'll tender it into
24 evidence after he has altered it.

25 THE COURT: Thank you. It's still for

1 identification. The doctor can refer to it in his testimony
2 and we'll deal with its admissibility after its relevance has
3 been established.

4 MR. HELMS: Thank you.

5 Q. Doc, I won't even ask you to sit down. I'll just come
6 to you. I want you to take this marker, if you don't mind.
7 Can you just kind of indicate on where the entrance wound was?

8 A. Yes. According to the report and photos the wound
9 involved the left ear so it went --

10 Q. Would it be better to use the entrance wound over here?
11 If you'll mark the entrance wound on this side, on the right
12 side for me.

13 A. Right there (indicating.)

14 Q. Can you write "entrance" up there for me, or "E"?

15 A. I'll do "ent."

16 Q. There you go. Exit wound, please, on the other side.

17 A. There was no exit wound.

18 Q. Okay.

19 A. So the bullet went into the skull, went into the brain,
20 and during the autopsy Dr. Proctor was able to remove the
21 bullet from the brain.

22 Q. Do you know how he removed the bullet?

23 A. How he removed it? It's usually with hands, usually
24 with gloves, gloved hands.

25 Q. Will you show and indicate on this diagram where that

1 was, that general area was?

2 A. It would have been right around in the middle part of
3 the brain.

4 Q. So that's where he pulled the bullet out?

5 A. That's right.

6 Q. And does this accurately reflect the wound that the
7 subject suffered?

8 A. Yes.

9 MR. HELMS: Your Honor, at this time I would tender
10 State's 56.

11 THE COURT: Fifty-six is offered for evidence. Ms.
12 Williams, what says the defense?

13 MS. WILLIAMS: Your Honor, I don't have an objection.

14 THE COURT: Without objection, 56 now in evidence.

15 (State's Exhibit No. 56 was admitted into evidence.)

16 MR. HELMS: If you don't mind, it's been admitted
17 into evidence, I won't offer it at this point, it's been
18 entered into evidence.

19 THE COURT: Okay.

20 BY MR. HELMS:

21 Q. Doctor, what was the cause of death for Mr. Ford?

22 A. According to Dr. Proctor, in his report he put: Gunshot
23 wound to head with cerebral trauma.

24 Q. Do you know how old he was?

25 A. Forty-nine, is what I have.

1 MR. HELMS: Please answer any questions of the
2 defense.

3 THE WITNESS: Sure.

4 THE COURT: Ms. Williams, cross-examine?

5 MS. WILLIAMS: Thank you.

6 CROSS-EXAMINATION

7 BY MS. WILLIAMS:

8 Q. Dr. Eason, you've reviewed the entire report of Dr.
9 Proctor, correct?

10 A. That's right.

11 Q. And part of what Dr. Proctor did in his autopsy was
12 also, basically, do blood testing so he tested what was in the
13 blood or what wasn't in the blood, correct?

14 A. That's right, yes.

15 Q. And he determined that there was alcohol and --

16 MR. HELMS: Objection, Your Honor, relevance.

17 THE COURT: I don't know what the relevance of it
18 would be, but if she can tie it up I'll let her go down this
19 road for a while, as far as what the doctor looked at. Go
20 ahead.

21 MS. WILLIAMS: I'm getting there.

22 Q. There was alcohol in the blood, correct?

23 A. That's right.

24 Q. And there was also blood positive screened for caffeine,
25 cotinine, cocaine, cocaethylene, I can't pronounce the other

1 two things, but some other medicines, correct?

2 A. Correct, correct.

3 Q. And those are in there as part of the standard of what
4 we do to autopsies, correct?

5 A. That's right.

6 Q. Now, when the doctor looks at the blood -- well, as a
7 pathologist when you're looking at it you don't know when that
8 was entered into the bloodstream or how it was entered into it,
9 correct?

10 A. That's right.

11 Q. We just know that it was in there?

12 A. That's right.

13 MS. WILLIAMS: That's all the questions that I have.

14 THE COURT: Thank you. Mr. Helms, any Redirect?

15 REDIRECT EXAMINATION

16 BY MR. HELMS:

17 Q. Do you know if this subject was under the influence of
18 anything when he died?

19 A. According to the tox report, when he was shot he had
20 used ethanol, caffeine, cocaine and Phencyclidine, which is
21 PCP, otherwise known as angel dust. So he was on those
22 substances at the time that he was shot, yes.

23 Q. Is that what killed him?

24 A. No.

25 MR. HELMS: Nothing further.

1 THE COURT: Thank you. Dr. Eason, you can step down.
2 Thank you for coming.

3 THE WITNESS: Thank you.

4 MS. WILLIAMS: And no objection to the good doctor
5 being excused.

6 THE COURT: Thank you. Yes, sir, Mr. Helms?

7 MR. HELMS: Your Honor, at this time the State would
8 rest.

9 THE COURT: Now, ladies and gentlemen, the State has
10 rested its case in chief. That means that you have now heard
11 all of the evidence and testimony that you will hear from the
12 State in the presentation of this case. Necessarily at this
13 juncture and every trial of this nature I have to declare a
14 recess to deal with some matters of law outside of your
15 presence that do not involve your action and your concern. So
16 I'm going to send you to your jury room, and this is a good
17 time, really, given the nature of the trial and the time of the
18 day, as well, we would be trying to be taking a mid-morning
19 break, in any event, to deal with this. So we'll combine your
20 mid-morning recess with the matters that we have to deal with
21 in any event at this time. I'll remind you again, as I have
22 been telling you throughout, you're not to discuss this case
23 among yourselves even yet. You have heard the evidence that
24 you will hear from the State in this case. The State will not
25 offer any additional evidence in its case in chief, but there

1 is, yet, more to be done, and so you're still not at liberty to
2 discuss this case among yourselves. As I told you earlier, you
3 will have all the time you need to talk about this case once it
4 is put in your hands for your deliberation, that's not yet.
5 Enjoy your morning recess, we'll get you out after we have
6 completed our work to start on your work and later, the
7 activities of the rest of the trial. Thank you, folks.

8 (Jury exited courtroom for a.m. recess.)

9 THE COURT: Ms. Williams, I'll be glad now to hear
10 motions from the defense.

11 MS. WILLIAMS: Your Honor, at this time I would move
12 for a dismissal on the grounds that the State has yet to
13 establish the necessary burden, they haven't met the burden for
14 the elements of murder and/or attempted murder that my client
15 is charged with, Your Honor.

16 THE COURT: Thank you, ma'am. Rule 19 is the
17 governing rule of our Rules of Criminal Procedure that instruct
18 trial judges as to the burden that has to be met in regard to
19 dealing with this, and the case law cited under Rule 19, of
20 course, reminds us that, first of all, the evidence introduced
21 thus far has to be taken in the light most favorable to the
22 State, that is the non-moving party, and if there is any
23 evidence taking it in that light which reasonably tends to
24 prove the guilt of the accused then the motion must be denied
25 and the case then goes forward at that point in time. We have

Motions

1 here, of course, forensic evidence which is circumstantial in
2 this regard. We also have the testimonial evidence of Mr.
3 Hassan Benhamedane and other witnesses at the scene. Taking
4 all of that together in its cumulative effect, along with the
5 scientific and forensic evidence which has been offered, there
6 is evidence, should this jury tend to believe it, from which
7 they can conclude the guilt of Mr. Harrison to the charges, and
8 for that reason the motion for directive verdict must
9 respectively be denied.

10 MS. WILLIAMS: Thank you, Your Honor. There's one or
11 two housekeeping scheduling matters I would like to ask of the
12 Court. Number one, the State has rested. Detective Wydra is
13 here. Detective Wydra is under the State's subpoena, but I
14 would ask that, and I realize he's the case agent and it's
15 unlikely that he would leave, but I would ask the Court to
16 please ask him to be continue to be under the subpoena to be
17 here so that I can have the opportunity to call him as a
18 witness in part of my case, one. Number two, there were two
19 inmates from J. Reuben Long as the Court signed an order.
20 Hopefully they are here by 11:00. This morning the State gave
21 me where their investigator went to interview them and provided
22 that to me on DVD as we were about to begin this trial. I
23 would like the opportunity, especially since it's lunch time,
24 to maybe listen to this and have an opportunity to go down
25 there and speak with them but definitely listen to this and

1 then start back at maybe 1:00, or whatever is fine, but before
2 I do that I need to hear this.

3 THE COURT: I understand.

4 MR. HELMS: Your Honor, I have a response.

5 THE COURT: Yes, sir.

6 MR. HELMS: That's not true, as far as before we were
7 getting this trial. We actually handed to her after we got the
8 witness list from the defense. Then in due diligence we sent
9 our investigator out there to talk with these two fellows
10 because their names are not in the report, we didn't know them
11 from Adam. So we sent an investigator out there to talk to
12 them and this is the result of that conversation that happened
13 this week, not before this trial began.

14 MS. WILLIAMS: Correct, and if there was any
15 misinterpretation, what I'm saying is they went out this week
16 and talked to him but I just got this. So I mean, I'm not
17 saying they're hiding it, they just got it, but I just got it.

18 THE COURT: Okay. And these are the witnesses that
19 are in J. Reuben Long?

20 MS. WILLIAMS: In custody.

21 THE COURT: So you need some time to talk with them,
22 obviously, okay.

23 MS. WILLIAMS: And Your Honor, I also want to make
24 sure their attorneys are present just to totally protect
25 everything, and I handled that, I just wanted to let them know.

Motions

1 THE COURT: Alright. Do you think that 1:00 would
2 give you time to deal with that and with the detective? The
3 detective's name again that you want to have here, again?

4 MS. WILLIAMS: Detective Wydra, W-Y-D-R-A.

5 THE COURT: Oh, okay, yes, he testified.

6 MS. WILLIAMS: Your Honor, just to be safe, can we
7 just have 1:30?

8 THE COURT: Do you know at this time whether Mr.
9 Harrison is likely to testify on his own behalf?

10 MS. WILLIAMS: At this time that will probably not
11 happen, Your Honor.

12 THE COURT: Do you wish for me now to inquire at this
13 time as to his understanding of his right to testify or not to
14 testify or do you want to postpone that until after lunch?

15 MS. WILLIAMS: Now, sir, if the Court would be
16 willing to wait until after lunch, especially to see if I've
17 had enough time to talk to other two possible fellows, my
18 client can make a final decision and then we could do that,
19 please.

20 THE COURT: Alright, thank you. Any problem with any
21 of those scheduling issues, Mr. Helms, Ms. Livesay, from the
22 State?

23 MS. LIVESAY: Yes, sir, Your Honor. We do want to
24 air out before the jury comes back in any issues as to the
25 admissibility of the two inmates' testimony. I don't want to

1 wait and bring them out and then object and have that argument
2 then. The State's contention is, we don't believe that those
3 inmates have any information that will be admissible in the
4 trial of this case.

5 THE COURT: Okay. In any event, we can deal with
6 that during the lunch break, can we not, okay?

7 MS. LIVESAY: Yes, sir.

8 THE COURT: So I can go ahead and send them and let
9 them get started on a long lunch hour now?

10 MS. LIVESAY: Yes, sir.

11 THE COURT: Okay. Well, let me do that and then
12 we'll deal with the evidentiary issues that you have.

13 MS. LIVESAY: I understand.

14 THE COURT: Bring us the jury, please, ma'am.

15 (Jury entered the courtroom.)

16 Ladies and gentlemen, we have dealt with some of the
17 matters of law outside of your presence that we necessarily
18 take care of in every case of this nature. There are still
19 some other matters that I need to take care of outside of your
20 presence and we're not going to keep you back there any longer
21 because it will take us a while to work through those, and so
22 I'm going to send you for an early and yet extended lunch hour
23 while we deal with the matters that we have to deal with. We
24 will be dealing with matters of law during that part and it
25 will also give court personnel a time for a lunch hour, as

1 well. The upshot of all of that is that we're not going to
2 continue until 1:30, so that's about a two-hour lunch break
3 which is about a little more than 30 minutes longer than we
4 normally give, and I apologize, because that's some wasted time
5 in there for you all, but it's not going to be wasted
6 perspective, we're going to be working during that period of
7 time, but the upshot is we can not continue, we won't be in a
8 position to continue until 1:30 this afternoon, so you're on
9 your own until then. Please be back in the jury room at 1:30
10 and we'll bring you back then to continue the trial at time. I
11 remind you as always not to discuss this case among yourselves
12 when you get back in the jury room and while you're out of the
13 courtroom and out of courthouse don't talk with anybody else
14 about it or try to find out anything on your own about this
15 case. I apologize for this extended delay, but it will be put
16 to good use from our perspective, and so try to find a cool
17 spot somewhere between now and 1:30, and I'll get you back here
18 at 1:30. Thank you, folks.

19 (Jurors exited the courtroom for lunch recess.)

20 THE COURT: Ms. Williams, can we possibly deal with
21 the scope of the testimony that you intend to elicit from Mr.
22 Dale, D-a-l-e, or Mr. Martin? Obviously, you're not required
23 to give us a script of what they're going to say, but at least
24 the area of their testimony so we can determine whether or not
25 in response to Ms. Livesay's concern it's the kind of thing

1 that can come to a jury, in any event?

2 MS. WILLIAMS: Correct, Your Honor, and I completely
3 appreciate that, and I'll be quite frank with the Court that my
4 client tells me last week towards the end of the week that, or
5 my assistant, that he wanted these boys to testify. As the
6 Court knows, my daughter had surgery last week, there's just a
7 bunch going on. I have not gotten to actually talk to these
8 fellows, so whatever I tell the Court will be what my client
9 thinks they may say or not say, or whatever, and I simply don't
10 know. I will be happy to be back up here at one-ish so we
11 can -- I mean, I just don't want to mislead the Court --

12 THE COURT: I understand.

13 MS. WILLIAMS: -- as to I think they're going to say
14 "X" and they only say "Y," or whatever. I'm truly not sure so
15 I would like to, actually, speak with them.

16 THE COURT: That makes sense, and that's the best you
17 can do. Do you have any idea of when you might be able to get
18 them in front of you so that you can talk to them?

19 MS. WILLIAMS: Yes, sir. My understanding is they
20 are downstairs now in lockup, and when I leave here the first
21 thing I'm doing is going downstairs to talk to them, and then
22 depending on what they say I'll speak to my client so that I
23 then can -- we can make a decision about whether or not he
24 intends to testify or not, and Your Honor, I, obviously, am
25 well aware of what the rules are, and I will let the Solicitor

1 know what we intend to do, and if it's completely out of the
2 realm of admissibility I don't intend to waste the Court's time
3 with that.

4 THE COURT: I understand. Ms. Livesay, does that
5 address your concerns sufficiently?

6 MR. HELMS: Your Honor, she didn't hear you. It
7 does.

8 THE COURT: Okay. Folks, I don't want to prolong Ms.
9 Williams to get down and start talking with these folks, but to
10 just go over one matter of housekeeping that we talked about at
11 sidebar yesterday, and that is request for charge. Is it okay
12 if I go over those things with you all right now for a minute?

13 MR. HELMS: It is, yes, absolutely, Judge.

14 THE COURT: Is that okay with you, Ms. Williams,
15 request of charge?

16 MS. WILLIAMS: I'm sorry, Your Honor, we were talking
17 about this trying to the figure out how we're going to get that
18 thing listened to, I'm sorry.

19 THE COURT: And that's important, too, and I'll just
20 take a minute of time and let you go. It has occurred to me,
21 obviously, in listening to what's been said and done so far and
22 I have put together preliminary items that I think the jury is
23 entitled to receive instructions on: One, depending upon the
24 status of whether Mr. Harrison testifies or not is whether or
25 not the jury will be instructed as to the fact that he chooses

1 to exercise his right not to testify, that has yet to be done.
2 As I said at side bar yesterday, the reasonable doubt
3 definition that I use is from Victor versus Nebraska, State
4 versus Darby is the State Court version of that, first of all
5 tested before our state juries and before our State Supreme
6 Court and our beloved friend, Judge Cottingham, who had enough
7 nerve to do a whole lot of things that the rest of us judges
8 were too timid to do. In any event, that stood at muster into
9 that case and you can look at that for further instruction if
10 you need it. You are free as lawyers to use any definition of
11 reasonable doubt that the Supreme Court has approved. That's
12 the one that I will use as I go to the jury. I'll instruct the
13 jury as to expert witness testimony; of course the elements of
14 the crime of murder; the definition of malice, obviously, there
15 will be no reference to inferences for malice; the definition
16 of attempted murder; the attempt to commit a crime, in any
17 event; the elements of possession of a weapon during the
18 commission of crime; the hand of one or hand of all or aiding
19 and embedding and the mere presence definition that attends
20 itself to commission of a crime and whether or not what is
21 required beyond mere presence in order for the State to meet
22 its burden of proof. I use a United States Supreme Court case,
23 U.S. versus Barber, B-a-r-b-e-r, it's an old case, and there
24 are more recent cases than that; criminal intent, which, of
25 course, is always an element of any offense of this nature, and

1 I think that's it. I will be glad to hear from you all with
2 any requests for additional charge or any exceptions to those
3 charges before we go to a jury and after we've we had a chance
4 for the break. The verdict form of the jury looks like it will
5 be guilty or not guilty as to these charges. I don't
6 anticipate under the evidences I've heard the submission of any
7 lesser included, but I'll be with glad to hear from you all in
8 that regard before we clean that up. Any questions from the
9 State before we break now for lunch?

10 MR. HELMS: For the life of me I can't think of think
11 of anything.

12 THE COURT: I'll be around. Ms. Williams?

13 MS. WILLIAMS: Nothing from the defense.

14 THE COURT: Alright. I'll be eating yesterday's
15 donut for lunch and today's biscuit for lunch, and so I'll be
16 here if you need me. Thank you.

17 MS. WILLIAMS: Thank you, sir.

18 THE COURT: If you all can get together as soon as
19 you can and let me know in chambers if you've got any problems,
20 otherwise, I'll see you at 1:30.

21 MR. HELMS: Thank you, Judge.

22 THE COURT: Thank you.

23 (Lunch Recess taken.)

24 THE COURT: Ms. Williams, where are we with regard to
25 the discussions in the lunch recess work that you were doing?

1 MS. WILLIAMS: Your Honor, thank you. With regard to
2 the two possible witnesses on my client's behalf, Your Honor,
3 quite frankly, I do not believe that under the current state of
4 the law that their testimony would be admissible, i.e., in
5 generalities, basically, their testimony would be that the
6 co-defendant had admitted to them that he was, indeed, the
7 shooter. Okay?

8 THE COURT: Alright.

9 MS. WILLIAMS: And I understand he's not here for
10 evidence of cross-examination and hearsay and that type of
11 thing. Your Honor, the only thing that I would possibly
12 consider is if it would be remotely -- I don't really know
13 because we're finding new ground, to proffer any of that if the
14 law might ever change, I just don't know what to do about that.

15 THE COURT: Right. Of course, if the law changes
16 then certain rights in favor of your client at that time, they
17 could be addressed at that time. I don't think you're required
18 to prospectively anticipate those things and provide against
19 them, I could be wrong, but that's my take on it. So I don't
20 think that that would prejudice him, and it sounds like the
21 issue confronting you through these other witnesses are
22 possibility of third party guilt, that somebody else did it?

23 MS. WILLIAMS: Correct, Your Honor, and I am well
24 aware, as I explained to the Court, I understand the status of
25 the law today, and that is not admissible testimony, as much as

1 I would like for it to be.

2 THE COURT: That's right, and you're right, and it's
3 not, and for reason that you and I are both aware of and don't
4 need to belabor the record with. So I gather on the basis of
5 that that the testimony of those two potential witnesses will
6 not be offered for reasons that you've you said.

7 MS. WILLIAMS: Correct.

8 THE COURT: The testimony would be inadmissible.

9 MS. WILLIAMS: Correct.

10 THE COURT: Alright. Now, where are we with Mr.
11 Harrison himself and his --

12 MS. WILLIAMS: At this point, Your Honor, my
13 understanding, my client does not wish to testify.

14 THE COURT: Okay.

15 MS. WILLIAMS: So if you want to address that now?
16 Now, I do intend to call Detective Wydra to the stand and at
17 this point that would be my only witness.

18 THE COURT: Right.

19 MS. WILLIAMS: Your Honor, I'll say it just so that
20 the record is clear, I get that even if I call the
21 co-defendant to testify, quite frankly, he would be foolish not
22 to invoke the fifth, and if he invoked the fifth we still can't
23 use my witnesses, so I mean, I've tried every which way but
24 Sunday to get it in there.

25 THE COURT: You're right.

1 MS. WILLIAMS: But just for the record's sake, Your
2 Honor, my understanding is my client doesn't wish to testify.
3 If Your Honor wants to address that now?

4 THE COURT: I will, I will address that now. And
5 you're right, you're trapped by the rules in regard to the
6 co-defendant in this regard. And of course, you're free to
7 call, and you, of course, are well aware of the fact that you
8 give up your right to the last argument when you call the
9 witnesses, and so that's the nature of things under our
10 procedure. Alright? But we'll deal with what we know in front
11 of us at this point in time. Mr. Harrison, will you stand,
12 please, and raise your right hand? Do you solemnly affirm or
13 swear that the answers you give to the questions I'm about to
14 put to you will be the truth the whole truth and nothing but the
15 truth so help you God?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: You can have a seat. Mr. Harrison, under
18 our law you cannot be forced or compelled to testify in a
19 criminal proceeding against yourself, do you understand that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: You have a constitutional right to remain
22 silent. That is a right that the law extends to you. Nobody
23 else can exercise that right for you, nobody else can give that
24 right up other than you, and that means that you have the right
25 to remain silent. You have the right to sit there and say

1 nothing at all. Do you understand that?

2 THE DEFENDANT: Yes, sir.

3 THE COURT: And if you exercise that constitutional
4 right the jury will be informed by me that they cannot hold
5 that against you in the trial of this case, and they can not
6 even talk about that in the jury room when they consider your
7 guilt or their innocence, because you've exercised a
8 constitutional right, it cannot be held against you, do you
9 understand that?

10 THE DEFENDANT: Yes, sir.

11 THE COURT: Now, if you choose to take the stand and
12 testify on your own behalf, you've got a right to do that, too,
13 and if you do that, you've seen the trial, you know how it
14 works, you take the stand, Ms. Williams would ask you
15 questions, you would answer those questions, and then Mr. Helms
16 and Ms. Livesay would ask you questions, as well, and you could
17 be cross-examined, you could be impeached on any issues that
18 are relevant in the trial of this case. Do you understand all
19 of that?

20 THE DEFENDANT: Yes, sir.

21 THE COURT: So do you understand fully what your
22 rights are to testify or not to testify?

23 THE DEFENDANT: Yes, sir.

24 THE COURT: Do you have any questions you want to ask
25 me about those rights?

1 THE DEFENDANT: No, sir.

2 THE COURT: So can I assume that whether you testify
3 or whether you don't testify you're doing that with the full
4 knowledge of what your rights are, is that fair to say?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Thank you.

7 MS. WILLIAMS: Your Honor, if I may just for
8 clarification, because the Sheriff's Office was under the
9 Court's order to transport my two potential witnesses, since
10 they're not going to be in there, if the Court would authorize
11 them, I want to release them. We've given transportation a
12 fit, and if it would make it easier on them to go ahead and get
13 them back to the jail, however they want to handle it, it's
14 fine with me if the Court would officially --

15 THE COURT: We'll leave that up to them as to what's
16 to their convenience. Those two witnesses are released from
17 any subpoena or any order of this Court to be here. They are
18 free to go back wherever you all need to take them back. Is
19 that okay with everybody? Who is in charge of them?
20 Whoever is in charge, you've got them back. Okay. Thank you
21 all for bringing them to me. Now, are we ready for the jury
22 now?

23 MR. HELMS: The State's ready, Your Honor.

24 MS. WILLIAMS: Defense is ready.

25 THE COURT: Bring us the jury.

1 (Jury entered the courtroom.)

2 THE COURT: Ladies and gentlemen, we are now prepared
3 to continue the trial of this case. You're aware of the status
4 of it, the State had rested before lunch. You recall that I
5 told you before we began the trial that the defendant is under
6 no obligation to present evidence or testimony if he chooses
7 not to do so. The defendant at this point in the trial of the
8 case has the right to offer evidence and testimony on his
9 behalf if he chooses to do that, but he doesn't have to for
10 reasons that I've already explained to you. Ms. Williams?

11 MS. WILLIAMS: Thank you, Your Honor.
12 The defense would like to call Detective Wydra to the stand.

13 THE COURT: Detective Wydra, please come forward to
14 be sworn.

15 **Detective Sean Wydra being first duly sworn,**
16 **testified as follows:**

17 THE CLERK: Please state your name and spell it for
18 the Court.

19 THE WITNESS: Detective Sean Wydra, that's W-y-d-r-a.

20 DIRECT EXAMINATION

21 BY MS. WILLIAMS:

22 Q. Detective Wydra, where are you employed and your
23 position there, please?

24 A. I'm a detective in the homicide unit at the Horry County
25 Police Department.

1 Q. And you're familiar with the matter which we have been
2 in court this week about, correct?

3 A. Yes, ma'am.

4 Q. And will you please tell the jury your, I'm going to
5 say, status, responsibility, title, with regard to this case?

6 A. So my job as a homicide detective is to investigate
7 homicides, we also investigate attempted murders, armed
8 robberies, it just depends, other things, whether the
9 department deems fit for us to investigate. During this case I
10 was called to the scene and I was tasked with the job to be
11 lead investigator.

12 Q. And being the lead investigator, what does that really
13 entitle? I mean, what does that mean?

14 A. I mean, it just means that from our detective standpoint
15 that it's my case, essentially, I'm responsible for the case,
16 but we do have numerous detectives that assist throughout the
17 process. It's a team effort, but we always deem a lead
18 detective for the case.

19 Q. And is it safe to say as lead detective, you're kind of
20 in charge of making sure all the I's are dotted, T's are
21 crossed, kind of thing?

22 A. I mean, I have a supervisor that more or less that falls
23 to.

24 Q. Do you get copies of the different reports and things
25 and review them as part as the lead detective?

1 A. Yes, ma'am.

2 Q. And you were the lead detective in this matter?

3 A. Yes, ma'am.

4 Q. And as part of what you do as a detective you guys
5 prepare, is it -- what do you prepare that documents your
6 involvement in a case?

7 A. So we have a report of investigation that we do, we
8 also, sometimes we'll do witness statements and things like
9 that.

10 Q. And so that reportive investigation, I'm trying to think
11 of how to ask this, so tell us kind of how you prepare it and
12 how it generally develops.

13 A. So generally it will start out with, like, a synopsis of
14 the incident. There's a section for how the crime scene
15 appeared if we responded to the crime scene. There's, from
16 there, it's kind of like a chronological format, basically,
17 what we did on what day, things like that.

18 Q. So is it kind of a, I do it all at the end and turn it
19 in, or how do you do that?

20 A. I mean, that is really up to the detective, I mean, that
21 just depends on the person. I mean, some people prefer to type
22 things out as the time goes if they have time. Some people
23 prefer to leave things until the end.

24 Q. How do you do it?

25 A. Generally, I'll usually do it as it goes, I mean, but

1 again, that's a time constraint thing. You know, if things are
2 going on that I don't have time to sit at a computer and type
3 out things then sometimes it has to the wait until a later
4 date.

5 Q. And the types of things you put in these reports are,
6 for example, what?

7 A. You know, again, we do a synopsis of the scene of the
8 incident, a description of the crime scene if it applies, you
9 know, if we do respond to the scene, things like that, if we
10 speak to anybody we'll kind of summarize generally what was
11 said, different interviews, what we do, whether or not we had
12 to pull video or surveillance, I mean, just all kinds of
13 things.

14 Q. And is it part of what you put in there -- in your
15 investigation, do you document things that you would deem
16 important to the case?

17 A. Sure.

18 Q. And what about, like, a particular, like, a say a
19 defendant made a statement, or let's say a potential witness.
20 A potential witness makes a statement, do you typically try to
21 document what they say as accurately as possible?

22 A. Yeah, we would do that.

23 Q. And you would document, basically, the things that
24 people say as accurately as possible, correct?

25 A. Yeah, as accurately as possible. I mean, I'm not going

1 to write down every word somebody says or it might not be word
2 for word, but it's typically like summarization of what the
3 conversations was, basically. We usually, typically, audio
4 and/or video record interviews, so the section for a
5 word-to-word interpretation is usually on the audio or the
6 video, depending on where we're at or what we're doing.

7 Q. And so you prepared -- do you know, like, how long your
8 report was in this particular case?

9 A. Several pages. I don't remember exactly how many pages
10 off the top of my head, no.

11 MS. WILLIAMS: Your Honor, may I approach the
12 witness?

13 THE COURT: Sure, yes, ma'am.

14 BY MS. WILLIAMS:

15 Q. I'm going to hand you this and see if this will refresh
16 your memory.

17 A. So it's approximately 11 pages, the last page is just a
18 signature.

19 Q. Would you characterize that as a fairly detailed report?

20 A. Sure.

21 Q. And in that report is it safe to say you tried to be as
22 accurate as possible about the information you gathered?

23 A. Yes, ma'am.

24 Q. Now, if I may, I want you to look if you recall, do you
25 recall what time you responded to this particular incident?

- 1 A. I don't recall the exact time.
- 2 Q. If I hand this to you see if it refreshes your memory.
- 3 A. It says: 0356 hours. Oh, excuse me, that was when the
- 4 911 calls were made. 0431 is when I received the phone call
- 5 from Sergeant --
- 6 Q. So 0356 --
- 7 A. 0431 would be when I received --
- 8 Q. That's when you were called, but 0356 is basically when
- 9 the 911 stuff started happening?
- 10 A. Kind of, yes, ma'am.
- 11 Q. So you were called -- within 30 minutes you're on the
- 12 scene, which is a really fairly quick response time?
- 13 A. Yes. I was called at 0431. I would not have been on
- 14 the scene at 0431, no, ma'am. So it would take me time,
- 15 obviously, at 0431 I was in bed sleeping, so it would take me
- 16 some time to get up, get prepared, and then move from my
- 17 residence to the incident location.
- 18 Q. Gotcha.
- 19 A. Yes, ma'am.
- 20 Q. Now, and I'm sure being part of this, is it fair to say
- 21 you reviewed your activities and what you did in this case
- 22 prior to coming to court, correct?
- 23 A. Yes, ma'am.
- 24 Q. And so did you have a time and occasion to speak with
- 25 Mr. Hassan?

1 A. I did.

2 Q. And do you recall how many times you talked with him?

3 A. I spoke with him on January 5th at the hospital and I
4 spoke with him again on January 6th at the hospital, not for
5 quite as much as I did the previous day, and then I want to say
6 it was toward the end of January, maybe the 28th, that I had
7 spoken to him the last time at the police department.

8 Q. If I hand you this I want you to make sure if you want
9 to refresh your memory so we can be accurate.

10 A. Sure. Yes, ma'am, it was the 5th, was the first time I
11 spoke with him, the 6th was the second time, and the 28th.

12 Q. The 28th.

13 A. Yes, ma'am.

14 Q. And the 28th was actually at the police department,
15 correct?

16 A. Yes, ma'am.

17 Q. The 5th and the 6th were at the hospital?

18 A. Yes, ma'am.

19 Q. And when you talked to him what type of information were
20 you trying to gather?

21 A. I mean, typically we would try to gather what occurred.
22 You know, his story as to the version of the events that
23 occurred, how he ended up shot, who shot him, various things
24 like that, whether or not there was anybody with him, what had
25 happened, I mean, where it happened at, those are different

1 things that we would be looking for.

2 Q. And if he had told you, like, specifically things that
3 potentially one of the perpetrators said or didn't say, you
4 would have denoted that, correct?

5 A. Would I have noted if -- something that somebody had
6 said to him?

7 Q. Yes.

8 A. Yes, ma'am.

9 Q. And you haven't reviewed your report prior to today,
10 right?

11 A. Yes, ma'am.

12 Q. And in your report -- you were in court during -- you've
13 been here, right?

14 A. To court?

15 Q. Yes.

16 A. For this case?

17 Q. Yes.

18 A. Yes, ma'am.

19 Q. And in your report did you summarize or basically put in
20 your report anything about Mr. Hassan being -- like, who shot
21 him?

22 MS. LIVESAY: Your Honor, anything in the report is
23 going to be hearsay. Anything that anybody told this detective
24 is going to be hearsay.

25 THE COURT: Well, it depends on who told him and

1 whether they've previously testified and are subject to
2 impeachment or something of that nature, for the purposes of
3 being offered for.

4 MS. WILLIAMS: Correct, Your Honor, the purposes Mr.
5 Hassan did testify, and I want to verify this is about the
6 conversations that he did have with Detective Wydra as the
7 police.

8 THE COURT: Right. That seems to be allowable under
9 the rules, Ms. Livesay. Am I off base on that?

10 MS. LIVESAY: The objection of the State is going to
11 be, if this is supposed to be an inconsistent statement, she's
12 to ask particularly about what statement was inconsistent with
13 what Mr. Hassan testified to.

14 THE COURT: Right. I think she's working up to that,
15 I take it, in any event.

16 MS. WILLIAMS: Yes, sir.

17 THE COURT: Yes, right.

18 BY MS. WILLIAMS:

19 Q. I'll ask you to go back and read to make sure your
20 memory is completely fresh about the conversation about what
21 happened on January 28th at the police department.

22 A. Okay.

23 Q. You read it?

24 A. Yes, ma'am.

25 Q. And in that, did Mr. Hassan -- did you denote anything

1 about any statement Mr. Hassan told you that my client, Tyrell
2 Harrison said?

3 A. Do you want me to read what I have written here?

4 Q. I don't believe you need to read it. I don't want to
5 break the rules of evidence. No, I don't want you to read it.
6 What I want you to answer is, he gave you a statement, correct?

7 A. I spoke with him at the police department, yes, ma'am.

8 Q. And he actually told you some things that the
9 co-defendant said, correct?

10 A. Yes, ma'am.

11 Q. But did he tell you anything that my client said that
12 you denoted?

13 A. No, ma'am.

14 Q. So there's nothing in there that he told you then that
15 my client said?

16 A. On January 28th when I spoke with Mr. Hassan briefly at
17 the police department he did not tell me anything that your
18 client said to him.

19 Q. Correct. But he did tell you something the co-defendant
20 said because you put that in your report, right?

21 A. He told me something that the co-defendant said to the
22 deceased victim.

23 Q. Correct, and you put that in the report?

24 A. I did.

25 Q. And you've gone over your report, as you said prior to

1 today, and is there anywhere else in your report that you put
2 anything else that the victim, Mr. Hassan, told you that my
3 client said?

4 A. Would you mind if I refer to my report just to be sure?

5 Q. Yes, sir, absolutely.

6 A. Actually, he did describe your client mentioning on the
7 5th that he needed a ride home because his girlfriend was
8 pregnant, or something to that effect, who we later identified
9 as your client. That was on the 5th, and let me check for the
10 6th for you, ma'am, I apologize. I do not see anything on the
11 6th, ma'am.

12 Q. Nothing else in that report, correct?

13 A. No, ma'am.

14 Q. You said on the 5th, the 6th or the 28th?

15 A. Other than what I've already mentioned, yes, ma'am.

16 Q. Thank you. And did he also tell you that he couldn't
17 identify the person who shot him?

18 MS. LIVESAY: Your Honor, again, it's hearsay. It's
19 what Hassan said, if there's something inconsistent.

20 THE COURT: Right. That seems to be a slightly
21 different rule for couple of reasons. First of all, how do you
22 avoid the hearsay for that if it's not offered for an
23 inconsistent statement, for your previous inconsistent
24 statement?

25 MS. WILLIAMS: Let me rephrase my question to see if

1 I can get around that, Your Honor.

2 THE COURT: Sure.

3 MS. WILLIAMS: If I may ask him to read this so I can
4 be real precise in my question.

5 THE COURT: That would be good.

6 BY MS. WILLIAMS:

7 Q. The last sentence of your synopsis.

8 A. Okay.

9 Q. Did Mr. Hassan tell you he was unsure he couldn't
10 identify who shot him?

11 A. So Mr. Hassan explained to me in his own words that he
12 never actually physically saw the person who shot him,
13 essentially, but again, they were in his words, not mine. So
14 he did not see the gun, he did not see the person who shot him.

15 Q. So he was unsure of who shot him, correct?

16 A. He could not tell me which one shot him as far him
17 seeing it goes, yes, ma'am.

18 Q. And just to confirm, even on January 28th, he was still
19 unsure?

20 THE COURT: Listen, are you trying to talk him out of
21 that?

22 MS. WILLIAMS: No, I just want to make sure.

23 THE COURT: Okay. I think it's pretty well
24 established. Thank you.

25 MS. WILLIAMS: Yes, sir.

1 BY MS. WILLIAMS:

2 Q. Detective Wydra?

3 A. Yes, ma'am?

4 Q. When you responded to the scene, part of what happened
5 was there was a search of the vehicle in which the incident
6 happened, correct?

7 A. Yes, ma'am.

8 Q. Are you familiar with the inventory on what happened and
9 all of that?

10 A. No, ma'am, I did not search the vehicle, that would be
11 crime scene's responsibility.

12 Q. My last question: We saw the video of my client being
13 taken from his home, do you know what time of day that was?

14 A. I don't recall an exact time, ma'am.

15 MS. WILLIAMS: That is all the questions I have.

16 Thank you.

17 THE COURT: Thank you, Ms. Williams.

18 Cross-examination?

19 MS. LIVESAY: Just a few, Judge.

20 THE COURT: Yes, ma'am.

21 CROSS-EXAMINATION

22 BY MS. LIVESAY:

23 Q. Detective Wydra, is this the report that Ms. Williams
24 was showing you?

25 A. Yes, ma'am.

1 Q. And is that your report?

2 A. Yes, ma'am.

3 MS. LIVESAY: At this time can I just mark it for
4 State's Exhibit so we've got it identified.

5 (State's Exhibit No. 57 was marked for
6 identification.)

7 Q. So State's Exhibit No. 57 is what she was showing you?

8 A. Yes, ma'am.

9 Q. And that would be your report?

10 A. Yes, ma'am.

11 Q. And do you remember her talking to you about how long
12 the report was?

13 A. Yes, ma'am.

14 Q. And that it was a very detailed report?

15 A. Yes, ma'am.

16 Q. Okay. I want you to tell these jurors, first, when was
17 the first time you talked to Hassan?

18 A. It would have been on January 5, 2020.

19 Q. So two days after he was shot?

20 A. Yes, ma'am.

21 Q. Where did you meet with him?

22 A. I believe it would have been in the ICU at Grand Stand
23 Hospital.

24 Q. And was he in a hospital bed?

25 A. Absolutely.

1 Q. And did he appear to be comfortable, uncomfortable?

2 A. Very uncomfortable. He had a gunshot wound to his head
3 and face area.

4 Q. How long did you talk to him while he was in the
5 hospital?

6 A. So the first interview, and I'm going to approximate
7 this, was approximately an hour and 45 minutes. It took a very
8 long time because he had difficulty speaking. He described
9 himself during the interview as talking through his nose.

10 Q. So you talked to him for an hour and 45 minutes?

11 A. Approximately, yes.

12 Q. I want you to tell this jury, looking at your report,
13 how long is the summary in your report of that one hour and 45
14 minute interview?

15 A. Essentially a paragraph, a long paragraph.

16 Q. About what?

17 A. Essentially a long paragraph, maybe not quite half a
18 page, but a little bit shorter than half a page, maybe.

19 Q. So after an hour and 45 minutes you summarized that in
20 about one paragraph, one long paragraph?

21 A. Pretty much.

22 Q. So would you call that extremely detailed?

23 A. No, ma'am.

24 Q. Did you put in the report that he appeared to be
25 uncomfortable?

1 A. No, ma'am.

2 Q. Did you put in the report that he was having trouble
3 just even talking to you?

4 A. No, ma'am.

5 Q. Did you put in the report that there was actually -- the
6 beeping was going on in the hospital and you had to ask the
7 nurse if you could turn it off?

8 A. No, ma'am. I mean, typically we audio record our
9 interviews, so I mean, all that can be clearly heard in the
10 audio recording so it's not necessarily a reason for me to
11 write that in there. I mean, again, what we put in our report
12 of investigation is just a summary of the conversation. We
13 record the interview so that way somebody can go back and
14 listen to it so that way they can hear it word for word and
15 they can hear it as it sounded when we were there.

16 Q. Was he having trouble talking to you?

17 A. Yes, ma'am. The hospital staff had to come in while we
18 were there and clean out his face, his nose, he spoke very low,
19 sometimes difficult to understand him or hear him. On top of
20 that, a lot of the questions -- a lot of the speaking was me
21 asking him questions and him giving me short answers and me
22 having to kind of confirm what he said based on the fact that,
23 you know, he had a significant injury to his face area. He was
24 still in a life threatening condition, so it was a bit of a
25 difficult interview.

1 Q. And she talked to you about the second time you
2 interviewed him, is that in your report?

3 A. Yes, ma'am, it is.

4 Q. And tell these folks how long that summary is on that
5 detailed report.

6 A. It is essentially two paragraphs, but they are shorter
7 than, you know, again, probably close to half a page.

8 Q. And how long did you talk to him then?

9 A. I didn't talk to him that long. Most of that interview
10 was conducted by Detective Ken Marcus due to Ken Marcus was
11 showing Mr. Hassan a photo lineup that had to do with the
12 co-defendant in this case, not the defendant that's here in
13 this courtroom.

14 Q. So that wasn't as much interviewing, asking questions,
15 trying to get information?

16 A. Most of that interview was taken up by that, and in
17 fact, during that interview he actually, because of his medical
18 condition, he couldn't even sign the form that we gave him for
19 the photo lineup. We had to have his mother witness it, and we
20 had to note that he was unable to sign it because of his
21 medical condition.

22 Q. So again, he couldn't sign the paperwork?

23 A. No, ma'am.

24 Q. And did you see him again another time?

25 A. He came into the police department briefly again on the

1 28th.

2 Q. And if you don't mind, tell this jury, Ms. Williams
3 asked you about that interview on the 28th, tell this jury how
4 long that summary is in your report, in that detailed report.

5 A. Just a short paragraph.

6 Q. How many sentences?

7 A. Five, approximately.

8 Q. And how long did you talk to him then?

9 A. Not very long at all. Probably not more than a couple
10 minutes, two minutes, three minutes, maybe. I mean, again,
11 that wasn't a planned interview. I was informed he was up in
12 the front of the police department. He was there to retrieve
13 some belongings of his that were in evidence. His family had
14 brought him there to the police department and I just went
15 outside to help facilitate that and while I was there he spoke
16 to me briefly.

17 Q. And how did he look then?

18 A. Not very well. You know, again, he still was suffering
19 from a significant injury to his face related to the gunshot
20 wound that he had. His face was still all covered up. He had
21 been discharged from the hospital, obviously, at that time, but
22 he had to be brought to the police department by his family due
23 his injuries.

24 Q. So he was still suffering from the injuries from the
25 gunshot?

1 A. Yes, ma'am.

2 Q. And once he got better and he was closer to what he is
3 in here, walking around, able to communicate better, how many
4 times did you talk to him then?

5 A. I have not spoken to him in relation to an interview or
6 anything, as far as that goes since then.

7 Q. So you never spoke to him or saw him when he was in as
8 good of shape as he is now?

9 A. I've never interviewed him since then.

10 Q. So when you saw him up here in the courtroom testifying
11 for this trial, is that the first time you've seen him give
12 information when he wasn't all gauzed up and needing assistance
13 to walk?

14 A. Yes, ma'am, I have not interviewed him since then.

15 Q. Now, Ms. Williams asked you some questions about, you
16 know, did he tell you this, did he tell you that, do you
17 remember that --

18 A. I do.

19 Q. -- you tried to collect information? Ultimately, who
20 did you arrest after the investigation?

21 A. I arrested Tyrell Harrison and Tylik Griffin.

22 Q. Is Tyrell Harrison in the courtroom?

23 A. Yes, ma'am, that's Tyrell Harrison (indicating.)

24 Q. And you arrested him off the information you got from
25 Hassan and collected?

1 A. Just out of cumulative, you know, from the
2 investigation, basically.

3 Q. And were you in here when Hassan testified?

4 A. I was.

5 Q. Was there anything he said that would change --

6 MS. WILLIAMS: Your Honor, I'm going to object to
7 that. That's leading the witness.

8 THE COURT: I think so. I don't know where this is
9 leading, but as we all know, as I instructed Ms. Williams, Ms.
10 Livesay, as to what Mr. Hassan said, there's a limited amount
11 of information that can come in through this witness about
12 that, and I'm concerned that we transgress and go beyond that
13 limit.

14 BY MS. LIVESAY:

15 Q. After sitting through this trial do you have any plans
16 on going out and arresting anybody else on this case?

17 A. No, ma'am.

18 MS. LIVESAY: No further questions.

19 THE COURT: Thank you. Ms. Williams, any Redirect?

20 MS. WILLIAMS: No Redirect. Thank you, Your Honor.

21 THE COURT: Thank you. Officer Wydra, you can step
22 down. Thank you, sir.

23 THE WITNESS: Thank you, Your Honor.

24 THE COURT: Ms. Williams?

25 MS. WILLIAMS: Your Honor, the defense would rest.

1 THE COURT: Thank you. Is there anything from the
2 State in reply?

3 MS. LIVESAY: No, sir, Your Honor.

4 THE COURT: Okay. Good. Ladies and gentlemen, now
5 you have heard all of the evidence and testimony that you will
6 hear in the trial of this case. You have yet to hear the final
7 arguments that will be offered and the charge on the law that I
8 will give you, we're going to do that momentarily. I'm going
9 to send you back to your jury room for one last time before we
10 start that process because when we get you out we try to keep
11 you in here as long as we can through the arguments. Sometimes
12 we have to divide the arguments from the charge, it just
13 depends on how long it takes, but before we begin that process
14 I'm going to give you a brief break now, and let's see if ten
15 minutes is enough, that would be 2:30. The bailiff will ask
16 you at 2:30 if you all are ready to come in and if you are
17 he'll bring you out. If you need a few more minutes you let
18 him know, we'll go on your time schedule as to when we get you
19 back, but hopefully ten or 15 minutes will be enough. Remember
20 as always, don't discuss this case among yourselves yet. You
21 will have time, but it doesn't start just yet. Thank you.

22 (Recess taken.)

23 (Jury exited the courtroom.)

24 THE COURT: Ms. Williams, I'll note the renewal of
25 all of the motions made by defense at the conclusion of the

1 State's case and I will renew my rulings in regard to that
2 motion unless there are additional motions or additional
3 grounds at that time.

4 MS. WILLIAMS: No, sir. Thank you, sir.

5 THE COURT: Thank you. Yes, sir?

6 MR. HELMS: Your Honor, I'd like to address one thing
7 for the record. At the close of the State's case defense made
8 a motion, I think she referred to it as a motion to dismiss.
9 It was my understanding the Court ruled on that as a motion for
10 a directive verdict.

11 THE COURT: Right, that's right.

12 MS. WILLIAMS: Your Honor, if I may, I think what you
13 just said, but I will clarify it to add to the record just for
14 the record's sake, that based on the testimony offered I do
15 not -- I would submit on behalf of my client that there is no
16 evidence of my client's participation in the actual murder of
17 the co-defendant. I get that there's testimony from Mr. Hassan
18 that my client shot him or he thought that he shot him, that
19 whole line of testimony, but the only testimony that was in is
20 that he thinks, Mr. Hassan thinks that the co-defendant shot
21 and it was his bullet that killed Mr. Ford, and I do not
22 believe that there's any testimony about a conspiracy or any
23 type of pre-planning or anything of that nature. They were in
24 the car, there was presence, he was there, but I'm not sure
25 that there's enough evidence based on to at least go forward on

1 the murder charges, Your Honor.

2 THE COURT: Thank you. First of all, my
3 understanding is at the conclusion of the State's case, the
4 appropriate motion is a motion for directive verdict under Rule
5 19.

6 MS. WILLIAMS: Correct, sorry.

7 THE COURT: I've ruled on that motion. There will be
8 other motions, I suppose, and I noted the motion at the
9 conclusion of all of the testimony. Frankly, I don't think I
10 have to do it right now, I do it as a matter of just catch-all,
11 and when everything is said and done at the end of the day I
12 give a chance for additional motions, there will be plenty of
13 time for everybody to put everything on the record if they want
14 to. I don't think there's anything that keeps us at this
15 juncture because of a lack of ruling on my part from proceeding
16 to the next stage, and so that's what I've done. However, I
17 always say, if there's anything else that I haven't ruled on at
18 this juncture that you wish to be heard on at this juncture
19 then I will be glad to deal with it, but otherwise, I'm just
20 renewing what I've done earlier. Now, if that doesn't
21 sufficiently confuse an appellate court then I don't know any
22 way I can do it any better.

23 MS. WILLIAMS: Thank you, Your Honor.

24 THE COURT: I've got a good friend of mine back home
25 who when dealing with things sorts of things that are down the

1 road in the future and we don't know what they are yet and so
2 we try and figure out how to deal with them, his standard
3 language is that we'll drive off of that bridge when we get to
4 it and so that's the kind of way that I deal with these issues,
5 as well. Folks, I have put a proposed verdict form on your
6 desk. Any problems with that from either side?

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

8 MS. WILLIAMS: None from the defense, Your Honor.

9 THE COURT: Alright. My understanding now under the
10 rules will be that the State will open in full, the defense
11 will have the chance to respond in full, and then the State
12 will have the right to reply to the defense's arguments. Is
13 everybody together on that?

14 MS. LIVESAY: Right. I go first then Ms. Williams
15 will go, and I can only reply back to what Ms. Williams -- yes,
16 sir, I understand.

17 MS. WILLIAMS: Your Honor, that's my understanding as
18 well.

19 THE COURT: Thank you. You all are experienced
20 lawyers. I don't need to go on and on about how much time
21 you're going to take because, really, the only timekeepers that
22 are really important to you all are those 12 people in the jury
23 box, and so I'm sure you all will make good use of their time
24 and not beat this to death.

25 MR. HELMS: Yes, sir.

1 THE COURT: I have gone over the request to charge
2 with you, folks. Are there any additional requests or
3 exception to those charges from the State, first of all?

4 MR. HELMS: Judge, I don't have anything, no, sir.

5 THE COURT: Ms. Williams?

6 MS. WILLIAMS: None from the defense.

7 THE COURT: Okay, folks, we've got five more minutes
8 I gave the jury so I'll just let you all have that five minutes
9 and do with it as you please, if that's enough, and they're
10 probably going to take a few more minutes beyond that. Let's
11 try to be back here and ready to go by 25 of the hour. Is that
12 enough time for everybody?

13 MS. LIVESAY: Yes, Your Honor.

14 MS. WILLIAMS: Yes, sir.

15 THE COURT: We'll stand at ease until 25 of the hour.

16 MR. HELMS: Thank you, Your Honor.

17 THE COURT: Thank you.

18 (Recess taken.)

19 THE COURT: Ms. Livesay, did I understand that you'll
20 present both arguments?

21 MR. HELMS: Yes, Your Honor, she will. She will be
22 closing.

23 THE COURT: Thank you. I just wanted to be sure that
24 you were properly introduced to the jury at that time, so
25 that's good. Ms. Williams, are you ready for the jury?

1 We've got a problem, 50 is missing.

2 MS. LIVESAY: I didn't enter that into evidence.

3 MR. HELMS: It was just for identification, it's not
4 in evidence. It contains a lot of hearsay.

5 MS. LIVESAY: It's not in evidence but it's marked
6 just as an exhibit.

7 MS. WILLIAMS: Okay.

8 THE COURT: That was the pre-log sheet for S.L.E.D.
9 for chain of custody sheet?

10 MS. LIVESAY: Yes, here it is. Sorry. I put it in
11 one of mine.

12 THE COURT: Okay. Now, the officer's report for
13 Detective Wydra was labeled as State's Number 57, but that's
14 not in evidence, is it?

15 MS. LIVESAY: No, sir.

16 THE COURT: That was only for I.D., so I want to be
17 sure that we're all together on that.

18 MR. HELMS: Yes, sir.

19 MS. WILLIAMS: Correct.

20 THE COURT: Alright. I think we've got those
21 housekeeping matters up. Now, are both sides ready for the
22 jury?

23 MS. LIVESAY: Yes, sir.

24 MS. WILLIAMS: Yes, sir.

25 THE COURT: You can bring us the jury.

1 MR. HELMS: Just so we're clear, Your Honor, are we
2 allowed to reference -- I mean, I don't know if defense counsel
3 plans on referencing items that weren't put into evidence.
4 During the closing arguments. I just don't want to not be able
5 to undo something.

6 THE COURT: Well, I suppose there are things that are
7 probably admissible that have not been offered into evidence.
8 I'm not sure what you all got in mind. Specifically what are
9 you talking about?

10 MR. HELMS: The items we just identified, Your Honor,
11 that were marked for identification purposes but not entered
12 into evidence. For example, the last report we have from
13 Detective Wydra. That was marked for identification, not
14 entered into evidence, because, frankly, they have a lot of
15 hearsay in them.

16 MS. WILLIAMS: Correct.

17 THE COURT: You can refer to them, but as to whether
18 you go into the content of them, that could be problematic.

19 MR. HELMS: I understand.

20 MS. WILLIAMS: Correct. That one, Your Honor, like
21 you said, if it could have been entered into evidence but it
22 was not, then that's fair game.

23 THE COURT: That's true. I mean, you know, if
24 there's something objectionable, you know, that did not come
25 into evidence because it's objectionable, that's one thing. If

1 there's something out there that was not offered into evidence,
2 like, what day of the week was January the 5th, you know, that
3 sort of stuff which is harmless stuff but it's within the
4 general realm of knowledge, that's a different matter entirely.

5 MS. WILLIAMS: Well, Your Honor, we might as well go
6 ahead and address this now. This evidence, if Your Honor wants
7 to look at it, this was his sheet. I don't see anything on
8 here that is -- I mean, that's the transport sheet --

9 THE COURT: Right.

10 MS. WILLIAMS: -- that could have been but was not.

11 THE COURT: Could have been?

12 MS. WILLIAMS: Entered into evidence but was not. I
13 mean, I don't want to cross the line and create a mistrial, so
14 if Your Honor tells me that he would have kept that out because
15 it's hearsay in there, but that's just the information they
16 gathered and what they transported to S.L.E.D..

17 THE COURT: You know, I had 50 on my sheet as in
18 evidence.

19 MS. WILLIAMS: I did, too, Your Honor, actually.

20 MR. HELMS: Okay. Fifty is in, but I'm not arguing.
21 My question was specific to things that were marked for
22 identification purposes.

23 MS. WILLIAMS: Thank you.

24 THE COURT: If they're marked for identification
25 purposes then that's all. That means what it says.

1 THE COURT REPORTER: I don't have 50 in evidence.

2 THE COURT: We're going to make it in evidence now.
3 There's no reason for it not to be in evidence so you can go
4 ahead and change that and take the I.D. off of it.

5 MS. LIVESAY: Judge, I never moved that into
6 evidence. I'm 100 about that. I mean, we can replay it back
7 or ask the court reporter, but I only had it marked for
8 identification.

9 MR. HELMS: That's what the court reporter has, too,
10 Your Honor, so it's not in evidence. So I don't think the
11 question is could it have, because we don't know if it could
12 have, it wasn't.

13 THE COURT: Right. Okay. And my record is not the
14 official record in that case. I put a number on it because
15 somebody told me a number, and I guess that was a number that
16 was given for I.D. If it was not in evidence then it's not in
17 evidence. I don't think this is a real radical approach for us
18 at this juncture at this stage of this case after a couple of
19 days of things being -- and hasn't made a whole lot of law just
20 yet, I'm sort of compelled to keep this case being tried within
21 the realm of the evidence, the evidence. The evidence is those
22 things that come into under our rules in the testimony. Now,
23 is that a real radical approach to the trial of a case?

24 MR. HELMS: Not according to us, Judge.

25 MS. WILLIAMS: Other than if, and Your Honor, I will

1 say this so they won't object. There are things that didn't
2 come in but there was testimony about things that were on that
3 sheet and that's fair game because he testified to it.

4 THE COURT: If there was testimony, it's in evidence.

5 MR. HELMS: Yes, Judge.

6 THE COURT: The testimony is evidence.

7 MS. WILLIAMS: Thank you.

8 THE COURT: Good. Okay. Thank goodness. I believe
9 we've made enough new law, not let's get this jury and let's
10 get started.

11 (Jury entered the courtroom.)

12 THE COURT: Now, ladies and gentlemen, we proceed to
13 the final stage of the trial of the case which is the final
14 arguments that the lawyers will present to you and then the
15 charge on the law that I will give you after that has been
16 done. Under our rules, the State will open in full about this
17 case. Ms. Livesay, on behalf of the State we'll present the
18 State's argument in full laying out the whole of the State's
19 case and the evidence that it has offered and the conclusions
20 that they claim you should draw from the evidence that you have
21 seen and heard. After the State has presented its closing
22 argument then Ms. Williams on behalf of the defendant has a
23 right to make an argument in laying out in full the defendant's
24 case and the conclusions that the defendant claims you should
25 draw from the evidence that you have seen and heard. And then

1 the State, since it has a burden of proof, has a right to come
2 back and reply to any matters that Ms. Williams has raised in
3 the defendant's final arguments. She can't go into anything
4 new but can reply or respond to any matters that Ms. Williams
5 has raised, and then after that has been done then I will
6 instruct you as to what the law is, and then you can go back to
7 your jury room and finally start talking about this case among
8 yourselves. You've been attentive throughout the trial of this
9 case, you have been prompt, you have done everything that we
10 have asked you to do as jurors up until this point. You still
11 have work yet to be done, and so we want you to give your same
12 attention now to the lawyers as they present their final
13 arguments, and then I charge you on the law that you have given
14 to the witnesses who have testified throughout the trial of
15 this case. Thank you. Ms. Livesay?

16 MS. LIVESAY: Thank you, Judge.

17 (Ms. Livesay presented a closing argument on behalf
18 of the State at this time.)

19 MS. LIVESAY: Ladies and gentlemen of the jury, I am
20 Nancy Livesay. You've all seen me questioning a few of the
21 witnesses here. I am not going to take a long closing. My
22 boss told me a long ago, you are not Billy Graham or Ronald
23 Reagan, nobody wants to hear you for that long, so I am going
24 to keep it short and thank the Investigator who has worked on a
25 couple cases with me and is not in here, but we've done several

1 murder trials together and I'll never forget, she told me, she
2 said, look, jurors watch a lot of TV. They have a certain
3 expectation. She said, so as soon as you get up there go ahead
4 and tell them you're from Tarboro just right off the bat. So
5 I'm not sure what that means, but I have a feeling I think I
6 know what it means. Today, when you look at the evidence, Ms.
7 Williams told you she had tried death penalty cases. You don't
8 have to have tried a death penalty case to figure out what's
9 going on in here. My mom was one of the most brilliant women I
10 have ever met and had the pleasure of spending time with. She
11 did not even have a high school diploma. She was extremely
12 successful because she used her common sense and she applied it
13 to every day life, and that's what I'm asking you guys, you
14 ladies and gentlemen to do today. We've really only got two
15 questions. The first question, quite frankly is, what the hell
16 happened? What happened? Was a crime committed, and if so,
17 what crime was it? That's question one we have to figure out.
18 Question two is just what you would think it would be: Who did
19 it? Once we get past if a crime was committed, what the crime
20 was, the second question is who did it? Now, what are we
21 trying to figure out on question one, what that hell happened?
22 We're asking, did a murder occur? Did an attempted murder
23 occur, and was a gun used? That's the question. Did a murder
24 occur? Did an attempted murder occur? Was a gun used? What
25 we have to answer that question. We have the evidence that was

1 presented in this courtroom. That's what I want to go over
2 with you folks, let's find out what happened, what crime was
3 committed.

4 (Video playing-911 call)

5 That's evidence already that a crime has been
6 committed, right off the bat has been shot and the man is
7 struggling wanting an ambulance. So the question of whether or
8 not we have an attempted murder has already been answered.
9 He's shot, he's sitting down there, he can't move, he can't do
10 anything. Now, who is it that's been shot, and where do we
11 find the murder? Is there evidence, further evidence, of an
12 attempted and is there evidence of a murder that somebody has
13 been killed, not just killed, but killed with malice,
14 malicious, killed in the course of another crime?

15 (Video playing.)

16 Now, if you don't mind, pull it back just to the
17 beginning. I want to point things out to the jurors so we can
18 look at it together. This is Hassan (indicating.) This is the
19 blood on his shirt, because like he told you, he's been shot
20 here and it came out right here (indicating.) So he was shot
21 towards the back of his head. That's what the testimony was.
22 That's what the doctor told you, and it came out right here
23 (indicating.) So we know we've got an attempted murder.
24 Nobody is acting in self defense. He's sitting in the driver's
25 seat completely unarmed and shot in the back of the head. So

1 we already know that this is not self defense. We already know
2 there is malicious intent when you shoot an unarmed person in
3 the back of the head. And look, this blood is going to be very
4 important in just a few minutes. This is Tyrone Ford. You
5 can't see his head because it's slumped over. He is deceased.
6 You heard that from several witnesses. He's clearly -- there's
7 no movement, you never see EMS even come over here at this
8 time. All of their attention is on Hassan because he's still
9 alive. Now, the question is, was he murdered, has a murder
10 occurred? He was shot in the back of the head and he, too, was
11 unarmed, shot right there, right there, and the bullet fell out
12 of his brain right there. This is not a wound that is
13 inflicted for anything but a malicious reason. He was shot in
14 the head unarmed sitting in the passenger's seat. So there is
15 no doubt we have malicious intent and ill will when we've got
16 two people sitting in the front unarmed, both suffered gunshot
17 wounds to the head, one lived, one did not. Now, why did this
18 happen, why? Why did it happen? Why were they shot? Here's
19 Hassan moving around, there he is right there, some blood
20 coming down, Tyrone slumped over. You're going to see them get
21 Hassan out of the car. Pause. One more second. This is the
22 inside of Hassan's pants. This is the inside of the pocket
23 right here and these are the white pants. Here they are right
24 here (indicating.) They still got the blood on them and the
25 pocket is still pulled out just like in that video. Why? Why

1 is this important? Because this is why this man was shot in
2 the head. This is why Tyrone Ford was shot in the head and
3 killed, because they were being robbed. They wanted whatever
4 money Tyrone and Hassan had. They had been watching them in
5 the club, they knew they had money, they got in that car and
6 they were going to kill them over the money they had. This,
7 this pocket out is why one man died and another man was shot in
8 the head. Hit it one more time. Pause. Here it is right
9 here. The pocket hanging out and the white pants and this man
10 clearly is deceased. So what happened? What happened? There
11 is no doubt that they were killed in the course of a robbery.
12 There is no doubt the plan is we're going to get in the car in
13 the back, shoot and kill both of them and take whatever they
14 have. Now, Hassan had no way to know, has never seen this
15 video, somebody else is rolling this video, that the pocket was
16 pulled out. But he told you, he told you that they went
17 through his pockets, that's what he told you. Unfortunately,
18 he kept, which he also told you, the money, in these pants. So
19 he was shot and they never even got any money from him. They
20 were willing to take his life and they never even got a dime.
21 They were in these pants right here. You saw the video and
22 it's in evidence, you can take it back there and watch it. The
23 nurse, when they've got him on that table is taking his clothes
24 off to give to the police department and they feel that wad of
25 money in his pocket. That wad of money at Terry's place in

1 Cedar Branch, showing it, flashing it, taking it out of your
2 pocket, this is what happens. It is unfortunate, but that is
3 what happens. When you see on the video her take that money
4 out of his pocket, it's clearly a wad. It is clearly a large
5 amount of money. The testimony was \$2,000.00, and they wanted
6 it. Boozy wanted it, Shooter Loo wanted it. They were willing
7 to kill over it. That's why his pocket is hanging out. That's
8 why he's struggling for his life. So what happened? What
9 happened? Two men were killed in the course of a robbery to
10 take every dime they had. There's no doubt about it, this man
11 right here is deceased with a bullet to the head, and this man
12 is struggling with his life just shot in the head with his
13 pocket hanging out. Now, the question is, who would do such a
14 thing? You, ladies and gentlemen, saw the same part of the
15 video I did when Hassan is sitting there, blood just running
16 everywhere down his shirt, and the person's going through his
17 pocket. He's dying: I can't breathe, I can't breathe,
18 bleeding, and somebody, somebody is going through his pants
19 pocket. Now, the question is, who did it? Who did this crime?
20 Who is responsible for the death of Tyrone Ford, and who is
21 responsible for shooting Hassan? Now, Hassan came up here and
22 told you who did it, but the question is, does that make sense?
23 Is that what the evidence shows? Is that what the evidence in
24 this courtroom shows? There's four reasons, four things to
25 keep this defendant blocked in, he can't go nowhere that shows

1 without a doubt he did it. The first thing is the location.
2 Now, why is that important? Because Hassan told you the guy,
3 and Sean Wydra told you through defense counsel's questioning,
4 did he tell you anything my client said? Yes. He said he
5 needed a ride, there was some emergency with his baby mama and
6 they wanted a ride. He told it in here, he told it to Sean
7 Wydra two years ago. So the question is, where does he live?
8 Does it make sense in all of this that, indeed, Hassan was
9 giving the defendant a ride home? Well, let's look. The club,
10 Terry's place, that they were coming from is right here on
11 Paddock Road. It's 10 or 15 minutes from where the crime
12 happened. The crime happened at [REDACTED] -- well, in front of [REDACTED]
13 Plantation Drive. Okay? So the question is, where the hell
14 does the defendant live? Does it make sense that this crime
15 happened while he was taking the defendant home? The defendant
16 lives at [REDACTED] Plantation Drive, right up the street. Horry
17 County is a tremendous county. Look at this map, there must be
18 50 roads just right along in here. Okay? There's 15 minutes
19 from here down to here. There's all these roads, all these
20 roads, okay? And where did the crime happen? It didn't just
21 happen anywhere. It didn't happen on Kayla Circle, it didn't
22 happen on Marlo Circle, it happened right down the street from
23 where the defendant lives, that's where it happened. Why?
24 Because he was giving the defendant a ride home. And old boy
25 had to be close enough to get from here to his house without

1 anybody seeing. So Hassan said, yeah, he was telling me left,
2 right. Nobody that came in here had ever met Hassan before
3 that night. He was not from this area. There was no way he
4 knew how to get to Plantation Drive without this boy leading
5 him down the road of his death that night. That's where he was
6 leading him and Tyrone Ford. They were taking him to the place
7 of his death, that's where they were leading him: Left here,
8 right here, that's where he was taking him. It was clearly
9 planned out when they got in the car. So the question is, does
10 it make sense that the boy that shot Hassan and participated in
11 this murder was the guy that got in the car that he was taking
12 home? Yes. He told you it was this guy, and low and behold,
13 this guy lived right up the street from where the murder
14 happened, so yes, that makes sense.

15 Now, the second part is how do you know that this old
16 boy is the one? How do you know that the location and when
17 Hassan told you they went through my pockets, how do we know if
18 that's true? What does the evidence show? Hassan told us, he
19 reached over and was going through my pockets. Can we believe
20 it? Can we believe such a thing happened? The video shows his
21 pockets out. You saw the state Hassan was in when this police
22 officer drove up. We saw him laying out on the hospital bed
23 when they were taking the clothes off of him. Yes, you can
24 believe that they went through his pockets. Now, what if there
25 is some question about that? What if there's some question,

1 yes, his pockets were out. Yes, it was right up the road from
2 Boozy. But how do we know? How do we know it was Boozy? It
3 could have been anybody. It could've been somebody else living
4 on Plantation Drive. How do we know? This is how we know. If
5 you are wondering who was going through Hassan's pockets when
6 he was laying there bleeding out and the other boy was already
7 dead, if you were wondering who went through his pockets, this
8 right here tells you who went through his pockets. The boy
9 from S.L.E.D., I shouldn't say "boy," the man from S.L.E.D.
10 came up and told you, this right here is blood. And you know
11 who it belongs to? That man right there. Right there,
12 (indicating,) that's who it belongs to. His blood is on that
13 defendant's jacket, and there is no reason on God's green earth
14 it should be there other than he got it on him when he was
15 going through his pockets. He could not have gotten over to
16 this pocket. This is his right pocket. That's his right
17 pocket. Bring a chair up here, if you don't mind. Have a
18 seat. This is the driver's seat. This is where Hassan was.
19 Tyrone is right here. This is his right pocket that was
20 hanging out. Okay? He told you that Boozy, the defendant, was
21 right behind him. The shots were fired, he gets out. Tylik
22 Griffin gets out of his side and goes through Tyrone's pockets,
23 and he is there and this boy got out and went through his
24 pockets. How can you be sure? How can you be sure? Because
25 this jacket has blood on the back of the right arm, not on the

1 front of the jacket, take a good look. Okay? Now look at the
2 back of the jacket (indicating.) This evidence shows -- and
3 his right pocket's hanging out. He couldn't get to that right
4 pocket without reaching over Hassan and going through it. Your
5 pocket's empty. He couldn't reach over without touching
6 Hassan. You can see on the video, he's kind of a larger guy,
7 he's reaching over to go through his pocket, and his pocket's
8 hanging out, his pocket's hanging out, his right pocket. He
9 had to reach over him to get to that pocket. And low and
10 behold, he's bleeding, he's shot in the head, you know he's
11 bleeding, the video shows him bleeding, goes through his
12 pockets, and low and behold, where would the blood be? Right
13 there on the back right arm of the shirt on the jacket, right
14 where it is. That blood came from him reaching over that man,
15 I cannot even fathom, who is gasping for air trying to stay
16 alive, and you got this one like a vulture over him going
17 through his pockets. Now, they knew he was still breathing,
18 they knew he was still alive, you know why? Because this one
19 said: Hey, I'm about to finish him off. What does that tell
20 you? That was the intent of both of those defendants, to end
21 those boys' lives over money, over \$2,000.00, or whatever they
22 could get, and he is over there with him bleeding out, reaching
23 over the body. He felt right here. There was nothing, there
24 was nothing in the white pants, period, and when he reaches
25 over he gets the blood on the back of his shirt, and Hassan

1 over there: I can't breathe, I can't breathe. And his first
2 thought is, I'm going to finish him off, and the other boy
3 says, no, he's dying. They never planned on this man being
4 alive. The intent was to kill both of them and go through
5 their pockets and get whatever they can take. Now, so we know,
6 we know his pockets went through them and we know who went
7 through it, this man right here. Now, this guy, the police
8 come to his house, and you see the video, he's wearing the
9 jacket, and if you see in the video, it's muted, and it should
10 be, that's inadmissible. You are not to consider those words.
11 But you see him on the video handcuffs, and he's doing his
12 head, talking, doing all that, not one scratch on him, not one
13 scratch on him. Why is that important? He wasn't shot. He
14 felt good, he felt good. He was doing his head, he was talking
15 to the police, he felt good. Why is that important? Why is it
16 important when he walked out there was no injuries on him?
17 Here's why. Because it proves that him and Shooter Loo were in
18 it together. You don't shoot the guy that you're in it with.
19 That's why he wasn't shot. Two people were shot in the car,
20 but you know what, that one wasn't shot. That one wasn't shot
21 and Shooter Loo wasn't shot. You know why? Because they were
22 right there in it together. This was an agreement that we are
23 going to kill these two guys, we're going to take what they
24 got, and we're gonna take off. That's how you know they were
25 dead in together. There is no way Shooter Loo has shot two

1 people and let that guy live unless they were in it together,
2 unless it was a plan and they were in together. Now, why is
3 that important? Because in South Carolina it is hand of one,
4 hand of all. If me and Mr. Helms go to a bank together, we go
5 right up here to United Community, gas is high and we decide
6 we're not going to drive a car, Chris pulls out a gun, I go and
7 I start putting all the money in the bag, we are both equally
8 guilty, we are acting in concert together. It takes both of us
9 to complete the crime. If Chris shoots somebody in the back
10 and I am there and old girl is shot laid out and I'm taking the
11 money, we are both guilty of murder, because we are the hand of
12 one is the hand of all because we are working together, and you
13 know they are working together because he is unarmed, not even
14 a scratch on him. He is sitting there digging through the
15 boy's pockets, the other boy is digging through his pockets and
16 then he runs home. They were working together. It was a plan
17 for both of them to kill those two guys, and this guy's the one
18 that came up with how they got the ride. He said that in here
19 and he told Sean Wydra that two years ago. He was the one
20 saying, hey, something's wrong with my baby mama, I really need
21 a ride, I really need a ride. He's the one giving directions
22 to Plantation Drive. This is the one. It could not have
23 happened without Tyrell Harrison. They were working together
24 that led to Tyrone Ford laid over dead in that car and Hassan
25 shot in the face. Now, and I'm glad this -- this right here,

1 this right here reminds me of something my mom used to tell me
2 all the time. Your sin will find you out. It will. This
3 right here, this blood will find you out. It shows what he was
4 doing on January 3rd, this blood on the back of that jacket
5 shows he is the one that participated and went through Hassan's
6 pockets. There's no blood anywhere else, only on the part
7 where he had to reach over to get in that pocket. Now, the
8 testimony on Tyrone Ford is that he was 49 years old. He knew
9 everybody in there, that was family. Jalisa Davis knew him,
10 Hassan knew him, Boozy knew him, the young lady, Renisha
11 Jackson that came up here, yeah, I knew Tyrone. Renisha knew
12 him, Jalisa knew him, Donnie Mack knew him, everybody knew
13 Tyrone Ford, everybody knew him. He was in that area. He hung
14 out there and he lived there, that was his area. He felt like
15 he didn't have anything to be afraid of, that's where he was
16 coming --

17 MS. WILLIAMS: Your Honor?

18 THE COURT: Excuse me. Yes, ma'am?

19 MS. WILLIAMS: Your Honor, I'm going to object to the
20 improper argument at that time of the statements.

21 THE COURT: I think she's arguing the inferences.
22 There was testimony supporting this.

23 MS. LIVESAY: I understand, Your Honor.

24 THE COURT: Thank you. You can go ahead.

25 MS. LIVESAY: Thank you, Judge.

1 Why is that important? Why is it important that he's
2 49 years old? Here's why. This boy is not from Longs. This
3 boy is from out of town and he had only been seeing Jalisa and
4 living in Longs for three months. Why is that important?
5 Because Tyrone Ford had been walking around for 49 years until
6 this boy moved to Longs, and then he was killed. Forty-nine
7 years is a very long time to be walking on this earth. Three
8 months after he moved in Tyrone Ford is shot, and this boy is
9 shot. Now, there was some testimony, too, about Tyrone Ford
10 that Ms. Williams elicited. We were doing the testimony, the
11 cause of death, you heard it from the pathologist, that very
12 smart fellow, clearly, and he told you that the cause of death
13 was this bullet right here. Okay? And the bullet they
14 recovered from his brain. So when he was shot in the head
15 that's going to kill him quickly, very quickly, and that was
16 the cause of death right there. Okay? I think we can all
17 agree on that. Nobody's wondering what killed him. Ms.
18 Williams said, well, what was in Tyrone's system? Alcohol
19 caffeine, cocaine, all these kind of things. Now, did that
20 kill him? No, no. Ol' boy was feeling good until he caught
21 that bullet. He was riding home with Hassan, had two people in
22 the car he felt were family. He had been out at the club all
23 night, he was having a good time. None of that killed him,
24 none of that killed him. He was shot, that's what killed him.
25 Now, why is that important, the blood and alcohol that's in his

1 system? Ask yourself why, why is that important? It wasn't
2 the cause of death. Does that mean Tyrone doesn't deserve any
3 better? Does that mean there should be no consequences because
4 he had alcohol and drugs in his system? Is that what it means?
5 There's no other reason to even wonder or question or consider
6 the fact he had alcohol or drugs in his system, that's not what
7 killed him. In Horry County, just because you drink or you do
8 drugs does not mean that you deserve to get killed, does not
9 mean you deserve a bullet in the back of the head, that is not
10 what it means. Now, there is a lot of hunting that goes on in
11 Horry County, but we can't do that kind of hunting, that's not
12 admissible, it's not allowed, so ask yourselves, why elicit
13 that testimony? Because his wife is here, his family's here,
14 he's deceased, he lost his life at 49. Now, I guess we got to
15 get in the here and kick him, over what, because he was killed
16 to somebody he was giving a ride to? These boys were giving
17 him a ride home, and now all the sudden they're the bad guys?
18 Now we got to get in here and tarnish them in front of their
19 family? Don't get sidetracked with that, folks, don't. It's
20 infuriating. That man died an awful death before he deserved
21 it, and he deserves justice today.

22 Now, I want to talk to you about something else, this
23 blood on the jacket. We know that this blood belongs to this
24 man, which is crucial information for us and for everybody, for
25 you all, for everybody to know. That's important, we need to

1 know whose blood that is. Now, we called the people from South
2 Carolina Law Enforcement Division up here. Why? Because it's
3 important to know that that DNA and that evidence sat up at
4 S.L.E.D. for two years from 2020. They took it on January the
5 10th, by two weeks afterwards, they drove it two and a half
6 hours to Columbia. It sat up there for two years until May,
7 until last month, and those people at S.L.E.D. never even
8 cracked the seal, never even opened the bag. You heard from
9 Matt Stephenson, it got tested because our office had it moved
10 from there to another lab where David McClure tested. That
11 evidence would not have even been in this trial other than our
12 office going through other means to make sure we had that
13 evidence for us, for Ms. Williams, and for the 13 of you guys,
14 because it's important. Now, you heard Ms. Williams say in
15 that trial, or in the opening, it's not all about what you
16 hear, it's about what you don't hear. Well, folks, you
17 wouldn't have even heard that if it weren't for the Solicitor's
18 Office. They wouldn't have never even cracked the seal on that
19 and a man has died and another man was shot, and we had to go
20 to Columbia, drive two and a half hours, take it from there and
21 drive it 20 minutes up the road to another lab to get it
22 tested. We are here, like Mr. Helms told you, to present the
23 facts, to present what is available to us so we can present to
24 the 13 of you all the facts necessary to make a decision on
25 Tyrell Harrison. Now, we know without a doubt that there was a

1 murder, two unarmed men were shot, one died, one did not, so we
2 already know. Now, the third charge is a gun charge. Now,
3 it's a gun charge. Two people were shot. So we know that
4 there is a gun charge there, and I don't know how many of you
5 heard it, she was very soft spoken, but what did Jalisa say?
6 Did he ever mention a gun: Yeah, when he came in that night he
7 said he hid one. Sure did. And that's his girlfriend that
8 said that, the one that's out by the car talking to him when
9 he's got the cuffs on. They move into another car, she's over
10 there talking to him, and she said when he came home he said he
11 hid that gun. So we know he had a gun because we know two
12 people in the car were shot and we know when he left he hid it
13 and he ran. I'd love to have that gun, but we don't have it
14 because he hid it, Jalisa told us that. So we know he had a
15 gun, that's what that gun charge is. Did he have a gun in the
16 course of this activity? Of course he did, two people were
17 shot and when he came home he ran and told his girlfriend, I
18 hid the gun. I cannot do anything about that. I can't produce
19 a weapon that's been hid and the police department cannot find
20 it. People do not make it -- criminals do not make it easy for
21 us to prosecute cases. No criminals are handing over the
22 murder weapon, it just don't happen like that. So all we can
23 do is collect the evidence and analyze the evidence we already
24 have. These things are the reason why he can't get out of it,
25 he can't get out of what he did, he can't. There's no reason

1 to have that blood on his jacket. There's no reason to have it
2 in that place right up the road from his house. There's no
3 reason to tell his girlfriend he hid the gun, other than he did
4 it. And the only reason he's not deceased or shot like Mr.
5 Hassan is because him and the other guy were in on it together.
6 It doesn't matter if he shot Hassan, it doesn't matter if he
7 shot Tyrone, it don't matter if Shooter Loo shot Hassan or
8 Tyrone or both of them, they were working together, and the
9 hand of one is the hand of all. Tyrell Harrison is equally
10 guilty as Tylik Griffin. Now I'm going to say one more thing
11 and then I'm going to leave you. Ms. Williams got up here and
12 was asking, well, how about Tylik Griffin, was he not guilty,
13 how about his trial? She's trying to plant some sort of seed
14 that the other boy has been let go, that's not true. Sandy
15 Lowe got up here and told you, that boy is still awaiting
16 trial. He is going to have his day in court just like Mr.
17 Harrison is. They are both equally responsible, and I am
18 asking the 13 of you to hold him responsible. I'm going to ask
19 13 or 14 other people to hold Tylik Griffin responsible for the
20 exact same charges.

21 This man shot and participated in what ended up being a murder
22 and attempted murder, and while he's gasping for air dying he's
23 going through his pockets. There's no place for that in Horry
24 County, and I am going to ask the 12 of you to look at this
25 evidence, whether it be with this, this, the map, the jacket,

1 the videos, look at all of it. There can be no other answer
2 other than guilty to murder and attempted murder and the gun
3 charge. Thank you so much.

4 MS. WILLIAMS: Your Honor, may we approach?

5 THE COURT: Thank you, Ms. Livesay. Yes, ma'am?

6 (Discussion was held off the record at the bench by
7 Court and counsel.)

8 THE COURT: Ladies and gentlemen, go to your jury
9 room, but just a minute, you probably need a break anyway
10 before we start the next argument. You've been out here about
11 an hour and so we'll get you out shortly for the defense's
12 argument and response. Please don't talk about this case among
13 yourselves.

14 (Jury exited the courtroom)

15 THE COURT: Ms. Williams, if you will put on the
16 record your concern that you expressed up here at sidebar?

17 MS. WILLIAMS: Yes, sir. My concern is that during
18 the Solicitor's closing she said that there was no gun found,
19 there was no gun in my client's bedroom, that he hid it and
20 they couldn't find it, because there wasn't a gun in the
21 bedroom. In the evidence and the documentation provided for me
22 and everything, there was -- when the search warrant was
23 conducted in my client's bedroom there was a pistol located in
24 the bedroom with his girlfriend. Now, obviously, Your Honor,
25 that pistol didn't match the bullet that was found with any of

1 the other stuff, I got that and it was not evidence, but the
2 fact to say that my client hid it and they couldn't find a gun
3 on him is a misstatement of what the facts are in this case and
4 a misstatement of what the police found.

5 THE COURT: Let's, first of all, deal with that part
6 of it, Ms. Livesay, and then I'll try to deal with what
7 difference it makes.

8 MS. LIVESAY: Yes, Your Honor, I have a response. We
9 can wheel it back, the court reporter can wheel it back.
10 Jalisa's testimony was he came in that night and said, I hid
11 the gun. A gun was found, but clearly the fact that he hid it
12 means that there was another gun, it was hid, and she testified
13 that when he got home he said, I hid the gun. Clearly, the
14 evidence is, the gun had already been hid. When he got home he
15 was telling her, I hid the gun. I cannot believe, and it's a
16 bit disingenuous to say, hey, a gun was found in the house. Of
17 course it was, that wasn't the one that was hid. The gun that
18 was hid was never found, hence, him hiding the gun.

19 MS. WILLIAMS: And Your Honor, I would disagree with
20 that because, I mean, the fact that there's a gun, we don't
21 know where he hid it. If they want to say he hid it outside,
22 inside, hid the room, not hid in the room, we don't know what
23 "he hid the gun," means, and to say -- there was a gun found in
24 his bedroom, so I just believe that that is a misrepresentation
25 to the jury.

1 THE COURT: And whether it was or not, of course, is
2 a question, I guess, of nuance. The argument was pretty, as I
3 recall, it was pretty conclusive was that there was no gun,
4 there was no gun found, as I understood it in the argument, and
5 I realize that's not evidence and all that kind of stuff, and
6 so we can assume that the whatever was there did not have any
7 evidentiary value or hopefully would have been introduced
8 during the course of this trial. I'm trying to figure out what
9 to do with that, and now here we are confronted with that. Do
10 you go to this jury at this late juncture and say, ladies and
11 gentlemen, there was a gun found in my client's bedroom. I'm
12 trying to figure out how that helps and is prejudicial or is
13 exculpatory to the defendant under these circumstances.

14 MS. WILLIAMS: Well, Your Honor, quite frankly, and
15 my idea of exculpatory is there's a gun found and the gun found
16 in his bedroom was not a weapon used in this crime, which is
17 exculpatory. It was not entered into evidence, but to say that
18 there is no crime there, that, you know, he hid it and they
19 didn't have one is a misstatement, and for me to be able to say
20 that, you know, was a gun found, you know, did they have a gun
21 and not put it in, that's fair game for me to say. I can now,
22 based on what she said, I'm going to look like I'm calling the
23 State a liar, and I don't want to do that.

24 THE COURT: Right.

25 MS. LIVESAY: Let me tell you something. First of

1 all, the fact that a gun was found in the bedroom was never put
2 into evidence. Ms. Williams could have put that in evidence,
3 she never put it in evidence, so it would not be appropriate to
4 go before this jury, that's number one. Number two, Jalisa was
5 on the stand. There was an opportunity to cross examine her.
6 She could have said, well, wasn't there a gun found in your
7 bedroom? Couldn't that have been the gun he hid? Those
8 questions weren't asked. It's rough to look back 2020, but
9 that evidence was never put in, and certainly, the assumption
10 is, from the testimony she gave, he came home and said, I hid
11 the gun. It would be a stretch, an absolutely torture of that
12 statement to insinuate that he's talking about the gun that's
13 right under his bed in the bedroom in a wide open space, that's
14 not even hiding a gun. How do we even insinuate that gun is
15 hid when it's in his bedroom wide open, you just look under the
16 bed and see it?

17 THE COURT: Well, assuming all of those things are
18 right, and it's going to require some leap of reason or lack of
19 reason to figure out that there was a gun but it wasn't the gun
20 in killing everybody, now how is somebody supposed to make that
21 conclusion based on what they have heard? What they have heard
22 was a witness who says he hid the gun.

23 MS. LIVESAY: That's right.

24 THE COURT: The report says the gun was under the
25 bed.

1 MS. LIVESAY: That's not what the report says.

2 THE COURT: Show me what the report says.

3 MS. LIVESAY: The report doesn't say the gun he hid
4 was under the bed. All the report says is they executed a
5 search warrant and a gun was located at the house.

6 MS. WILLIAMS: Correct. It doesn't say it was under
7 the bed which is a stretch on that, in fact, I don't have
8 anywhere in my stuff of where -- I'm sorry.

9 THE COURT: What did you show me a minute ago?
10 Somebody said that it was under a bed. You all might have said
11 that in argument.

12 MS. WILLIAMS: She just said that in argument, Your
13 Honor.

14 THE COURT: Show me the yellow part that she showed
15 me a minute ago.

16 MS. WILLIAMS: That last one --

17 THE COURT: Search warrant was obtained and executed.
18 A pistol was located in the bedroom he shared with his
19 girlfriend. Now, there it is. Does that statement in and of
20 itself exonerate when you tell a jury: Ladies and gentlemen,
21 there was no gun found? That's my concern, and Ms. Livesay,
22 you say, well, the reason it's okay is because they heard the
23 witness say that he hid the gun, and nobody else pointed out
24 this apparent inconsistency in the statement saying a pistol
25 was located in the bedroom he shared with his girlfriend, and

1 your statement to the jury was that no gun was found.

2 MS. LIVESAY: The murder gun was not found, that's
3 the correct statement, the gun that killed these two gentlemen
4 were not found.

5 THE COURT: Well, I suppose that's right, but we
6 gather that, not from the evidence in the case, we gather that
7 from the lack of evidence in the case because this gun,
8 wherever it was, nobody -- I'm sure it was tested.

9 MS. LIVESAY: Well, it's a revolver, there's a shell
10 casing in the back of the car.

11 MS. WILLIAMS: And that is my point, Your Honor, is
12 that it was there, and the evidence is my client hid it so they
13 couldn't find it, and I can't -- and I get that I can't -- I
14 mean, I can't say he didn't -- it just puts me into saying that
15 what -- because, you know, Your Honor, as part of what we do as
16 a defense lawyer is to poke out the holes in the case. If
17 there's a gun, if they don't point out a gun, if they do have a
18 gun, if they had one, what are the other holes in there, but
19 now I can't say whether they found a gun or didn't find a gun,
20 because she's told them they didn't find a gun.

21 MR. HELMS: Your Honor, with respect, she said they
22 didn't find "the" gun. I have a lot of guns. If you go to my
23 house you're going to find more than one gun. This was clearly
24 the case here, and that is our contention.

25 THE COURT: We are concerned with the whole truth.

1 This is nuance, this is smoking mirrors. Not "the" gun, but
2 "a" gun was found, so here we are. Why not just address this
3 straight up at the outset and say, here it is, they found a
4 pistol, it was not the pistol, we tested it and it didn't
5 exist. Why are we now at this juncture asking a -- first of
6 all, putting Ms. Williams at a disadvantage of trying to deal
7 with what is an inconsistency between the, I wouldn't say the
8 strict wording of it, perhaps, right -- here we got "a" instead
9 of "the." So we put in the article, "a" or "the," here we are.
10 We're not supposed to ask a jury to make decisions based on
11 whether or not the right article was used in the argument that
12 shades this in such a way that addresses the evidence in this
13 case when she says: He hid the gun, and this says: A gun was
14 located. Those are the sorts of nuances that needed to be
15 addressed. Now, this was right there, it was in front of
16 everybody. You're right, Ms. Livesay, it was right there, it
17 could have been addressed early on.

18 MS. LIVESAY: I agree, Judge. And the evidence was,
19 when I asked Jalisa what happened, she said when he got home he
20 said he had hid the gun. To me, to insinuate anything other
21 than he had hid the gun and come home and said, hey, I hid the
22 gun, is a tortured reading of her testimony. What is in the
23 evidence is that she said he came home and said he hid the gun.
24 Now, she was there for cross-examination. There is no reason
25 why Ms. Williams couldn't have said, hey, wasn't a gun found at

1 the house? That question could have been asked, nobody
2 restricted Ms. Williams from asking that question.

3 THE COURT: And she doesn't have to prove whether
4 that was a gun or not.

5 MS. LIVESAY: She does not, Judge, but now that
6 information is not there for her to argue in front of the jury
7 because that question wasn't asked. It was not into evidence
8 that a gun was found at Mr. Harrison's house.

9 THE COURT: That's right. She said -- the girlfriend
10 said, he hid the gun. Right?

11 MS. LIVESAY: She said when he got home he told her
12 he had hid the gun, when he got home, correct.

13 THE COURT: Right. He doesn't say where he hid it?

14 MS. LIVESAY: I'm sorry?

15 THE COURT: She doesn't say where he hid the gun?

16 MS. LIVESAY: No, no.

17 MS. WILLIAMS: Correct.

18 MS. LIVESAY: No, but the gun that was used for the
19 murder was never recovered.

20 THE COURT: I gather that, you testified that.

21 MS. LIVESAY: Right. So there's only one reasonable
22 inference that the gun he hid from the murder was not in the
23 house.

24 THE COURT: That would be the reasonable inference if
25 the jury had heard all of that.

1 MS. LIVESAY: I think they did, Judge, the fact that
2 we didn't present any evidence showing that we had the gun. If
3 we had the murder weapon we would have presented it. I told
4 them that. If we had the murder weapon we would be able to
5 present it, but we do not have it.

6 THE COURT: Right.

7 MS. WILLIAMS: Your Honor, I'm going to say this, but
8 because the way she phrased it to them in saying if we had it
9 we could not do it and because that's not in evidence, and as
10 you said, I didn't have to put it in, I can't say, well, they
11 found a gun but it wasn't the right one, but he had a gun,
12 which goes to my client's defense.

13 THE COURT: Well, I'm trying to figure whether it
14 really does or not.

15 MS. WILLIAMS: I'm sorry.

16 THE COURT: The fact that they found a gun but it was
17 not the right gun, you know, that probative value is negative,
18 at best. In other words, the fact that they found a pistol in
19 the bedroom that he shared and now the jury is questioning in
20 itself and hears this, well, is that the gun or not? I don't
21 know, nobody said whether that was the gun or not. Well, wait
22 a minute, "a", "the", somebody on that jury is going to pick
23 up, if they're an English teacher and they realize, well, she
24 said, "the" gun was not found, and this says "a" gun was
25 located. So they're talking about two different guns. Now,

1 folks, these folks are sitting over there listening counting on
2 us to present to them pretty clear and uncluttered stuff. They
3 don't want to have to get back there and decide nuances like
4 that, and I realize that there's a logical explanation between
5 what this says, "a pistol," and her testimony that says, he hid
6 the pistol, and you saying the murder weapon was not found. If
7 you put you all those pieces of the three-legged stool
8 together, it will stand up. Okay. Hidden pistol, "the"
9 pistol, "a" pistol, all of those things, that stool will stand,
10 but it's kind of wobbly, but the essence of it is I can't find
11 that there is any real prejudice in the fact that we've got a
12 pistol which is not in evidence and may or may not be
13 exculpatory under these circumstances because the fact that it
14 was not the murder weapon, which the testimony is clear that
15 the murder weapon was not found, and so we've got that
16 established in the record, but it sure has created an issue
17 that the Court of Appeals is going to have to hammer out when
18 it gets up there. This is not the sort of thing that we should
19 have to be struggling with at this late stage of the game, it's
20 unreasonable. This should have been addressed either by the
21 State, I suppose if you had seen it then, Ms. Williams, you
22 could have brought it up, but it's not your burden to bring it
23 up, I'll give you that, but here we are right now with the jury
24 back there waiting: Now, what's going on? And you all have
25 tried a pretty good case up until now on both sides, and then

1 we have something like this that slides into this that messes
2 up this record. Now, it's going to survive at the end of the
3 day. Somebody from the Attorney General's Office is going to
4 have to explain all of this, and you'll have to deal with it,
5 and they may do exactly what you've asked us to do, asked of
6 the jury to do. They may realize that there's an explanation
7 for this, and that the three-legged stool stands on its own and
8 there's no harm and there's no file caused, because it's not
9 like we are hiding a murder weapon that happened not to match
10 this defendant or some reason such as that.

11 MS. LIVESAY: And let me just say this, Judge.

12 THE COURT: Ma'am?

13 MS. LIVESAY: You know, clearly, I guess we are now
14 trying to indicate that the State has presented some sort of
15 smokey mirrors. Let me be adamant and genuine when I say I
16 adamantly disagree with that. I showed them the video, I
17 showed them the 911 tape, everything I showed them was placed
18 in evidence. I don't know how that can be smoky mirrors or
19 trying to fool them. I have done my best to present the
20 evidence to them and the testimony from the stand. The
21 testimony was from the stand that he hid the gun. Now we're
22 arguing because you have a gun under the bed, I would argue
23 that's not even hid, it was clearly wide open. If you looked
24 under the bed you saw it, and it was under his bed in his
25 bedroom. Do we even classify that as hid? I'm arguing that we

1 do not, and I'm also arguing the fact that as soon as he got
2 home he said, I hid the gun. She didn't say she saw the gun.
3 She lives in the room with him. She was up, she was awake.
4 She never said, yeah, I saw him put the gun under the bed.
5 That wasn't the testimony. The testimony was he came home, he
6 said he hid the gun, she never indicated that she saw any kind
7 of gun. So the fact that now we're inferring, I guess, that he
8 put the gun under the bed and that she was there and never saw
9 it and I'm trying to fool the jury, I cannot agree with that.
10 I think I argued the facts, I argued the testimony, I didn't
11 say one thing that was not in the record or not presented in
12 evidence.

13 THE COURT: You did not, and you did a wonderful job
14 in presenting the evidence, you made a wonderful argument. You
15 tied it all together. You tied the blood and the things that
16 are incriminating, and all of those things. You did a
17 wonderful job with the evidence that's been produced in this
18 case. This, however, was not in evidence.

19 MS. LIVESAY: It wasn't in evidence, and you know
20 what else wasn't in evidence, the fact that he said he didn't
21 do it. I put in the facts and the evidence I deemed
22 appropriate to prove the State's case --

23 THE COURT: Exactly.

24 MS. LIVESAY: -- not every piece of evidence.

25 THE COURT: Exactly, and you did a real job doing

1 that. I'm trying to explain from my perspective here as a
2 trial judge who's looking at this from both sides as to what --
3 I guess, why? Why didn't somebody let the jury know that,
4 really, there was a gun found, you know, and here's what it
5 says, and here's the explanation from that, and you're
6 suggesting that either me as a judge here is inferring that the
7 State was hiding something or the smoking mirrors in this, no,
8 that's not that at all. What I am suggesting to you is that
9 this is a piece of information that would keep a juror from
10 having to decide what the inference was from this case. Is a
11 jury going to have to infer if it knew this now at this late
12 stage during the argument. Is the jury going to have to infer,
13 why wasn't it in? It doesn't say it was hidden under a bed and
14 it doesn't say who put it there and it doesn't say whether it
15 was a pistol that he said he hid, it doesn't say any of those
16 things, but those are inferences that a jury might draw if at
17 it didn't know what you know.

18 MS. LIVESAY: I understand, Judge, and let me say
19 this, because I want the record complete. The gun came back to
20 a man named Laquandian Bromell. Laquandian Bromell at that
21 time -- was he in jail?

22 MR. HELMS: Yes.

23 MS. LIVESAY: So the gun did not come back to this
24 man. We tried Laquandian Bromell last month, but I bring that
25 up to say, he lived in that area. So we ran the ATF trace, and

1 I guess Ms. Williams don't want to show that. It did not come
2 back from Tyrell Harrison, so we don't know who that gun
3 belonged to. We don't know if it was Tyrell Harrison. I don't
4 know if we were keeping it for a guy named Laquandian Bromell,
5 I don't know if it was Donnie Williams, but now a gun that
6 didn't even come back to the defendant and now we've jumped to
7 the State's trying to do something wrong because she won't tell
8 that there was a gun under his bed, for one, he was just
9 staying in that room, that was not even his house, and he was
10 not staying in the room alone, and the gun did not come back on
11 an ATF trace to this defendant. So there's nothing, no
12 evidence, zero, that we could even say and make a reasonable,
13 truthful, honest inference that the gun belonged to the
14 defendant.

15 THE COURT: Right. You know, it's like DNA that you
16 take and it doesn't match anything, but you go ahead and tell
17 them here it is ladies and gentlemen, we've got everybody's DNA
18 here but it doesn't match a thing, but we're obligated to let
19 you know the results of our investigation, that's what I'm
20 suggesting this gun under the bed is.

21 MS. LIVESAY: I understand, Judge, and let me say
22 this. I didn't put in but Ms. Williams brought up GSR, I
23 didn't put that in. Her client said he didn't do it, I didn't
24 put that in. I put in the evidence that I felt like was vetted
25 and truthful and honest and could give the jury the information

1 they needed to make a decision either way, but this gun, I
2 don't want anybody in the AG's office to think I just kept out
3 this gun. I didn't put it in the GSR report, I didn't put it
4 in the defendant's statement. This notebook there is all the
5 evidence, it's about that big, and I think this trial took
6 about a day and a half. So this piece of evidence, I don't
7 want anybody in Columbia to think that we're over here hiding
8 this one piece, there were multiple pieces of evidence I didn't
9 present, I didn't think they were appropriate.

10 MS. WILLIAMS: And Your Honor, I completely, I
11 understand that. My concern was the argument to the jury in
12 the way the argument came across. That's why I bring it up. I
13 get Ms. Livesay didn't put it in, that's fine, but it was the
14 way it was presented to the jury that I have trouble with.

15 THE COURT: Right. Alright, I understand. Folks, we
16 have vetted this plainly. I don't want to go back into this, I
17 was afraid we would get started about again whether a BB gun
18 was a real gun, we spent too much time worrying about that, but
19 here the record is what it is. I want to mark this page as a
20 Court's Exhibit. Madam Reporter, if you'll mark this as a
21 Court's Exhibit and get that page back to Ms. Williams after
22 you've made a copy of it just so that the record will know what
23 we're talking about, and here we are. There's not going to be
24 any reference to this before the jury. Ms. Livesay's argument
25 in that regard and the statement was, and she made it, and

1 whatever the record says is what it says. Her argument is not
2 evidence in the case. The evidence is it came from the mouth
3 of the witness who said he said he hid the gun and there's no
4 evidence in the case that a gun was found, so there, that's the
5 end of that story as far as this trial is concerned and to go
6 otherwise with this, I think we're beating a dead horse. The
7 record is preserved, Ms. Williams, for whatever benefit it will
8 serve you on appeal. Everybody is going to know what we're
9 talking about --

10 MS. WILLIAMS: Thank you, Your Honor.

11 THE COURT: -- and so here. Let's get on with this
12 case before something else flies loose. I was commenting, I
13 said, gosh, this has been a smooth trial, you know? I should
14 have known better. I shouldn't have said it. I said,
15 everything's just going really well in this case. Okay, and
16 here we go. Now we still got two arguments to go, you know, no
17 telling what else could break loose. Are we ready for the
18 jury? I'm bringing them in whether you're ready or not.

19 MS. WILLIAMS: Yes, Your Honor.

20 THE COURT: Bring the jury in, please.

21 (Jury entered the courtroom.)

22 THE COURT: Folks, I apologize for that interruption,
23 you probably needed a break. You might not have needed one
24 that long, but you needed one in any event so you got it. We
25 now continue with the arguments of Ms. Williams on behalf of

1 the defendant, now presents the argument on his behalf.

2 MS. WILLIAMS: May it please the Court?

3 THE COURT: Yes, ma'am.

4 (Ms. Williams presented a closing argument on behalf
5 of the defendant at this time.)

6 MS. WILLIAMS: Good afternoon, ladies and gentlemen
7 of the jury. As I told you at the beginning of this trial, my
8 name is Brana Williams, and it is my pleasure to actually be
9 here today with you. The first thing I want to just do is
10 really thank you. You guys really have paid attention. It's
11 not the easiest job, and it has not been an easy trial. This
12 is not an easy topic to talk about. It's not easy pictures and
13 easy things to look at, and I want to thank you because it
14 really is important that this happens. You know, at the
15 beginning in the State's opening statement they talked about
16 not only do they represent the people and they represent the
17 residents of Horry County, and I represent my client, which is
18 true, I do represent Tyrell Harrison, but part of what my job
19 is, too, is to be a part of the system that we have. You know,
20 we all play our role. The judge has his role as he's explained
21 and right now your role is here and the time has come for you
22 to be the judge of the evidence, and if we didn't have this
23 system we wouldn't have the country that we live in. You know,
24 my practice is mainly at this point, I do a lot on the side
25 about family, but I do criminal law because it's critically

1 important. It's critically important for us as citizens to,
2 when a crime is committed, for it to be investigated properly,
3 the proper people arrested and charged, for the State to charge
4 and prosecute the right people, and for the guilty person to go
5 to jail. But not everybody's perfect every time, and not
6 everybody always gets it right, and it's never intentional, I
7 don't believe, but the fact is, that's why we have this because
8 at this point you guys get to decide, and the judge told you to
9 begin with, which I thought was the best way I'd ever heard it,
10 it's not really the questions that are asked, it's the answers.
11 Remember, I started about telling you there's three burdens.
12 There is preponderance of the evidence, clear and convincing,
13 and then the highest burden of all, beyond a reasonable doubt.
14 I put it up top and I put it there because it's super, super
15 important. Now, what is beyond a reasonable doubt? Solicitor
16 tells you what they believe it is. I can talk to you about
17 what I think the burden is, but the reality is the judge is
18 going to tell you what the law says it is. So if I say
19 something that's incorrect or there's something that you think
20 say that's differently, I'm asking you now not to hold my
21 client accountable for something I say if I think it's a
22 misstatement, I try not to, but for me beyond a reasonable
23 doubt is way up here. Okay? It's not every single hole is
24 dotted, that's actually why I put the piece of paper up here
25 with holes already in it. We still have us the notebook paper,

1 we know that's a notebook page and its got holes in it. So
2 every dot isn't crossed, every I isn't dotted, every T isn't
3 crossed, but the question becomes, and it is up to you as
4 individual jurors to decide what is enough doubt to become
5 beyond a reasonable doubt. What is enough? And then the 12 of
6 you will talk about it and say, yep, as a group, that's what we
7 agree after each of you have used your individual common sense
8 to think about it. Okay? I'm not asking you to assume, I want
9 you to think about it, really. And you know, I told you in the
10 beginning, and Solicitor Livesay brought it up, it's what you
11 hear and what you don't hear. She laid out a good case of what
12 could have happened, but there are other possibilities as well.
13 Okay? What I want to point out to you is what I see as the
14 holes in the State's case, and then once I point out the holes
15 what I'm asking you to do is decide if there are enough holes
16 to drop it below that line or to stay above, and that is
17 totally your call, and we trust you and we thank you for being
18 here doing it in advance.

19 Let's start out with this jacket. You all saw a
20 picture. My client was wearing the jacket. In fact, his
21 girlfriend testified he went back in the house and got shoes
22 and the jacket. Now, it doesn't take a rocket scientist to
23 realize, if he had reached in there and tried to steal the
24 money out of the boys' pockets, my Lord, we know there was
25 blood, it got all over him, why in the world would he have went

1 in there and got his jacket and put it back on and took it with
2 him to the jail -- or to the police, why? That just doesn't
3 make sense to me, but you all think about it. Let's talk about
4 the location. That's one of her four. Mr. Hassan says he's
5 not from here. Okay? This is where my client lives, this is
6 here. Big deal about he sets him up to say, I'm going to go
7 home, take me home, that's how it is. It seems to me you're
8 not a very smart man if you're planning on robbing and killing
9 somebody to do it within a football field of your house. Why
10 in the world, why in the world would you do that? We also know
11 that you saw the girlfriend testify on the video, he -- my
12 client was home, he went home, she said he went straight to bed
13 and the police woke him up and got him out of bed, not a
14 shower, not washing, and they had him, right? And you heard me
15 ask about GSR. And you heard, well, if it's six hours after
16 you fire the gun it doesn't happen. I said, what time did they
17 come get him out of the bed? I don't know, real early in the
18 morning. Well, this thing happened about 4:00 a.m., sunrise
19 6:00, 6:30. The police had him, and Horry County is a good
20 police department, I have no shame on them at all in that
21 sense, but they know that two people have been shot and they
22 obviously suspect Tyrell Harrison to be involved in it. Why
23 didn't you GSR him, or are you going to wait until it's too
24 late? It was too late, but if you recall, I asked Lieutenant
25 Cestare, they collected GSR from quite a few people because I

1 asked him about it from the stand, remember, but not my client,
2 it's too late. The Solicitor wants you to focus on a gun
3 according to the witness statement that says my client had a
4 gun and the State, obviously, doesn't have a murder weapon or
5 they would have presented that. Correct? They would have
6 presented it if they had it, we would think, so they are going
7 the make you make the leap that the gun that Ms. Davis talks
8 about is the gun, but they are asking you to make a leap. I
9 didn't do it, let me start doing my holes. How many holes do I
10 have? Hole number one, hole number two, I talked about the
11 location, I talked about the blood on his clothes, they wanted
12 you to make a leap about he told his girlfriend he hid a gun.
13 They want you to make the leap. In fact, I want to say this,
14 you know, there was a question you heard, I believe the
15 Solicitor asked one of the detectives, did they know if my
16 client was left-handed or right-handed, and we didn't get an
17 answer. Okay? So you guys don't know, and part of what we do
18 as an attorney, and we have to do this as far as the system, we
19 talk about things that we heard from the stand. Okay? You
20 don't know. The stuff on this jacket I think is on the back
21 right side, which I believe the Solicitor said it would be like
22 that (indicating.) It would make sense if my client were
23 right-handed, that would be what you were doing if you were
24 sorting a pocket, but you guys don't even know if --

25 MR. HELMS: Objection. She's arguing things not in

1 evidence at this point, Your Honor.

2 THE COURT: She's talking about -- I'll allow the
3 argument. She's arguing inferences that can be drawn from the
4 evidence or the lack of evidence.

5 MR. HELMS: I understand.

6 THE COURT: That's okay.

7 MS. WILLIAMS: Thank you, Your Honor.

8 So if it's up to you guys, you don't know. They want
9 you to assume he's right-handed, maybe. They want you to
10 assume that there was a plan, and the only evidence you really
11 heard, in my opinion, that could be from a plan is what the man
12 who had a gunshot wound to his head, and Lord have mercy, what
13 a terrible thing, I'm so sorry it happened to him, nobody
14 should ever get shot, and certainly not get shot in the head.
15 Okay? But they want you to believe the only thing we heard was
16 him saying what he told you all my client said. Okay? Now,
17 Judge is going to tell you, as he said, my client doesn't have
18 to prove his innocence. We are not guilty until proven
19 innocent, we are innocent until proven guilty. One of the
20 things the judge will tell you and talk about is we walk in
21 here draped in a cloak of innocence and it is the State's duty
22 to pull that cloak off because they have proven to you beyond a
23 reasonable doubt that that cloak should drop in the foyer.
24 Okay? The State's position in this case is that there was a
25 plan, and it's based on what Mr. Hassan told you guys, but you

1 all heard me, I had to call Detective Wydra and say, who did
2 you identify? Did he ever say my client did it? No, Detective
3 Wydra, I believe told you, he never picked out which person did
4 it, but you know what, the State made a big deal on crossing
5 him, he was sick, and he was, God help him, the man had been
6 shot, but he did tell him statements the co-defendant said
7 because Detective Wydra told you he made notes in his file
8 about what the co-defendant said, nothing about what my client
9 said, other than: Will you give me a ride home? So that's
10 part of the plan, I'm trying to get you home, but I'm getting
11 you, oh, I don't know, this close to my house so you can easily
12 figure out that it's me, that I'm part of this plan to kill
13 you. You know, Mr. Hassan says my client was in the car. His
14 blood is on my client's jacket. He's in the car. I'm not
15 trying to say he's not. Nobody's ever tried to say he wasn't
16 in the car, but the question is did he participate in doing
17 this? The State says question number one was, was the crime
18 committed? Absolutely. Question number two, who did it? The
19 judge is going to tell you, mere presence isn't enough. Just
20 because I'm there doesn't mean I did it. Just because I've got
21 blood on me doesn't mean I did it. Just because I'm there and
22 somebody gets shot, and God knows what I do or don't do,
23 doesn't mean I did it. You have to plan it to be part of it.
24 You know what's interesting is there were actually several
25 people who called 911. We heard about, we actually heard them

1 when Mr. Hassan was on there, we don't know who else called.
2 We're here because these are really, really serious charges,
3 and it's terrible, terrible what happened, but I want you to
4 think about it. As the judge said, when you guys go back to
5 deliberate he's going to hand you this verdict form, and the
6 verdict form says guilty or not guilty. It doesn't say guilty
7 or innocent, it says guilty or not guilty. So the question
8 becomes, how many holes does it take for you to decide, you
9 know what, how do I really know for sure? I don't know beyond
10 a reasonable doubt that Tyrell Harrison conspired to do all of
11 this and was participating and planning. I will close by, once
12 again, saying I do appreciate your attention. I appreciate you
13 listening to me. My client thanks you, and I'm going to ask
14 you when you go back into that jury room to really do a verdict
15 that does speak the truth, and that is to find my client not
16 guilty of the murder and attempted and the possession of a
17 firearm that he's charged with.

18 THE COURT: Thank you, Ms. Williams. Ms. Livesay?

19 MS. LIVESAY: Thank you, Judge. Ladies and gentlemen
20 of the jury, I'm going to make this quick, and Mr. Helms, I'm
21 not going to take over five minutes, and if I start taking over
22 five minutes I'm going to ask him to just gently tap on the
23 table. I say that because everything I'm going to reply to
24 we've kind of already heard, we've kind of already done. Now,
25 she told you about beyond a reasonable doubt. All that means

1 is you are firmly convinced, it doesn't mean beyond any doubt.
2 There's nothing in this world that we really know for absolute
3 certainty. When you get up in the morning and there is water
4 everywhere, you get in your car and you're driving to work and
5 there's water, you may not have seen or heard it rain, but you
6 know it rained, you are firmly convinced that it rained.
7 That's all beyond a reasonable doubt means is that you are
8 firmly convinced. So do not think it is this burden of just no
9 doubt at all, that's not what the burden is. It doesn't say
10 beyond all doubt, it says beyond a reasonable doubt. Are you
11 firmly convinced? When you listen to the testimony do you
12 firmly believe this is the guy that did it? Now, look, she
13 said, you know, I put together a good case, but there's all
14 these possibilities. Look, aliens could have come down and
15 shot Hassan, and yeah, there's 100 possibilities. I'm not
16 arguing that there's not, I'll telling you the evidence says
17 this guy did it. Yeah, there's all kind of possibilities.
18 Shit, somebody could be in here saying I did it, that could
19 have been a possibility, Chris Helms could have done it, but
20 that's not what the evidence suggests, it's not. Now, she
21 talked a lot about location. Would you have brought him right
22 near your house, would you have put this jacket on? Now, I
23 never told you that Tyrell Harrison and Tylik Griffin had put
24 together an Ocean's 11 plan, nobody said that. Nobody thinks
25 these two have put together such a scheme, no, I've never

1 suggested that. Hassan told you this was a crime of
2 opportunity. They are all in the same club, Hassan clearly has
3 a wad of money. I'm sure like some men you kind of want to
4 show it to the ladies and buy some drinks --

5 MS. WILLIAMS: Your Honor, I'm going to object, facts
6 not in evidence.

7 THE COURT: I'll sustain the objection about men
8 bragging about their money.

9 MS. LIVESAY: This was a crime of opportunity. When
10 they saw a 49-year-old man and Hassan, they thought that was
11 easy kill. They saw him at the club, I never told you they
12 planned this out a week before, Hassan never told you it was
13 planned out a week before. He said, they saw me there, they
14 started watching me, they started watching Tyrone, so this was
15 a plan, this was a crime of opportunity, the plan was put
16 together quickly, she wants to tell you that there was no plan,
17 there was no plan. He is the one that went to Tyrone and
18 Hassan and said, my baby mama, it's an emergency, I need a ride
19 home. You heard from Jalisa, there was no emergency. When he
20 came home they got in the bed, that's how we know it was a
21 plan, that's how you know there was ill will. He was
22 misleading these two people because he was lying to them in an
23 effort to get in the car with them, so there was a plan, make
24 no mistake about it. When he came to Tyrone who believed
25 everybody was family with this urgency about his baby mama,

1 that was a plan, that was the beginning of the plan, so there
2 was a plan. Now, it wasn't Ocean's 11, but there was a plan.
3 He built up this story about his baby mama to get a ride in the
4 car, so there was a plan. Now, she also told you about, he was
5 merely present. My guy is in the car, I never said he wasn't,
6 clearly, so why would he be in the car unless he's getting a
7 ride home, so what Hassan's told you is the truth. She wants
8 you to believe he's merely present, he's just sitting in the
9 backseat of the car and he gets out and walks out. This tells
10 you he was not merely present. If you were just sitting in the
11 backseat of the car and you are merely present, why is this
12 man's blood on your jacket? Because you're not merely present.
13 If you were just sitting in the car and you got out of the car
14 and went home and said, shit, this is on you, Shooter Loo, I'm
15 out, this blood would not be on the jacket. There was no blood
16 on Renisha Jackson, the lady that responded, she was the first
17 responder on the phone to 911 talking to them, there was no
18 blood on her, because he wasn't merely present. This shows
19 active participant, and this nonsense about the GSR. Oh, why
20 didn't they tell you about GSR? Why didn't they test for GSR,
21 and then the next breath is, yeah, he was in the car but he was
22 just present. Then what do we need the GSR for, and what do we
23 need the GSR when we got the victim's blood on his jacket? And
24 this nonsense about, oh, my client, my client, he could have
25 been left-handed, he could have been left-handed. Come here

1 real quick. For one, both of had his hands work. We saw the
2 pictures, he had no injuries. He could use his right hand or
3 his left hand. I'm right-handed, but you see me grab his
4 jacket with the left hand. Okay? And she's talking, there's
5 all kinds of possibilities, but what makes sense? She wants
6 you to believe because he's left-handed, this guy that's shot
7 and bleeding from his mouth, she wants you to believe that
8 Boozy's going to be left-handed all over there in the man's
9 face with blood coming out of him, coughing, hassling to
10 breathe. Does that make sense? Does it make sense that he's
11 gonna reach over and be all over here where the man's shot?
12 No, no. What makes sense is he's going to take the hand where
13 he can reach right there and go for it. That was the least
14 amount he could touch this victim, but it is the only
15 explanation, there can be no other explanation, no other
16 possibility that explains why a blood smear is on the back of
17 his sleeve. There is no other possibility, there is no other
18 reason other than this man was bleeding, you saw that picture.
19 How else can there be blood from here other than his arm has
20 touched where the man is bleeding? And why else would you have
21 your arm like this other than you were going through his
22 pockets? Nothing else makes sense. The fact that he is
23 left-handed or right-handed is irrelevant. The evidence shows
24 a blood smear, not blood speckles, a blood smear. Look at it.
25 What does that mean? It means that this part of the arm came

1 in contact with the blood on Hassan. You saw the video. All
2 of the blood is right here. His arm had to be across, there is
3 no other possibility, there is no other explanation, so don't
4 get messed up with, oh, he's left-handed, he's right-handed,
5 would he have used his left hand? No he would not have. That
6 doesn't make sense.

7 Now, she talked to you a little about the jacket. Why would he
8 put this jacket on? Nobody saw him put the jacket on. Donnie
9 Mack said that the police grabbed the jacket out of the room
10 and the shoes. Jalisa says that he went back in with the
11 police, came back with the jacket and the shoes and that it was
12 his jacket, nobody saw him put the jacket on, and there's no
13 blood on the front of the jacket. I don't know when he figured
14 out there was blood on the jacket, maybe when Jalisa pointed
15 out, but when you look at these pictures and you look at the
16 jacket, and there's pictures of it, you don't see any blood on
17 the front of the jacket, so I don't even know if he caught --
18 most of the blood is on the back part. When you look at the
19 pictures of him at the police department, here he is right here
20 State's evidence number 46, look at the front of the jacket,
21 (indicating to jury.) First glance, you don't see anything.
22 Now, State's evidence number 47, now look. You still don't
23 see a whole lot, but it's on the back. She wants to tell you
24 that there is all these possibilities. There can't be all
25 these possibilities, this man told you who did it. Everything

1 he said was corroborated right down to the part where he had
2 two pair of pants on, right down to the part about the baby
3 mama story, right down to the part where they went through his
4 pockets. Don't get caught up with this idea that anything is
5 possible. We're not here for what's possible, we are here for
6 what the evidence shows. Does it leave you firmly convinced?
7 She wants to make you believe that this defendant who made up
8 this lie to get in the car with him, gave him directions to the
9 house, got blood on his jacket, ain't enough to convince you
10 that he participated in a crime. That's not reasonable. That
11 is not reasonable. The evidence in this case is clear and
12 there's only one possibility and that that man had a plan, told
13 a story to get in that car to kill Hassan and Tyrone Ford,
14 Hassan lived, but that was the plan, and to take whatever they
15 could. I'm going to ask you to look at the evidence, don't
16 get caught up with all the possibilities. If you are firmly
17 convinced that this man participated, that he was an active
18 participant, that's all it takes for hand of one, hand of all,
19 that you are an active participant, that's all it takes. He
20 didn't have to pull the trigger, that he was an active
21 participant in the plan and the carrying out of the killing of
22 Tyrone Ford and shooting of Hassan, then he is guilty. He is
23 guilty of murder and attempted murder. Thank you for your
24 time.

25 THE COURT: Thank you, Ms. Livesay. Could I ask

1 somebody to move that?

2 MS. LIVESAY: I will move that.

3 Jury charge

4 THE COURT: Now, ladies and gentlemen, thank you for
5 your patience throughout this entire process. It is now my
6 responsibility to instruct you or charge you as to what the law
7 is in this case. I can tell you my charge is scripted, I'm
8 going to read it and I can tell you that it's going to take
9 about 35 minutes. I'm prepared to go right now and go right
10 into it and not cause you to wait another minute to get this
11 case in your hands, but if anybody out there needs a brief
12 break before I start this, raise your right hand right now and
13 I'll give you a break and we will start. If you think you can
14 hang with me for 35 minutes I'm ready to go. Thank you. I
15 appreciate that.

16 Now, Madam Forelady and members of the jury, give me
17 your attention for just a few more minutes. As I've said,
18 because it is my responsibility under our constitution of the
19 laws of our state to instruct you as to what the law is in this
20 case and you have been patient throughout the trial of this
21 case and you have listened very attentively to the able
22 arguments that have been made by Ms. Livesay and Ms. Williams
23 about this case and you've listened to the witnesses throughout
24 the trial of the case and all of the lawyers who are involved
25 and now it is your equal duty to pay attention to what I tell

1 you now as the law is, because as jurors, ladies and gentlemen,
2 it is your exclusive duty to decide all of the issues of fact
3 in this case and for that reason you have to determine the
4 effect and the value and the weight and the importance of the
5 evidence that you've heard. Both the State and this defendant
6 have the right to expect that you will conscientiously consider
7 and evaluate the evidence and that you will apply the law of
8 the case to the evidence to both the State and the defendant to
9 get a fair and impartial trial at your hands. Throughout the
10 course of this charge when I refer to the defendant I'm
11 referring Mr. Tyrell Vanquize Harrison. Mr. Harrison has been
12 indicted, as you know, by the Grand Jury of Horry County and
13 charged in this indictment with murder. That indictment
14 accuses him here in Horry County on or about January 3, 2020
15 with willfully, feloniously, and intentionally killing the
16 victim, Tyrone Tyrek Ford with malice aforethought by means of
17 shooting him and he died as a result of that in violation of
18 the law. Mr. Harrison is also charged with attempted murder on
19 January 3, 2020 with an intent to kill Hassan Benhamedane with
20 the intent to kill him with malice aforethought either
21 expressed or implied in violation of the law. Finally, the
22 last indictment accuses him of being in possession of a weapon
23 during the commission of a violent crime when he was committing
24 or attempting to commit a violent crime in violation of the
25 law.

1 I remind you again, ladies and gentlemen, that the
2 indictments which I have just read to you are not evidence nor
3 are they proof of the charges that they contain. They are
4 legal documents that just tell us what this case is all about,
5 and as you know, to the charges contained in indictment, Mr.
6 Harrison has entered pleas of not guilty and the burden of the
7 plea of not guilty is to place the burden on the State to prove
8 by evidence the guilt of the defendant beyond a reasonable
9 doubt before you can convict him and find him guilty. The
10 defendant is presumed in law to be innocent of the charges
11 contained in the indictment. It is a fundamental rule of our
12 law of evidence that a defendant regardless of the nature or
13 the seriousness of the charges against him will always be
14 presumed innocent of the charges of which he's indicted unless
15 and until his guilt has been proven by evidence that satisfies
16 you of that guilt beyond a reasonable doubt. Now, the
17 presumption of innocence is not a mere legal theory, it's not
18 an empty legal phrase. The presumption of innocence is a
19 substantial right to which every defendant including this one
20 is entitled to receive. The presumption of innocence has been
21 likened to a robe of righteousness which is draped about the
22 shoulders of a defendant and it assigns to that defendant the
23 class of the innocent and that presumptive robe of
24 righteousness continues to exist about the shoulders of a
25 defendant until it has been stripped from his person by

1 evidence, evidence that satisfies you as a jury of his guilt
2 beyond a reasonable doubt. The presumption of innocence
3 accompanies the defendant throughout every course of this trial
4 and continues to exist to his benefit even as you go into your
5 jury room to deliberate and to reach a verdict in this case.
6 The presumption of innocence continues to exist to the benefit
7 of the defendant until you the jury reach a conclusion that the
8 State has proven his guilt beyond a reasonable doubt. So that
9 then is the burden of the State, proof beyond a reasonable
10 doubt. What do we mean by proof beyond a reasonable doubt?

11 Some of you might have served as jurors in civil
12 cases before, and if you did serve as a civil case juror the
13 judge told you in that case that the party who has the burden
14 of proof only has to present evidence on that side of the issue
15 that is more convincing than the evidence is on the other side
16 of the issue, but in criminal cases the State's proof has to be
17 more powerful than that, here it has to be proof beyond a
18 reasonable doubt. So proof beyond a reasonable doubt is proof
19 that leaves you firmly convinced of the defendant's guilt.
20 Now, there are very few things in this world that you and I
21 know with absolute certainty, and in criminal cases the law
22 does not require proof that overcomes every possible doubt, and
23 so if based on your consideration of the evidence in the case
24 you are firmly convinced that the defendant is guilty of the
25 crime charged, you must find him guilty, but if on the other

1 hand you think there is a real possibility that he is not
2 guilty, you must give him the benefit of that doubt and find
3 him not guilty. Reasonable doubt can arise from evidence in
4 the case. It might arise from the lack of evidence in the
5 case, but you, ladies and gentlemen, have to determine whether
6 or not reasonable doubt exists as to the guilt of this
7 defendant. I tell you that he is entitled to every reasonable
8 doubt which arises in the case and so if on any issue of fact
9 which is necessary for a conviction and a verdict of guilty you
10 have a reasonable doubt as to how that issue should be resolved
11 it is your duty to resolve that reasonable doubt in favor of
12 the defendant, because the defendant is not required to prove
13 his innocence. The State, on the other hand, is required in
14 law to prove every essential element of the offense charged
15 against him by evidence that satisfies you as a jury of his
16 guilt beyond a reasonable doubt before you can convict him and
17 find him guilty.

18 Now, I instruct you at this point and I emphasize to
19 you that the fact that this defendant did not testify in his
20 own behalf is not a factor to be considered by you in any way
21 in your deliberation and in your consideration on the question
22 of his guilt or innocence. It must not be considered by you in
23 any manner against the defendant. It must not weigh against
24 him in any respect whatsoever. A defendant has a
25 constitutional right to remain silent and if he chooses to

1 exercise that constitutional right that fact cannot and must
2 not be considered by you in your deliberations, and so under
3 your oath then you are to reach no inference and draw no
4 conclusion whatsoever from the fact that this defendant did not
5 himself testify. That fact should not even be discussed by you
6 in the jury room, because the burden of proof, as I've said, is
7 upon the State, the defendant can has no obligation to prove
8 his innocence and the burden of proof remains upon the State to
9 prove guilt beyond a reasonable doubt and the fact that the
10 defendant did not testify is not a factor to be considered by
11 you in determining his guilt or innocence, and so if then upon
12 the whole case you have a reasonable doubt as to the guilt or
13 the innocence of the defendant, he is entitled to that
14 reasonable doubt and would be entitled to an acquittal and a
15 verdict of not guilty, but on the other hand, if upon the whole
16 case you find that the State has proven by evidence that
17 satisfies you as a jury of his guilt beyond a reasonable doubt
18 then in such circumstances it is equally your duty to convict
19 the defendant and to find him guilty.

20 Now, during this trial each of us, you and I have our
21 separate duties to perform. As a trial judge it's my job to
22 preside over the trial of this case and I also have the
23 responsibility, as I told you at the outset, to rule upon or
24 pass upon the admissibility of the evidence which has been
25 offered during the course of this trial, and so you are to

1 consider only the competent evidence before you and to
2 disregard anything stricken from the course of the record of
3 this case if there's been any. In other words, you are to
4 consider only the testimony which has been offered from the
5 witness stand right there, and these items and these documents
6 which have been offered into evidence during the course of this
7 trial. I've got the additional responsibility to instruct you
8 as to what the law is doing or what the law is, and that's what
9 I'm doing right now. As presiding judge, I am the sole judge
10 of the law and it is your responsibility to accept and apply the
11 law as I state it to you right now to be the correct law. If
12 you brought with you into your service as jurors this week some
13 preconceived idea about what you would like for the law to be
14 or what you think the law is, under your oath you're to forget
15 what the law is and what you would like for it to be because
16 under your oath you're obligated to accept the law as I charge
17 it to you now to be the correct law. Now, in every case tried
18 in this court before a jury, as I have told you, you are the
19 sole and exclusive judge of the facts of this case. You are
20 the judge of facts and I am the judge of the law. Our
21 constitution has said that a trial judge can't comment upon the
22 facts of a case. I can't hint to you any opinion that I might
23 have about the facts of the case. The law doesn't allow me to
24 have an opinion about the facts of the case, and so you're not
25 to gather from anything that I have said during this trial or

1 anything I'm saying to you now that I have an opinion about the
2 facts of the case, that is solely a matter for you to
3 determine. And so as jurors then it is your duty as jurors to
4 determine the effect and the value and the weight and the
5 importance of the evidence that has been offered during this
6 trial. Now, as you determine what the facts are you must
7 necessarily pass upon the credibility, and that means the
8 believability of the witnesses who have testified, and you have
9 to decide the value or the weight that you will give to their
10 testimony. You and you alone have to decide the force and the
11 effect and the believability of the testimony. Now, there are
12 a lot of things that you can take into account when you make
13 that decision about what you believe or what you don't
14 believe. You can take into account the appearance, the manner
15 of the witness as he or she testified from that witness stand,
16 we sometimes call that the demeanor of the witness. How did
17 that witness appear to you as he or she was testifying? Was
18 the witness forthright or was a witness hesitant? Was the
19 witness' testimony consistent or was it inconsistent, did it
20 contain discrepancies? What was the ability of that witness to
21 know the things that he or she was telling you about? Did the
22 witness have a cause or a reason to be bias or prejudice in
23 favor of the testimony that the witness was giving? Was the
24 testimony of a witness corroborated, that is, made stronger by
25 other evidence in their case, or was it made weaker by other

1 evidence in the case?

2 You have heard testimony of witnesses in this
3 particular case who have been qualified as expert witnesses.
4 Normally under our rules lay people like me or you can't
5 testify about their opinions about things. They can tell you
6 what they saw or what they heard, but they can't tell you what
7 they believed as a result of that, but expert witnesses, of
8 course, are different. So expert witnesses who have certain
9 training or experience or knowledge in certain fields and who
10 are qualified as experts are allowed to express their opinions
11 as to matters in which they have been qualified as an expert.
12 And so you will consider the expert opinion testimony that
13 you've heard just like any of the other evidence that you've
14 heard, and you give it the weight you think it should receive,
15 and if you decide that an expert's opinion is not based on good
16 of training and experience and so forth, you can disregard it,
17 or if there's other evidence that outweighs that opinion
18 testimony, you can disregard that, too, because the testimony
19 of an expert witness is to be given no greater weight than any
20 other witness simply because that person is an expert, and
21 you're not required to accept the opinion of an expert if you
22 believe there's some good reason for you not to do that,
23 because as jurors, ladies and gentlemen, you've got the right
24 to believe a small portion of the testimony of a single witness
25 and disbelieve the larger portion of the testimony of that same

1 witness, or you can believe everything the witness tells you or
2 none of what a witness tells you, but what we ask you to do in
3 determining what you consider to be the facts of the case is to
4 use your good judgment, your common sense, your sense of logic
5 and reason and your experiences in life and you apply these
6 abilities that you have to the evidence that you have heard and
7 then you determine what you consider to be the credible
8 evidence and to the actual state of facts that you find to
9 exist you apply the law that I'm now instructing you, and thus
10 that will arrive at a verdict in this particular case, and
11 that's how this works. You take the facts, you apply the law,
12 and those two things come together in a verdict which speaks
13 the true facts of this case.

14 Now, ladies and gentlemen, let me instruct you now as
15 to what the specific charges are and what the elements are that
16 the State has to prove on each of these charges in order to
17 meet its burden of proof. As you know, the defendant is
18 charged, first of all, with the crime of murder. Murder is
19 defined under our law as the killing of any person with malice
20 aforethought, either expressed or implied. So in order to
21 prove the defendant guilty of murder it must be proven beyond a
22 reasonable doubt that the defendant killed a person and that
23 the killing was done with malice aforethought. The State
24 doesn't have to prove any motive for the killing, but it does
25 have to prove malice. So what is malice? Malice is the

1 intentional doing of a wrongful act without just cause or
2 excuse and with the intent to inflict injury. Malice
3 aforethought is the deliberate -- the well formed purpose to do
4 the unlawful act. Now, aforethought means that the intention
5 to do the unlawful act was conceived or planned some time
6 before the actual commission of the unlawful act but it does
7 not have to exist for any particular length of time prior to
8 the act in order to render the killing murder. Malice is a
9 word that suggests a wickedness or a hatred or a determination
10 to do what one knows to be wrong without just cause or excuse
11 or legal provocation, and as I have said, malice need not be in
12 the mind of the one doing the act for any particular length of
13 time before the act of killing in order to render the killing
14 murder. If it is present in the mind of the one doing the
15 killing any time before the act then its presence would be
16 sufficient to render the killing murder. Malice can be
17 expressed malice where there is shown a violent deliberate
18 intention to unlawfully take the life of another being, or it
19 can be shown where there's no legal cause or legal provocation
20 for the killing, and when circumstances surrounding the killing
21 show an abandoned heart, a malignant heart, a heart fatal event
22 upon mischief.

23 The defendant is also charged in the other indictment
24 with a crime of attempted murder. An attempt to commit a crime
25 occurs when an act is done in partial execution of a design or

1 plan to commit a crime. It must be an intent that the act
2 shall be committed and not in full execution of it but in
3 pursuant of that intent. Now, an attempt is different from a
4 preparation to commit a crime, and it is also different from
5 the simple intent to commit a crime. The law doesn't punish
6 the mere entertainment of a criminal intent. To bring the law
7 into action it is necessary that some act is done in
8 furtherance of the intent immediately and directly tending to
9 the commission of the crime. An act if the crime had actually
10 been perpetrated would constitute a part and a parcel of the
11 crime, but it doesn't reach to the accomplishment of the
12 original intent because it is prevented by some source or some
13 circumstance.

14 Now, the defendant is also charged with possession of
15 a weapon during the commission of a violent crime. The State
16 has to prove beyond a reasonable doubt that the defendant was
17 in possession of a firearm during the commission of a violent
18 crime. I'll tell you that a firearm is a pistol or revolver or
19 any weapon which is designed to or immediately can be used to
20 expel a projectile or a bullet into somebody else. In order to
21 find a defendant guilty of possession of a weapon during the
22 commission of a violent crime, you must first find that the
23 defendant is guilty of committing a violent crime. Murder is
24 violent crime. Attempted murder is violent crime. The State
25 has to prove beyond a reasonable doubt that the weapon

1 furthered or advanced or helped in the commission of the crime
2 charged. Now, ladies and gentlemen, I'll tell you that under
3 our law when two or more persons aid, encourage and embed each
4 other in the commission of a crime, all who are present are
5 principals and are equally guilty. Where two or more persons
6 combine together to commit a crime and a crime is committed,
7 all of those who are present to aid and embed and assist in the
8 commission of that crime are guilty. The act of one becomes
9 the act of all. The hand of one becomes the hand of all. It
10 makes no difference by whose immediate agency, by whose
11 immediate hand the crime is committed, all are principals. I
12 tell you, though, the mere presence at the scene of a crime,
13 even with knowledge of the commission of a crime but without an
14 intent to aid, embed or assist would not constitute guilt. So
15 the burden is upon the State to establish beyond a reasonable
16 doubt that the defendant was present and that he was there with
17 the criminal intent, that is to say, with the intent to aid,
18 encourage or embed another in the commission of the offense of
19 murder or attempted murder. Now, in order to establish
20 criminal responsibility there has to be criminal intent. There
21 has to be a mental state required to prove that the particular
22 crime was purposeful and intentional. Intent must be proven
23 beyond a reasonable doubt, and it's always a matter that has to
24 be determined by the jury by circumstances surrounding the
25 situation. In other words, there's no way to prove intent to a

1 mathematical certainty. There's no way medical science would
2 be in a person's brain to decide what that person had in mind
3 at the time, and so the law says that criminal intent can be
4 inferred from the circumstances which were shown to have
5 existed, and that's how you make a determination as to whether
6 or not intent was present. Intent can be established by
7 inference in the same way as any other fact by taking into
8 consideration the acts of the parties and all of the facts and
9 circumstances of the case. It is a mental state, a conscious
10 wrong doing, and it is up to you to determine what the
11 defendant intended to do based on the circumstances which were
12 shown to have existed.

13 Now, the State has offered proof by way of both
14 direct and circumstantial evidence in this case and it has
15 attempted to meet its burden of proof in this case by offering
16 those two types of evidence, so there are two types of evidence
17 which are generally presented, direct and circumstantial.
18 Direct evidence directly proves the existence of a fact and it
19 does not require any deduction or any conclusion. That's when
20 a witness comes in and tells you I saw this or I heard this and
21 this is what happened, and you can draw from what that witness
22 heard or said or saw, if you believe what the witness says,
23 then that is proof of that particular existence of a fact,
24 direct evidence, but crimes can also be proven by
25 circumstantial evidence and the law doesn't make any

1 distinction between the weight or the value that you give
2 either to direct or circumstantial evidence, but to the extent
3 that the State relies on circumstantial evidence the
4 circumstances have to be consistent with each other, and when
5 taken together point conclusively to the guilt of the accused
6 beyond a reasonable doubt. If these circumstances merely
7 portray the defendant's behavior as suspicious then the proof
8 has failed. The State has a burden of proving the defendant
9 guilty beyond a reasonable doubt regardless of whether it
10 relies on direct evidence or circumstantial evidence or some
11 combination of the two.

12 Now, ladies and gentlemen, finally, that is the word
13 you've been hanging on for a while, right, "finally." Finally,
14 Let me tell you, ladies and gentlemen, that you don't serve as
15 partisans or advocates for the State of South Carolina nor for
16 this defendant. You don't serve as jurors to reward your
17 enemies nor to punish your enemies, obviously, that would not
18 be a system of justice at all. You have been selected by the
19 State and this Defendant to be fair and impartial jurors and so
20 it is your duty then by your joint deliberations to determine
21 the facts of this case giving to the defendant the benefit of
22 every reasonable doubt on each and every issue and then to the
23 facts which you determine to exist. You take and apply the law
24 which I have given you and thus arrive at a verdict which
25 determines the facts of this case. Once you have accomplished

1 that you will have satisfied the oath that you took as jurors
2 before you began this trial and you will have discharged your
3 duty to this Court.

4 Now, ladies and gentlemen, I'm going to go over the
5 forms of the verdict with you, and Mr. Bailiff, if I could get
6 you to give the verdict forms, please, to the Forelady. The
7 forms of the verdict that you will arrive at will be expressed
8 on the verdict form which I will give you at this point in
9 time. We're giving this to the Forelady because she is the
10 person who is going to have to fill out the verdict form.
11 There is one separate verdict form for each of the three
12 charges, and you will write a separate verdict for each of the
13 three charges based on your view of the facts and evidence as
14 it pertains to that particular charge. You can convict or
15 acquit the defendant on either or all of the charges depending
16 upon your view of the evidence as to that particular charge.
17 The order in which I have written the verdict forms down on
18 this sheet of paper doesn't have any significance at all and
19 you're not to give any weight whatsoever to the order that I
20 have given the forms of the verdict on. I simply give them in
21 the order that I find easiest to explain. The first verdict
22 form at the top is dealing with the crime of murder and that
23 form says: On the charge of murder, we, the jury, by unanimous
24 consent find the defendant, and the charges are either guilty
25 or not guilty, according to your view of the evidence. If the

1 State has met its burden of proof as to the elements of that
2 charge, then your verdict form would be guilty, and Madam
3 Forelady, you will indicate that by putting an "X" or a
4 checkmark in the space you see we have provided. The other
5 possible verdict form is: We find the defendant not guilty.
6 That's the verdict form you will arrive at if you find that the
7 State has failed to meet its burden of proof, and Madam
8 Forelady, likewise, you will indicate that one by putting an
9 "X" or a checkmark in the space provided. The next verdict
10 form deals with attempted murder. The charges are the same and
11 the standard is the same: "Guilty," if the State has met its
12 burden of proof as to the charge of attempted murder and "not
13 guilty" if the State has failed to meet its burden of proof,
14 and you will indicate that, likewise. The final verdict form
15 deals possession of weapon during the commission of a violent
16 crime. In order to find the defendant guilty of possession of
17 a weapon during the commission of a violent crime, you must
18 have first have found the defendant guilty of either the murder
19 charge or the attempted murder charge. He cannot be found
20 guilty of possession of a weapon during the commission of a
21 violent crime unless he has first been found guilty of a
22 commission of a violent crime.

23 Now, we've given the verdict form to the Forelady
24 because she is the one that has to fill out but it is not her
25 verdict alone. The verdict has to be unanimous, each of these

1 verdicts has to be unanimous. Madam Forelady, you're not
2 authorized to write that verdict or to fill out that form or to
3 sign it until all 12 of you number have agreed as to what the
4 verdict shall be. I'm going to send you now to your jury room,
5 but I want you to wait just one last time. I've got to talk to
6 the lawyers to see if I've left anything out of what I've been
7 telling you or if I've misstated, and if I have I'll have to
8 bring you back out to correct it, but if I don't have to bring
9 you back out we will send in the items of evidence. Once the
10 items of evidence come in that will be your signal to start
11 your deliberations and you will deliberate, Madam Forelady, and
12 members of the jury, until you have reached a verdict in these
13 cases and at that point in time you will fill out the verdict
14 form, Madam Forelady, you will sign the form, you will knock at
15 the door, let the bailiff know, we'll bring you out to receive
16 the verdict. If you should need to look at any of the audio or
17 video while you are back there we will make arrangements either
18 to get it into you or to bring you out to receive it here in
19 the courtroom, so feel free to ask us about that if you need to
20 listen to any of this or watch any of this again. Please
21 retire to your jury room. Ms. Waller, if you'll stay right
22 where you are, please, ma'am. Everybody else, if you'll go to
23 your jury room and wait just one minute before you begin your
24 deliberations.

25 (Jury exited the courtroom.)

1 Any exceptions or requests for additional charge from
2 the State?

3 MR. HELMS: No, sir.

4 THE COURT: Thank you. Ms. Williams?

5 MS. WILLIAMS: Nothing from the defense.

6 THE COURT: You all can start getting together and
7 making sure what's in evidence and what's not in evidence.
8 Ms. Waller, I'm sure you figured out what your role as the
9 alternate juror would have been. Obviously, if any of them had
10 not shown up yesterday or today you would have taken the seat.
11 We've already had to excuse one of your number so we were
12 counting on you to be here, and when I knew that you were here
13 I knew that we could conclude this trial. If for some reason
14 you had not been here and if one of the 12 jurors had not been
15 here we would have to start this case all over from scratch.
16 So you have given us the peace of mind knowing we could
17 conclude this trial and I appreciate that. You're just as
18 capable as any of them to render a verdict which you don't have
19 to do. I'm going to let you go now with our gratitude for what
20 you've done you will get a check in the mail some time within
21 the next couple of weeks. I thank you, ma'am, you're free to
22 go.

23 Folks, when all the stuff is together you all can
24 send it in and if you have any questions about any of that, let
25 me know. Take it in and you can give it to them and instruct

1 them to begin their deliberations.

2 (Jury began deliberations at 5:00 p.m.)

3 THE COURT: I've indicated to you the jury's request
4 to hear the testimony of Donnie Mack and Jalisa.
5 We're bring in the jury in now. Is everybody ready for the
6 jury?

7 MR. HELMS: Yes, Your Honor.

8 MS. WILLIAMS: Yes, Your Honor.

9 THE COURT: Bring us the jury, please, ma'am.

10 (Jury entered the courtroom.)

11 (Question of the jury)

12 THE COURT: Ladies and gentlemen, we got your note
13 and you've asked to hear the testimony replayed of Donnie Mack
14 and Jalisa, as I understand; is that correct? The court
15 reporter has located that, she's going to play it back to you
16 now. We are prepared to play the testimony in its entirety.
17 If we recognize that somebody might be wanting one narrow area
18 of it, and if that's the case, once you've heard all you need
19 to hear and if all of you are in agreement that you don't need
20 to hear anymore of that particular testimony, if you let me
21 know, and once you're satisfied that you've all heard all you
22 need to hear, we'll move to the next one, but in the absence of
23 some indication from you that you don't want to hear it all
24 we're going to play it all to you. Does everybody understand
25 that?

1 THE FOREPERSON: Yes.

2 THE COURT: Okay. Madam Reporter, which one do we
3 have?

4 THE COURT REPORTER: We have Donnie Williams.

5 THE COURT: Donnie Mack Williams first. Go ahead.

6 (Whereupon the testimony of Donnie Mack Williams was
7 played back to the jury at this time.)

8 THE COURT: Okay. We got the sign that you've heard
9 all that you need to hear; is that correct? Does anybody need
10 to hear anymore? No responses to that, so we'll switch to the
11 testimony of Jalisa.

12 (Whereupon the testimony of Jalisa Davis was played
13 back to the jury at this time.)

14 THE COURT: Is that enough?

15 THE FOREPERSON: Yes.

16 THE COURT: Does anybody need to hear anything else?

17 THE FOREPERSON: No.

18 THE COURT: Thank you so much, folks. You may retire
19 to your jury room to continue deliberations. Let us know if
20 you need anything else from us.

21 (Jury retired to the jury room to continue
22 deliberations.)

23 THE COURT: We'll stand aside until we hear further
24 from the jury. Anything further from the State before we go
25 back into recess?

1 MR. HELMS: No, Your Honor.

2 THE COURT: Thank you. Ms. Williams?

3 MS. WILLIAMS: Nothing from the defense.

4 THE COURT: We'll stand down until we hear further
5 from the jury.

6 (Recess taken.)

7 THE COURT: I have a note from the jury: We will
8 continue to deliberate tomorrow, Thursday, June 16, 2022.
9 Signed by the Forelady. Bring us the jury, please.

10 (Jury entered the courtroom at 6:35 p.m.)

11 Folks, we received your note that you're willing to
12 continue to deliberate in the morning and we appreciate your
13 willingness to continue to work and your need to be fresh and
14 your need to be fresh and refreshed, I suppose, and somewhat
15 rested before you begin or continue the task before you, and we
16 thank you for your dedication to that task, and we're going to
17 let you go now, obviously, now and ask that you be back in the
18 jury room tomorrow at 9:30. I remind you, again, not to talk
19 about this case among yourselves or with anybody else,
20 especially with anybody else. I can imagine you might get home
21 and your significant other says, well, what's taking so long:
22 Well, let me tell you. No, don't. Fight that temptation,
23 please, and just come back tomorrow and assure them that
24 whenever you have finished your role as jurors then you can
25 bend their ear until your heart's content and tell them what

1 you've been doing and how have been carrying out the duties
2 faithfully and my instructions to you as well. Have a safe
3 trip home, ladies and gentlemen, and I'll see you at 9:30
4 tomorrow. Thank you.

5 (Jury exited the courtroom.)

6 THE COURT: Anything else before we break for the
7 State?

8 MR. HELMS: No, sir.

9 THE COURT: Ms. Williams?

10 MS. WILLIAMS: Nothing from the defense.

11 THE COURT: 9:30 tomorrow, folks. Thank you.

12 (Trial concluded for the day, Wednesday June 15, 2022
13 at 6:37 p.m.)

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1 (Whereupon proceedings reconvened Thursday, June 16,
2 2022 at 9:50 a.m.)

3 THE COURT: Ladies and gentlemen, we are advised that
4 the jury has reached a verdict. Are both the State and the
5 defense ready to receive the verdict?

6 MR. HELMS: We are, Your Honor.

7 MS. WILLIAMS: Defense is ready, Your Honor.

8 THE COURT: Ladies and gentlemen, there's a small
9 crowd here, but what I'm telling you applies to a small or to a
10 large crowd. When the verdict of the jury is announced, of
11 course, we expect you to be just as polite and restrained as
12 you have been throughout the course of this trial. That is not
13 to show any outward display of emotion that might disrupt these
14 proceedings, and if you think that you might have some
15 difficulty keeping yourself under control, I'll give you a
16 chance to leave right now, but if you stay here we will expect
17 you, of course, to behave yourselves just as you've been doing
18 so well in spite of the difficult issues that you've been
19 listening to throughout this trial. You can bring us the jury.

20 (Jury entered the courtroom at 9:52 a.m.)

21 THE COURT: Good morning, ladies and gentlemen, I am
22 really glad to see you all hear this morning. As I let you go
23 last night it was obvious to me and to you, as well, that we
24 depended on every one of you to get back here today or what had
25 been done up until that point would have been wasted time, and

Verdict

1 I was aware of that, but your request was a logical request and
2 I'm glad that we were able to accommodate that request and I'm
3 glad that you are all safely back here today. Madam Forelady,
4 members of the jury, have you reached a verdict?

5 THE FOREPERSON: Yes, we have, Your Honor.

6 THE COURT: Is it a unanimous verdict?

7 THE FOREPERSON: Yes, it is, Your Honor.

8 THE COURT: Hand the Bailiff the verdict form,
9 please, ma'am. Thank you. Madam Clerk, you can publish the
10 verdict.

11 (Reading of the verdict)

12 THE CLERK: Indictment Number 2021-GS-26-05560, State
13 of South Carolina, County of Horry, versus Tyrell Vanquiz
14 Harrison, on the charge of Murder: We, the jury, by unanimous
15 consent, find the defendant: Guilty.

16 Indictment Number 2022-GS-26-00341, State of South
17 Carolina, County of Horry, versus Tyrell Vanquiz Harrison, on
18 the charge of Attempted Murder, we, the jury, by unanimous
19 consent, find the defendant: Guilty.

20 Indictment Number 2022-GS-26-00342, State of South
21 Carolina, County of Horry, versus Tyrell Vanquiz Harrison, on
22 the charge of Possession of a Weapon During the Commission of a
23 Violent Crime, we, the jury, by unanimous consent, find the
24 defendant: Guilty.

25 Signed by Foreperson, Diana Hicks, dated June 16,

1 2022. Ladies and gentlemen of the jury, if this is your
2 verdict so signify by raising your right hand.

3 THE COURT: Thank you. The record will reflect that
4 all jurors have raised their hands. Ladies and gentlemen,
5 we're going to poll you now. That is, we're going to call on
6 you individually by juror number. The Clerk will ask you: Is
7 this your verdict or was this your verdict and is it still your
8 verdict? You will give the appropriate answers to those
9 questions, so as your number is called, please, if you'll
10 respond to the question that the Clerk will put to you.
11 Madam Clerk, if you'll poll the jury, please.

12 THE CLERK: Please stand when I called your number.
13 I will ask you two questions, after you answer them, please be
14 seated.

15 Jury Number 161, is this your verdict?

16 THE JUROR: Yes, it is.

17 THE CLERK: Is this still your verdict?

18 THE JUROR: Yes, it is.

19 THE CLERK: Juror Number 358, is this your verdict?

20 THE JUROR: Yes.

21 THE CLERK: Is this still your verdict?

22 THE JUROR: Yes.

23 THE CLERK: Juror Number 310, is this your verdict?

24 THE JUROR: Yes.

25 THE CLERK: Is this still your verdict?

1 THE JUROR: Yes, it is.

2 THE CLERK: Juror Number 165, is this your verdict?

3 THE JUROR: Yes.

4 THE CLERK: Is this still your verdict?

5 THE JUROR: Yes.

6 THE CLERK: Juror Number 195, is this your verdict?

7 THE JUROR: Yes.

8 THE CLERK: Is this still your verdict?

9 THE JUROR: Yes.

10 THE CLERK: Juror Number 295, is this your verdict?

11 THE JUROR: Yes.

12 THE CLERK: Is this still your verdict?

13 THE JUROR: Yes, it is.

14 THE CLERK: Juror Number 398, is this your verdict?

15 THE JUROR: Yes.

16 THE CLERK: Is this still your verdict?

17 THE JUROR: Yes.

18 THE CLERK: Juror Number 54, is this your verdict?

19 THE JUROR: Yes.

20 THE CLERK: Is this still your verdict?

21 THE JUROR: Yes.

22 THE CLERK: Juror Number 379, is this your verdict?

23 THE JUROR: Yes.

24 THE CLERK: Is this still your verdict?

25 THE JUROR: Yes.

1 THE CLERK: Juror Number one, is this your verdict?

2 THE JUROR: Yes.

3 THE CLERK: Is this still your verdict?

4 THE JUROR: Yes.

5 THE CLERK: Juror Number 286, is this your verdict?

6 THE JUROR: Yes, ma'am.

7 THE CLERK: Is this still your verdict?

8 THE JUROR: Yes.

9 THE CLERK: Juror Number 88, is this your verdict?

10 THE JUROR: Yes.

11 THE CLERK: Is this still your verdict?

12 THE JUROR: Yes.

13 THE COURT: Thank you. All of the jurors answered in
14 the affirmative. Ladies and gentlemen, I'm going to let you go
15 now with our gratitude for the work that you have done thus far
16 and your attention throughout the trial of this and your
17 thoughtful deliberation. These were difficult issues and you
18 have inquired thoroughly into them. You have asked to hear
19 evidence again that you had heard once before, you have not
20 rushed to judgment in this particular case, and you have done
21 throughout the trial of this case what we ask the jurors to do.
22 I don't comment upon the verdicts that you have reached. I'm
23 glad that jurors like you have to make those decisions. I
24 comment upon the quality of your service, your punctuality,
25 your attention, your courtesy in the courtroom and your

1 accommodation of us and our schedule, those are the things that
2 we ask you to do from our perspective and then what you do once
3 your get into the jury room and follow the deliberation process
4 is entirely up to you and you have followed that. You are now
5 free to talk about this case with anybody that you want to, if
6 you care to talk about it. The restrictions that I had given
7 you earlier no longer apply and so now you can discuss it with
8 anybody that you want to. If you don't want to discuss it,
9 however, you don't have to. If somebody should ask you about
10 this case and if you don't care to discuss it with them, just
11 tell them that. Tell them you devoted all of your time and
12 your emotion and your thought to this that you intend to give
13 to it and you don't want to talk about it anymore. I'm pretty
14 sure that will end the discussion right then, but if some
15 reason it does not and if somebody continues to hound you about
16 your service as jurors in this case and ask you questions about
17 that, find out who they are, please, and call the clerk's
18 office and let the clerk know about whatever has happened and
19 the clerk will turn it over to the proper authorities, we will
20 deal with that, that's an unlikely eventuality. I have been
21 making now for 30 years of this promise to jurors like
22 yourselves and I have never had one yet call me up and say that
23 they've had a problem with that, so you won't either, I'm sure.
24 You will get a check in the mail in some time in the next
25 couple weeks. I'm not sure how that works here, but you're

1 going to be overwhelmed by the amount of the check. You're
2 going to find, ladies and gentlemen, that what you have done
3 this week as jurors largely is to make a contribution of your
4 time to this system. There's no way that we can pay folks like
5 you the true value of your services. You're a taxpayer in
6 Horry County and you know what your taxes are and they like
7 taxes everywhere else, they're pretty high, and if they had to
8 hire professional jurors to come in here and do what you've
9 done this week they would even be higher. We don't want
10 professional jurors, we don't want people who do this for
11 money, we want people like you who do it out of a sense of
12 civil and civic commitment to this process. I told you before
13 this began on Monday that you all are a part of the tradition
14 that started in 1215, and you have followed that tradition and
15 you have continued that tradition and we're all grateful that
16 you have done that. You have earned an exemption that will not
17 require you to serve as jurors for the next three years. If
18 you should get called back as a juror here in the next three
19 years and if you don't want to serve, just tell the judge on
20 Monday like I asked you on this past Monday if you had served
21 and if you want to exercise your exemption, and the judge will
22 let you go. Of course, if you find that your service this week
23 has been particularly meaningful to you and you want to repeat,
24 they'd love to have you again, but you don't have to serve
25 again. There's still some matters that we need to deal with,

1 ladies and gentlemen. There's motions to deal with and there's
2 sentencing, of course, and that's my job now, you've done your
3 job, and so you're free to go. I understand you've invested a
4 lot of your time into this case and so if you want to see the
5 outcome when you leave here Mr. Rupp will show you the back way
6 to come in and you can sit in the courtroom, if you want to do
7 that, you don't have to. I just tell you that in case you want
8 to. If any of you need a jury slip to explain to anybody who
9 needs to know, where do they get those?

10 THE CLERK: Go back down to the clerk's office
11 downstairs, go into the front office and they'll call somebody
12 out to you.

13 THE COURT: So if anybody has been wondering what
14 you've been doing all week, they'll give you a sheet of paper
15 that will explain what you've been doing this week. Is there
16 anything from the State before I dismiss the jury?

17 MR. HELMS: No, sir.

18 THE COURT: Thank you. Ms. Williams, from the
19 defense?

20 MS. WILLIAMS: Nothing from the defense, Your Honor.

21 THE COURT: Thank you so much, folks, for your
22 service in this regard and have a safe trip home. Thank you.
23 You're free to go.

24 (Jury exited the courtroom.)

25 THE COURT: Ms. Williams, I'll be glad to hear any

1 motions from the defense.

2 MS. WILLIAMS: Thank you, Your Honor. At this point
3 I want to make sure I say it correctly, and I appreciate Your
4 Honor helping me. I make a motion to basically set aside the
5 verdict to ask the judge to act as the 13th juror and to note
6 that there was not enough evidence in our case for them to have
7 reached the verdict that they have reached.

8 THE COURT: Thank you. Essentially, of course, this
9 was a jury issue and the evidence, for reasons that I have
10 stated during the directive verdict motion that was confronting
11 this jury, was sufficient in the light most favorable to the
12 State now to support the verdict which the jury has reached.
13 They have thoughtfully considered these issues as I have told
14 them, and they have deliberated, and clearly, it was within
15 their purview based on the evidence that they have seen and
16 heard to render the verdicts as they have rendered in this
17 regard. I note your motion in that regard, and I note the
18 renewal of motions for mistrials and things of that nature that
19 have been made during the course of this trial, and I renew my
20 rulings on those motions, as well.

21 MS. WILLIAMS: Thank you, Your Honor.

22 THE COURT: Anything further from the defense?

23 MS. WILLIAMS: No, sir.

24 THE COURT: Is the State ready to proceed to the
25 matter of sentencing?

1 MR. HELMS: We are, Your Honor.

2 THE COURT: Mr. Helms?

3 MR. HELMS: Judge, I don't want to revisit or
4 re-litigate anything in sentencing because you have heard, you
5 know now about this case as much as anybody knows about this
6 case. You've heard all of the facts even outside the presence
7 of the jury, Your Honor, you know what happened here. As far
8 as this defendant's criminal record is concerned, the only
9 thing on his record is he has two unlawful carry convictions
10 from 2018 and a resisting arrest charge from 2018, as well.
11 Your Honor, he is wanted out of Abbeville for a very serious
12 charge. Their Solicitor there has been in contact with our
13 office. They have a vested interest in the outcome of this
14 case. I do not know what they will do with their charge, I
15 don't know the facts surrounding that case. I do know that
16 they have asked me to report back to them the outcome of this,
17 and I will do that today without fail. Tyrone Ford's wife,
18 Cassandra Evans, has been a driving force in this case. She
19 has been to every hearing, she has made sure even Hassan, in
20 his weakened state, has appeared at every hearing, she has
21 driven him here, Benhamedane, I'm sorry, Hassan's full name.
22 She is not related to Hassan, but they have become like family
23 in the wake of all of this, and if anybody has deserved the
24 right to address the Court, Your Honor, I think she has.

25 THE COURT: Ms. Evans?

1 CASSANDRA EVANS: Good morning, sir. I'll speak loud
2 enough for you to hear.

3 THE COURT: Very good.

4 CASSANDRA EVANS: What I have to say is to you.
5 Between the years, Tyrone was my best friend since 1996. When
6 he left home that night, he said, I'll be right back, and I
7 believed him, because any other time he left he came back, but
8 instead he ran across a child, and I say, a child, because
9 right now I stand shaky because I'm a mama. I'm a mother, but
10 I got to live alone without my soulmate. When y'all leave here
11 you go home to someone. Everyday I left here after seeing my
12 husband's head blown off, I had to go home alone and I prayed
13 and I stayed and I waited. I sat here with my head down all
14 morning because I did not know what was going to happen, but I
15 believe in the Lord and I believe that this child does not
16 deserve to hurt anyone else, not even a chance to do this to no
17 one else, not when someone was saving your life, to take their
18 life, that's wrong. That's all I have to say.

19 THE COURT: Thank you, Ms. Evans.

20 MR. HELMS: Your Honor, I don't think Mr. Benhamedane
21 wishes to address the Court.

22 MR. BENHAMEDANE: I'm in pain.

23 MR. HELMS: He tells me he's in pain, Your Honor.

24 THE COURT: He tells you what?

25 MR. HELMS: He's in too much pain to address the

1 Court.

2 THE COURT: I understand. Okay. Thank you.

3 Anything further from the State, Mr. Helms?

4 MR. HELMS: No, Your Honor.

5 THE COURT: Thank you. Ms. Williams?

6 MS. WILLIAMS: Your Honor, as the Solicitor said, you
7 were here, you heard the facts in this case, you heard the
8 evidence. My client tells me he wishes to address the Court,
9 if the Court is so inclined to hear, and then I'll finish what
10 I have to say.

11 THE COURT: I will be glad to hear from you, Mr.
12 Harrison. Mr. Harrison, if you don't mind, if you will remove
13 your mask so I that I can be sure to hear you well. I have
14 difficulty hearing. Go ahead.

15 THE DEFENDANT: All I have to say is, this man stated
16 that I didn't kill his homeboy and he stated he don't know if I
17 shot him or not, so I'm just asking that you please be lenient
18 in your sentencing.

19 THE COURT: Okay.

20 MS. WILLIAMS: Your Honor, as the Court is aware, my
21 client was incarcerated on January 3, 2020. He has been in
22 jail since that point. While I understand in the sentencing of
23 murder there is a mandatory minimum, and of course the maximum.
24 We would ask that, of course, my client be given credit for the
25 time that he has served, but we would ask that the Court be

1 lenient, and the Court heard it. You know, under our law, if
2 they planned anything they are part and parcel, but I think
3 sometimes when we consider the facts and we consider who did
4 some things and who did not other things we would just ask that
5 the Court be as lenient as possible.

6 THE COURT: Thank you, folks, for your patience, as I
7 was taking care of filling out these forms.

8 (Sentencing)

9 The possible sentence under the law for possession of
10 a weapon during the commission of a violent crime is five
11 years. Mr. Harrison, on that charge you are to be committed to
12 the State Department of Corrections for a period of five years.

13 The maximum sentence on the charge of Attempted
14 Murder is 30 years. On that charge, Mr. Harrison, you are to
15 be committed to the State Department of Corrections for a
16 period of 30 years. Both sentences run concurrent to each
17 other with credit for time served.

18 The possible sentence for the charge of Murder is up
19 to life imprisonment without the possibility of parole or a
20 minimum of 30 years. Our general assembly has decided in its
21 wisdom that there's some murders for which a defendant should
22 receive 30 years in jail. There are others for which the
23 defendant should receive life imprisonment. A good argument
24 can be made of the fact that if somebody takes the life of
25 another willfully, intentionally, as was done in this case,

1 that that person should forfeit their life, as well, and the
2 generally has provided for that. At the same time in their
3 wisdom they have recognized that there might be some cases
4 because of mitigating circumstances, the circumstances of the
5 crime itself, the circumstances of the victim, the
6 circumstances of the defendant, that might not require the full
7 maximum of life imprisonment without the possibility of parole,
8 and so it is therefore the floor of 30 years to address such a
9 crime. In this particular case, I find that this has to above
10 the floor but not quite to the ceiling of life imprisonment.
11 Although, as I said, an argument can be made on behalf of the
12 victim and behalf of the State that Mr. Harrison should receive
13 the balance of his life in jail as punishment for what he has
14 done, and I can understand that. At the same time I recognize
15 that at 22 years of age, or 20 years of age, perhaps, when this
16 occurred and put together this particular plan, although I
17 commend Ms. Livesay, she put it very succinctly and somewhat
18 humorously that this was not an Ocean's Eleven plan, obviously,
19 but nonetheless, it was a plan, and it was a scheme to,
20 thoughtless scheme, drummed up on the spur of the moment to
21 take the lives of two people and rob them for what they could.
22 I give some credence to the fact that as a practical matter Mr.
23 Harrison, perhaps, had the good fortune of not killing his
24 victim, if indeed he shot him at all, and there's considerable
25 evidence to indicate that he did, and while that is not a

1 defense to the charge of murder, it is something that the Court
2 can take into account if it chooses to do that, and I do choose
3 to take that into account. Mr. Harrison is 22 years of age.
4 He's been in jail for two years. He's going to be an old man
5 when he gets out of jail, in any event.

6 Mr. Harrison, on the charge of Murder, the sentence
7 is you be committed to the State Department of Corrections for
8 a period of 45 years. These sentences run concurrent to each
9 other and you'll get credit for the time that you've served.
10 Thank you.

11 MS. WILLIAMS: Thank you, Your Honor.

12 MR. HELMS: Thank you, Your Honor.

13 MS. LIVESAY: Thank you, Judge.

14 THE COURT: Thank you.

15 Ladies and gentlemen, those out here in the jury who
16 came back, I always tell jurors if they have any questions that
17 they would like to discuss with me, I'd be glad to make myself
18 available to talk with you if you've got any questions, just
19 let the bailiff know. Thank you. Anything further, ladies and
20 gentlemen?

21 MR. HELMS: Nothing from the State, Your Honor.

22 THE COURT: Thank you all for the way the case was
23 presented. I'm sorry for the misunderstanding yesterday that
24 arose during the closing arguments, that's perfectly
25 understandable. All of you were doing you're job. You did a

1 wonderful job on both sides, and certainly Ms. Williams is out
2 of here now, but she did all she could do with what she had to
3 work with in this case. It's always been a pleasure working
4 with you.

5 (Whereupon trial concluded at 10:16 a.m, Thursday,
6 June 16, 2022.)

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CERTIFICATE

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STATE OF SOUTH CAROLINA

4

COUNTY OF HORRY

5

6

I, Julie A. Kevish, Official Court Reporter for the
State of South Carolina, do hereby certify that the foregoing
is a true, accurate and complete Transcript of Record of the
proceedings had and evidence introduced in the Court of General
Sessions for Horry County, South Carolina, on the 16th of June,
2022.

10

11

12

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

13

14

June 16, 2022

15

16

Julie Kevish

17

JULIE A. KEVISH
OFFICIAL COURT REPORTER

18

19

20

21

22

23

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25

Horry County Courthouse

RANDOM STRIKE SHEET

Judge Name:

Sorted By Random Nbr

Trial Type: Criminal

Panel ID: 6/13/22 Cooper

Description: 6/13/22 Cooper

Trial

Courtroom: JAR

	NAME	JUROR NBR	RACE	SEX	ST/PLTFF	DEF	CRT	REMARKS
1	Taylor, Heather J	358	W	F	()	()	()	
2	Romeo, Charisse R	310	W	F	()	()	()	
3	Morris, Mary C	266	W	F	()	()	()	
4	Lee, Kevin C Jr.	218	B	M	()	()	()	
5	Carhart, Bradley J	59	W	M	()	()	()	
6	Hodder, Jeffery S	165	W	M	()	()	()	
7	Gerbich, William S	142	W	M	()	()	()	
8	Alford, Aubrey Timothy	5	W	M	()	()	()	
9	Hicks, Diana L	161	W	F	()	()	()	
10	Jones, Steve E	195	W	M	()	()	()	
11	Floyd, Bradley W	131	W	M	()	()	()	
12	Carter, Latrenda S	61	B	F	()	()	()	
13	Dawsey, William C	94	W	M	()	()	()	
14	Purcell, Ashley M	295	W	F	()	()	()	
15	Wyatt, Payton E	398	W	F	()	()	()	
16	Blaine, Keeley S	40	A	F	()	()	()	
17	Burns, Joseph V	54	W	F	()	()	()	
18	Napolitano, Tyler J	272	W	M	()	()	()	
19	Terranova, Andrew M Jr.	359	W	M	()	()	()	
20	Vincent, Francis M	379	H	F	()	()	()	
21	White, Lance P	390	W	M	()	()	()	
22	Krystofolski, Janeen M	209	W	F	()	()	()	
23	Roberts, Alexis H	306	W	F	()	()	()	
24	Adams, Jolyne A	1	W	F	()	()	()	
25	Skipper, Noah Eugene	331	W	M	()	()	()	
26	Petriccione, Pier Luigi	286	W	M	()	()	()	
27	Crooms, Damon A	88	B	M	()	()	()	
28	Tocci, Frank	367	O	M	()	()	()	
29	Waller, Susan A	382	W	F	()	()	()	
30	Wick, Timothy R	392	W	M	()	()	()	
31	Jordan, Andrew R	196	W	M	()	()	()	
32	Gregg, Travis A	150	W	M	()	()	()	

Horry County Courthouse

RANDOM STRIKE SHEET

Judge Name:

Sorted By Random Nbr

Trial Type: Criminal

Panel ID: 6/13/22 Cooper

Description: 6/13/22 Cooper

Trial

Courtroom: JAR

33	Aldridge, Sherrie A	4	W	F	()	()	()	_____
34	Mcknight, Holly E	247	W	F	()	()	()	_____
35	Bellamy, Ja'quarius M	34	B	M	()	()	()	_____
36	Vanhook, Christopher W	376	W	M	()	()	()	_____
37	Jarrett, Synthia	182	B	F	()	()	()	_____
38	Freer, Jason K	134	W	M	()	()	()	_____
39	McMichael, Kenny J	249	W	M	()	()	()	_____
40	Spiva, Betty J	343	W	F	()	()	()	_____
41	Parker, Stanley E	281	W	M	()	()	()	_____
42	Johnson, Jeffery S	186	W	M	()	()	()	_____
43	Sciascia, Robert W	323	W	M	()	()	()	_____
44	Farrell, David J	123	W	M	()	()	()	_____
45	Kupart, Joshua T	210	W	M	()	()	()	_____

Total Number of Jurors: 45

** END OF REPORT **

WITNESSES

Sean M Wydra Horry County Police Department

JONATHAN KELLY

ARREST WARRANT NUMBER

2020A2610200013

CDR: 0116 16-03-0010, 0020

DOA: 1/4/2020

ACTION OF GRAND JURY

For person of Grand Jury

Date:

DEC 08 2021

VERDICT

TRUE BILL

Foreperson of Petit Jury

Date:

DOCKET NO. 2021GS2605560

The State of South Carolina

County of Horry

Christopher D. Helms
20H00230

COURT OF GENERAL SESSIONS

December, 2021 TERM

THE STATE

vs.

Tyrell Vanquiz Harrison

B/ M

**Taylor Town Rd
Abbeville, SC 29620**

DOB:

SSN:

ATTORNEY: Brana J Williams

Indictment for

Murder

Jimmy A. Richardson, II, Solicitor

HORRY COUNTY

2021 DEC -9 P 12:32

**RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC**

DATE RECEIVED FROM

GRAND JURY

ORIGINAL

STATE OF SOUTH CAROLINA)
)
COUNTY OF HORRY)

INDICTMENT

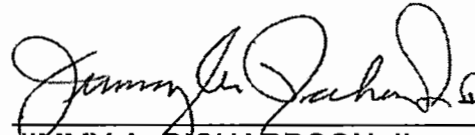
At a Court of General Sessions, convened on December 8, 2021, the Grand Jurors of Horry County present upon their oath:

MURDER

CDR: 0116 16-03-0010,0020

That Tyrell Vanquiz Harrison did in Horry County, on or about January 3, 2020, willfully, feloniously, and intentionally kill the victim, Tyrone Tyreek Ford, with malice aforethought, either express or implied, by means of shooting, and the victim did die as a proximate result thereof on or about in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

VS.

INDICTMENT/CASE#: 2021GS2605560Tyrell Vanquizz HarrisonA/W#: 2020A2610200013

AKA: _____

Date of Offense: 1/3/2020Race: BLACK Sex: M Age: 22S.C. Code § : 16-03-0010, 0020

DOB: _____ SS#: _____

CDR Code #: 0116Address: Taylor Town RdCity, State, Zip: Abbeville, SC 29620DL#: _____ SID#: SC02288646

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

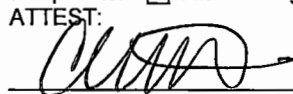
In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☐ PLEADSTO: Murder / Murderin violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:



100116

SCB64193

Helms, Christopher D. SC Bar # _____ Defendant

Williams, Brana J
Attorney for Defendant

SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 45 days/months/years Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/16/22☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. _____ days/months 1/3/20☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-03-0010, 0020 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
HORRY COUNTY
JUN 16 A 11:13
RENEE B. ELVIS
CLERK OF COURT
HORRY COUNTY, SC

STATE VS. Tyrell Vanquize Harrison INDICTMENT/CASE#: 2021GS2605560

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 7/16/2021

§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$3.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☒ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender FundClerk of Court/ Deputy Clerk:
Court Reporter:Renee Elvis
Julie KershPresiding Judge:
Judge Code:
Sentence Date:TOTAL \$ 1108.75
PSY
6/16/22

WITNESSES

Sean M Wydra Horry County Police Department

Benjamin Foster

ARREST WARRANT NUMBER

2020A2610200014

CDR: 3410 16-03-0029

DOA: 1/4/2020

ACTION OF GRAND JURY

TRUE BILL

Randy Kind

Foreperson of Grand Jury

Date:

FEB 09 2022

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2022GS2600341

The State of South Carolina

County of Horry

Christopher D. Helms
20H00230

COURT OF GENERAL SESSIONS

February, 2022 TERM

THE STATE

vs.

Tyrell Vanquize Harrison

B/ M

**Taylor Town Rd
Abbeville, SC 29620**

DOB:

SSN:

ATTORNEY: Brana J Williams

Indictment for

Attempted Murder

Jimmy A. Richardson, II, Solicitor

HORRY COUNTY

2022 FEB 14 A 9:11

**RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC**

DATE RECEIVED FROM

GRAND JURY

ORIGINAL

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

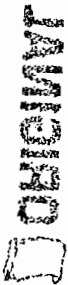
At a Court of General Sessions, convened on February 9, 2022, the Grand Jurors of Horry County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-03-0029

That Tyrell Vanquize Harrison did in Horry County on or about January 3, 2020 with intent to kill Hassan Benhamedane, attempt to kill the victim with malice aforethought, either expressed or implied in violation of Section 16-3-29, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Horry

STATE

VS.

INDICTMENT/CASE#: 2022GS2600341Tyrell Vanquize HarrisonA/W#: 2020A2610200014

AKA: _____

Date of Offense: 1/3/2020Race: BLACK Sex: M Age: 22S.C. Code § : 16-03-0029DOB: [REDACTED] SS#: [REDACTED]CDR Code #: 3410Address: Taylor Town RdCity, State, Zip: Abbeville, SC 29620DL#: [REDACTED] SID#: SC02288646

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was

☒ CONVICTED OF or ☒ PLEADSTO: Assault / Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 100116

SCB64193

Helms, Christopher D. SC Bar # _____ Defendant

Williams, Brana J
Attorney for Defendant

SC Bar# _____

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 30 days/months/years/Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for _____

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/14/22☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC _____ days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20(a) § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

FILED
Horry County
2022 JUN 16 A 10:13
RENEE N. ELY
CLERK OF COURT
Horry County, SC

STATE VS.

Tyrell Vanquiz Harrison

INDICTMENT/CASE#:

2022GS2600341

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 7/16/2022

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.

☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

 Clerk of Court/ Deputy Clerk:
 Court Reporter:

 Renee Elvis
 Julie Kovich

 Presiding Judge:
 Judge Code:
 Sentence Date:

 TOTAL \$ 128.75
 6/16/22

 FILED
 Horry County
 2022 JUN 16 A 11:13
 RENEE N. ELVIS
 CLERK OF COURT
 Horry County, SC

WITNESSES

Sean M Wydra Horry County Police Department

Benjamin Foster

ARREST WARRANT NUMBER

2020A2610200015

CDR: 0549 16-23-0490

DOA: 1/4/2020

ACTION OF GRAND JURY

TRUE BILL

Randy King

Foreperson of Grand Jury

Date:

FEB 09 2022

VERDICT

Foreperson of Petit Jury

Date:

DOCKET NO. 2022GS2600342

The State of South Carolina

County of Horry

Christopher D. Helms
20H00230

COURT OF GENERAL SESSIONS

February, 2022 TERM

THE STATE

vs.

Tyrell Vanquiz Harrison

B/ M

Taylor Town Rd
Abbeville, SC 29620

DOB:

SSN:

ATTORNEY: Brana J Williams

Indictment for

**Possession of A Weapon During the
Commission of A Violent Crime**

Jimmy A. Richardson, II, Solicitor

ORIGINAL

HORRY COUNTY

2022 FEB 14 A 9:11

**RENEE N. ELVIS
CLERK OF COURT
HORRY COUNTY, SC**

DATE RECEIVED FROM

GRAND JURY

STATE OF SOUTH CAROLINA)
)
 COUNTY OF HORRY)

INDICTMENT

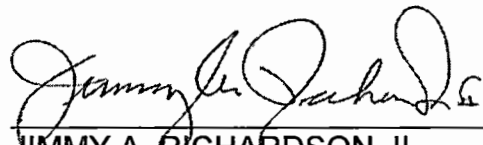
At a Court of General Sessions, convened on February 9, 2022, the Grand Jurors of Horry County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Tyrell Vanquize Harrison did in Horry County, on or about January 3, 2020, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

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



JIMMY A. RICHARDSON, II
 FIFTEENTH CIRCUIT SOLICITOR

STATE OF SOUTH CAROLINA

COUNTY OF Horry

STATE

VS.

Tyrell Vanquiz Harrison

AKA:

Race: BLACK Sex: M Age: 22DOB: [REDACTED] SS#: [REDACTED]Address: Taylor Town RdCity, State, Zip: Abbeville, SC 29620DL#: [REDACTED] SID#: SC02288646

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2022GS2600342A/W#: 2020A2610200015Date of Offense: 1/3/2020S.C. Code §: 16-23-0490CDR Code #: 0549

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Weapons / Poss. weapon during violent crime, if not also sentenced to life without parole or deathin violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 100116
 Helms, Christopher D. SC Bar # Defendant

SCB64193

 Williams, Brana J
 Attorney for Defendant

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed 1 years
 and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
 of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

 months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
 probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: 6/16/22
☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be applied and applied by SCDoc.
 days/months
☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.
 Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-23-0490 or § 16-25-65
 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

 FILED
 Horry County
 2022 JUN 16 A 11:13
 DENEE N. LEVINS
 CLERK OF COURT
 Horry County, SC

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____

☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment 0 _____ days/hours☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.☐ Other: _____☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: _____ \$ _____

Payment Terms: _____

☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ 25.00 Beginning 7/16/2007

§14-1-206 (Assessments 107.5 %)

§14-1-211(A)(1) (Conv. Surcharge)

§14-1-211(A)(2) (DUI Surcharge)

§56-5-2995 (DUI Assessment)

§56-1-286 (DUI Breath Test)

§14-1-212 (Law Enforce. Funding)

§14-1-213 (Drug Court Surcharge)

§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)

§50-21-114(BUI Breath Test Fee)

§56-5-2942(J) (Vehicle Assessment)

3% to County (if paid in installments)

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

Clerk of Court/ Deputy Clerk:

Court Reporter:

Renee Elvis
Julie Kevish

Presiding Judge:

Judge Code:

Sentence Date:

TOTAL

\$128.75

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED

Mar 08 2023

SC Court of Appeals

Susan B. Hackett

Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 8th day of March, 2023.

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

RECEIVED

Mar 08 2023

SC Court of Appeals

Appeal from Horry County

Thomas W. Cooper, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TYRELL VANQUIZ HARRISON,

APPELLANT

APPELLATE CASE NO. 2022-000866

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Tyrell Vanquiz Harrison, #388185, at McCormick Correctional Institution, 386 Redemption Way, McCormick, SC 29899, this 8th day of March, 2023.



Susan B. Hackett
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT