

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

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SC Court of Appeals

Appeal from Beaufort County
Honorable Brooks P. Goldsmith, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

DEVANTE LAMONT WHITE,

APPELLANT

APPELLATE CASE NO. 2022-001793

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THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 38 (DVD)

STATE OF SOUTH CAROLINA	IN THE CIRCUIT COURT
	2021-GS-07-00101
COUNTY OF BEAUFORT.	2021-GS-07-00111
-----)	
State of South Carolina)	
	)
Plaintiff,	)
vs.	)
	)
Devante L. White,	)
	)
Defendant.	)

TRANSCRIPT OF HEARING
VOLUME I
PAGES 1 - 139

December 12, 2022
Beaufort, South Carolina

B E F O R E:

The Honorable Brooks Goldsmith, Judge Presiding

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EXHIBITS
(NONE OFFERED IN VOLUME I)

1 MONDAY, DECEMBER 12, 2022

2 BEAUFORT, SOUTH CAROLINA

3 ***

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

6 JURY SELECTION

7 ***

8 THE COURT: Good morning. As you've heard, my
9 name is Brooks Goldsmith. I am a retired Circuit
10 Court Judge, but nevertheless working pretty much
11 fairly all the time, in other words, the past few
12 weeks. I've held court in Allendale, Hampton,
13 Jasper, Walterboro and now here with you folks.

14 It's my pleasure to be with you for this one-
15 week term of General Sessions Court, sometimes
16 referred to as criminal court.

17 In just a few moments I'm gonna begin asking you
18 some questions, to determine your qualifications and
19 your eligibility to serve as jurors, but before I do
20 that, let me ask the people at the very back of the
21 room to raise your hand if you can hear me. Okay.
22 In the future, if you cannot hear me, I'm gonna ask
23 you to do the same thing, raise your hand if I drop
24 my voice, turn away, or do something like this, so
25 that you can't hear me. There you go.

1 So, what I actually need to do is use the
2 microphone that's set up for me to do this. Is that
3 any better?

4 THE PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Okay, thank you. As I said, I'm
6 gonna ask you some questions that are required by
7 law, that all jurors are asked. It is possible that
8 a couple of the questions, as to a couple of you,
9 you may prefer not to answer in front of the entire
10 jury, and, if so, just let me know, and I will see
11 you down front, and we'll speak about it a little
12 more privately at the end of all of the questions.

13 Once again, this will apply to almost none of
14 you, but it is possible a couple of you may feel
15 this way about the questions. If you need to
16 respond to a question, I ask you please stand, try
17 to take a deep breath and speak as loud as you feel
18 comfortable doing so, so I'll be able to hear you,
19 and not have to ask the people down front what you
20 said.

21 And give us your juror number, and then tell us
22 why you stood. The first question, ladies and
23 gentlemen, is this, is there any member of the jury
24 panel who is not a citizen of the United States of
25 America? If so, please stand.

1 THE PROSPECTIVE JUROR: I'm American and
2 Canadian, if that helps. I was born in Canada, my
3 dad was from here, so I have a dual citizenship.

4 THE COURT: Okay, you were born in Canada. Are
5 you a U.S. citizen? That's the question.

6 THE PROSPECTIVE JUROR: American passport.

7 THE COURT: I'm sorry?

8 THE PROSPECTIVE JUROR: I have an American
9 passport.

10 THE COURT: I think you qualify. Thank you,
11 sir.

12 Is there any member of the jury panel who is not
13 a resident and citizen of Beaufort County, South
14 Carolina? If so, please stand.

15 Is there any member of the jury panel who is
16 unable to read, write, speak, or understand the
17 English language? If so, please stand.

18 Does any member of the jury panel have less than
19 a sixth-grade education or its equivalent? If so,
20 please stand.

21 Is there any member of the jury panel who is
22 unable, because of a mental or physical infirmity to
23 render efficient jury service this week; for
24 example, does any member of the jury panel have a
25 medical condition that would prevent you from

1 serving on jury duty this week? And, typically, we
2 start court at, roughly, 9:30 or so, take a break
3 every two hours, have a lunch break for an hour and
4 a half, or an hour, try to conclude the business of
5 the court by 5:00, 5:30, although you never can
6 tell, there can be occasions where it would go
7 longer than that.

8 But let me go back to my question, is there any
9 member of the jury panel who is unable, because of a
10 mental or physical infirmity, to render efficient
11 jury service this week? If so, please stand.

12 JUROR 119: 119, I have a -- I've recently been
13 diagnosed with a medical condition, and I can't
14 drive, so I don't have any transportation.

15 THE COURT: All right, and where do you live?

16 JUROR 119: In Bluffton.

17 THE COURT: And let me get your juror number.

18 JUROR 119: 119.33

19 THE COURT: All right. If you are selected, we
20 can have someone pick you up and return you at the
21 end of the day.

22 JUROR 119: Okay.

23 THE COURT: Okay.

24 THE BAILIFF: Stand up, sir, please.

25 THE COURT: And, yes, your number?

1 JUROR 162: 162. I'll be having surgery
2 tomorrow.

3 THE COURT: You'll have to say that louder.

4 JUROR 162: I'll be having surgery tomorrow in
5 the morning.

6 THE COURT: Okay, I couldn't understand you.
7 You've got to be where tomorrow?

8 JUROR 162: Surgery.

9 THE COURT: Surgery? You won't be able to serve
10 on jury duty tomorrow, will you?

11 JUROR 162: No, sir.

12 THE COURT: All right, can we transfer you to
13 another term of court then?

14 JUROR 162: Thank you.

15 THE COURT: All right, we will transfer you to
16 another term of court when you are not scheduled to
17 have surgery. Anyone else?

18 Is there any member of the jury panel who has
19 been convicted, by way of a guilty plea, or by way
20 of a trial in a state or federal court of record, of
21 a crime punishable by imprisonment for more than one
22 year, and your civil rights have not been restored
23 by way of pardon or amnesty and punishable by more,
24 than one year means that you could have received a
25 sentence of more than one year, regardless of what

1 sentence you may have actually received?

2 If that applies to you, please stand. Is there
3 any member of the jury panel who is a Clerk or
4 Deputy Clerk of Court, a Constable, a Sheriff, or
5 some other commissioned law enforcement officer, or
6 a Probate Judge, or a County Commissioner, or
7 Magistrate, or some other County officer, or,
8 finally, are you employed within the walls of any
9 courthouse? If so, please stand.

10 Is there any member of the jury panel who has
11 previously served on jury duty in Circuit Court, and
12 that's where we are now, this calendar year? If so,
13 please stand. And is there any member of the jury
14 panel who has served as a member of the Beaufort
15 County Grand Jury in the past several years? If so,
16 please stand. Okay.

17 Ladies and gentlemen, we now move to jury
18 exemptions. State law provides for several
19 exemptions for jury duty. You may be qualified, but
20 the Legislature has determined that for certain
21 individuals or categories of people you simply do
22 not have to serve on jury duty if you choose not to.
23 You don't have to give a reason, all you have to do
24 is say, "I choose not to."

25 For instance, those of you who may be 65 years

1 of age or older, could be qualified, but the
2 Legislature decided, if you don't wish to serve, you
3 don't have to.

4 So, if that applies to you, and you wish to be
5 exempted, please stand.

6 JUROR 5: Number 5.

7 THE COURT: You surely can't either one of you
8 be telling me the truth about how old you are. I'm
9 sorry, your number is what?

10 JUROR 5: Five.

11 THE COURT: I have to do the math, but I believe
12 you're correct.

13 JUROR 5: Yes.

14 THE COURT: And you choose not to serve?

15 JUROR 5: Yes.

16 THE COURT: All right, well, thank you, you're
17 excused.

18 JUROR 5: Okay.

19 THE COURT: And your number, ma'am?

20 JUROR 95: I'm number 95.

21 THE COURT: 95. And you're sure you don't want
22 to stay?

23 JUROR 95: You know, I really do, but my husband
24 is very ill, and I need to be home with him with him
25 having surgeries.

1 THE COURT: Okay, you're excused. Thank you for
2 coming though. No juror is required to serve on a
3 jury in Circuit Court more often than once every
4 three calendar years.

5 So, if you have served on jury duty in the prior
6 two calendar years, and you wish to be exempted,
7 please stand.

8 A similar question to the one I've asked earlier
9 is this, if you've served on the Grand Jury in the
10 last five years, you have the right to be exempted,
11 so if this applies to you, and you wish to be
12 exempted, please stand.

13 The next exemption deals with those who have
14 custody of young children, but you may be exempted,
15 if you have legal custody of a child under the age
16 of seven, and you have primary responsibility to
17 care for the child, and you're unable to make
18 adequate arrangements for caring for the child while
19 you're on jury duty.

20 If all of this applies to you, and you wish to
21 be exempted, please stand.

22 JUROR 366: 366.

23 THE COURT: I'm

24 JUROR 366: 366.

25 THE COURT: 366?

1 JUROR 366: Uh-huh.

2 THE COURT: And your situation is?

3 JUROR 366: I have an eight-year-old, and I live
4 in Hilton Head, and I pick her up every day, and so
5 I don't have anyone at my house to care for her, if
6 I'm going to get out of here at 5:00 or 5:30.

7 THE COURT: So, you need to be at home --

8 JUROR 366: I need to pick her up from school at
9 2:30, 2:45.

10 THE COURT: You don't have anyone else to --

11 JUROR 366: My husband works until 6 o'clock,
12 and it's just the three of us. Now, you can
13 transfer me for summertime, that would be better.
14 I'm sorry, I just don't have --

15 THE COURT: We can do that. We can transfer you
16 to sometime in the summer. That will work. Okay?

17 JUROR 366: Okay.

18 THE COURT: We'll do it. You're excused, thank
19 you, ma'am. Yes?

20 JUROR 107: I'm juror 107.

21 THE COURT: I'm sorry, your number again was
22 what?

23 JUROR 107: 107.

24 THE COURT: 107?

25 JUROR 107: Yes, sir. And I've got nine kids,

1 that I've got to wait for them after school, so I
2 don't know if I can make it. I've got a great
3 grandkid, and she's in school, and she's in third
4 grade.

5 THE COURT: But how old are they again?

6 JUROR 107: She's eight. She's in the third
7 grade.

8 THE COURT: And is this what --

9 JUROR 107: And I --

10 THE COURT: -- you do every day?

11 JUROR 107: Yes, sir. I work sometimes. I
12 clean houses when they need me.

13 THE COURT: So, you're the only one in the
14 family who's available?

15 JUROR 107: No, I've got someone, but they was
16 working, everybody works except for me. I'm sorry.

17 THE COURT: Well, we can transfer you to the
18 summer.

19 JUROR 107: Okay, that'll be fine.

20 THE COURT: Will that work?

21 JUROR 107: Yes, sir.

22 THE COURT: Okay, we'll do that. All right,
23 thank you, you're excused.

24 JUROR 107: Thank you. You have a good day.

25 THE COURT: The next question, ladies and

1 gentlemen, is this: If you are the primary
2 caretaker of a person 65 years of age or older or an
3 individual who is severely disabled and is unable to
4 care for himself or herself and cannot be left
5 unattended you may be exempted from jury duty.

6 So if that applies to you, and you wish to be
7 exempted, please stand. Yes, your number?

8 JUROR 15: 15.

9 THE COURT: 15?

10 JUROR 15: Yes.

11 THE COURT: And your situation is?

12 JUROR 15: My 86-year-old mother is not 100
13 percent independent, and I'm her caregiver. I
14 retired early to take care of her.

15 THE COURT: And tell me again, are you the only
16 one in the family who can help?

17 JUROR 15: I'm the only one who consistently can
18 help, and I have to schedule it in advance.

19 My family -- my sisters live in Georgia, and
20 they're coming next week, if I can come back next
21 week, but no one can consistently stay this week.

22 THE COURT: If you knew ahead of time, you could
23 come another time?

24 JUROR 15: If I knew months and months ahead of
25 time. I know in October none of them were

1 available, so I can't do that to my mother.

2 THE COURT: What does February look like for
3 you?

4 JUROR 15: Say that again?

5 THE COURT: What does February look like?

6 JUROR 15: February. So they will be here in
7 January, so they'll roll their eyes at me and not
8 come, I already know. I'm trying for March, and --

9 THE COURT: Do you want to come in January?

10 JUROR 15: No. They're coming in December, but
11 they're coming next week. Can I come next week?

12 THE COURT: Yeah, I don't think we have any
13 court next week.

14 THE CLERK: We don't.

15 THE COURT: All right, we're gonna try and
16 transfer you to February, and see how it goes.

17 JUROR 15: Okay.

18 THE COURT: Okay?

19 JUROR 15: Will you give me the dates?

20 THE COURT: So you're excused. Yes.

21 JUROR 15: Thank you.

22 THE COURT: All right, the next exemption
23 involves those of you who may be attending school at
24 this time or working at a school in some capacity.
25 If that applies to you and you wish to be exempted

1 this week, we can transfer you to another term.

2 So if you're a full-time student or working at a
3 school in some capacity, and wish to be transferred,
4 please stand.

5 JUROR 237: How you doing?

6 THE COURT: Sorry, your number's what?

7 JUROR 237: 237.

8 THE COURT: 277?

9 JUROR 237: 237.

10 THE COURT: 237.

11 JUROR 237: If I can get transferred to the
12 summer, that would be better.

13 THE COURT: Speak up a little bit louder.

14 JUROR 237: If I could get transferred to the
15 summertime, that would be better for school.

16 THE COURT: Oh, are you in school?

17 JUROR 237: Yes, sir. I go to school at Georgia
18 Southern. This week is my last week, and I haven't
19 missed a day.

20 THE COURT: Okay, we can transfer you to the
21 summer.

22 JUROR 237: All right.

23 THE COURT: All right, you'll get another
24 notice. Thank you, sir.

25 JUROR 237: Appreciate it.

1 THE COURT: You're excused.

2 Is there any member of the jury panel who is
3 employed with the Department of Corrections at a
4 penitentiary, and wishes to be exempted?

5 If so, please stand.

6 Is there any juror who performs services for a
7 business a commercial or agricultural enterprise,
8 and you're so essential to the operation of that
9 business, that if you're required to serve on jury
10 duty the enterprise or business would be required to
11 close or cease functioning?

12 So if that applies to you, and you wish to be
13 exempted, please stand. And I saw this gentleman
14 first. Your number, sir?

15 JUROR 226: 226.

16 THE COURT: 226?

17 JUROR 226: Yes.

18 THE COURT: All right, sir, I'll be glad to hear
19 from you.

20 JUROR 226: I have a home improvement business.
21 I'm the only one that works with it, and I'm the
22 sole proprietor. If I'm not working, I'm not making
23 any money, and I have stuff lined up.

24 THE COURT: A lot of people are in your shoes,
25 and we normally try to work something out to assist

1 them, but what do you do when you have COVID and in
2 the hospital?

3 JUROR 226: I had COVID, didn't go out of the
4 house with the 5-day quarantine, and I just had to
5 reschedule my schedule around, and my clients
6 canceled on me, so then I just lost that business.

7 THE COURT: Vacations?

8 JUROR 226: What's that?

9 THE COURT: I'm sorry. Do you ever take a
10 vacation?

11 JUROR 226: Yeah, I schedule that months in
12 advance.

13 THE COURT: How does February sound?

14 JUROR 226: I mean if I have to, I'll call my
15 client today, and I'll see if she can move me, so --

16 THE COURT: It will be up to you. You can stay
17 this week, or we can reschedule you to February,
18 your choice.

19 JUROR 226: I can do February.

20 THE COURT: February?

21 JUROR 226: Yeah.

22 THE COURT: All right.

23 CLERK: February 21st.

24 JUROR 226: February 21st?

25 THE COURT: You'll get another notice.

1 JUROR 226: Actually, I'm gonna do today,
2 because I think we've got something going on in
3 February, I'll just do today. I'm fine with that.
4 I'll call the customer when we get a break and just
5 tell her.

6 THE COURT: All right, does that mean that
7 you're gonna stay with us?

8 JUROR 226: I'm staying.

9 THE COURT: Okay. All right. And, yes, sir,
10 your number?

11 JUROR 145: 145.

12 THE COURT: 145. Yes, sir.

13 JUROR 145: I am a practicing dentist. I try to
14 work with my clients' needs. We are scheduled
15 approximately ten months out, and the furthest out
16 they schedule court, according to what we were told
17 is approximately give or take, six months.

18 And so we've tried to move it on two different
19 occasions to be able to schedule a time to be out.
20 We are scheduled from tomorrow for the next ten
21 months. If they could give me a date that is far
22 enough out, I can block time out and make
23 arrangements. We see approximately, 150 patients
24 per week.

25 THE COURT: Okay, I'm not sure I understood

1 everything you said, but let me ask you the same
2 question I asked the last gentleman, do you ever
3 take a vacation?

4 JUROR 145: I do, it's scheduled a year in
5 advance.

6 THE COURT: Okay, and if COVID's put you in the
7 hospital, what do you do?

8 JUROR 145: COVID puts who in the hospital, me?

9 THE COURT: Hypothetically speaking.

10 JUROR 145: You go to the hospital.

11 THE COURT: Okay. You pick a month, when would
12 you like to be rescheduled?

13 JUROR 145: It would have to be at least after
14 September, but they were unable to give me a time
15 that I could block out our schedule that far in
16 advance.

17 CLERK: He's been transferred twice.

18 JUROR 145: I'll be happy to do it, as long as
19 I --

20 CLERK: He's been blocked out twice.

21 JUROR 145: -- can block out that period, and
22 not have to reschedule that many patients and
23 surgeries.

24 THE COURT: Okay, the Clerk tells me you've been
25 transferred twice before.

1 JUROR 145: Yes.

2 THE COURT: All right, so tell me again why you
3 can't come in October?

4 JUROR 145: October of 2023? I could. We're
5 scheduled until approximately September at this
6 point. They would not reschedule me that far out.
7 We were told on two different occasions that they
8 only would schedule for approximately six months. I
9 don't know the reason for that.

10 CLERK: We don't have a schedule. We can only
11 do through the summer.

12 THE COURT: I'm sorry, what?

13 CLERK: We only have through June. We don't
14 have a court calendar for July through --

15 THE COURT: We don't have it yet, that's right.

16 CLERK: We only have a six-month calendar.

17 THE COURT: Well, I'm gonna put him in October,
18 either the first or the second week in October.

19 Okay, I'm going to reschedule you for either the
20 first or the second week in October, so --

21 JUROR 145: Okay, when would we, approximately,
22 be able to know whether it was the first or second
23 week, to block that out?

24 CLERK: I'll say in March.

25 THE COURT: When Court Administration schedules

1 court. In other words, we don't schedule court.
2 The Clerk doesn't schedule court, the Judges don't
3 schedule court, the people in Columbia schedule
4 court. They tell us when we can have court.

5 JUROR 145: That's fine.

6 THE COURT: Probably in the next two months
7 we'll know.

8 JUROR 145: That works.

9 CLERK: Not until May.

10 THE COURT: May?

11 CLERK: We won't get the schedule until May.

12 THE COURT: Well, they've already told me they
13 wanted me to tell them when I was going to work.

14 So block out those two weeks, because I can
15 almost guarantee you it will be one of those two
16 weeks. As soon as we can let you know, we'll let
17 you know.

18 JUROR 145: Okay.

19 THE COURT: All right, sir.

20 JUROR 145: Thank you, sir.

21 THE COURT: You're excused. And, yes, sir, this
22 gentleman stood first.

23 JUROR 128: Juror 128.

24 THE COURT: 128.

25 JUROR 128: I'm an anesthetist. My brother is

1 having major cancer surgery on Thursday, and I'm
2 scheduled to do his anesthesia.

3 I retire in April, and I'll be more than happy
4 to reschedule for April, if possible.

5 THE COURT: Or May?

6 JUROR 128: April would be great.

7 THE COURT: April would be --

8 JUROR 128: We're going to Scotland as a
9 retirement present, so --

10 THE COURT: What do we have for Juror 128 in
11 April?

12 CLERK: I do not have April. I can call you to
13 let you know what --

14 JUROR 128: That's fine.

15 THE COURT: All right. Thank you for coming,
16 you're excused. And, yes, sir, and speak up loudly.

17 JUROR 190: 190. I'm a contractor to a large-
18 scale condo community. We're going into people's
19 homes, and they've moved their items for us to do
20 this type of work today and tomorrow.

21 THE COURT: And so you would like --

22 JUROR 190: And I'm the only person that does
23 that. In fact, my son I couldn't even rely on, it's
24 six weeks out and he's still down here.

25 THE COURT: When would you like to come back?

1 JUROR 190: If I could have 60 days that would
2 be good.

3 THE COURT: February would be fine; I could
4 block that out.

5 CLERK: Tell him to come up here, we'll transfer
6 him.

7 THE COURT: Come down here?

8 CLERK: Yeah, come talk to me here, please.

9 THE COURT: If you'll come on down, she says
10 she'll find him a spot.

11 CLERK: Okay.

12 THE COURT: Yes, sir, your number?

13 JUROR 354: 354. There's only two people that
14 work for my company right now, that know how to run
15 our ARP inventory system, and this week the other
16 employee that knows how to do it is actually on a
17 cruise in the Bahamas.

18 So if I'm not there, the whole Service
19 Department is, literally, gonna shut down. So I can
20 come back any other time. I can come back next
21 week, if you need me. This week happened to fall on
22 a really bad time.

23 THE COURT: Come on down, and we'll see if we
24 can get you fixed up for January.

25 JUROR 190: Thank you.

1 THE COURT: Now, ladies and gentlemen, that
2 actually concludes the statutory list of
3 qualifications and exemptions from jury duty, but it
4 could be that you're qualified and no exemption
5 applies to you, but nevertheless, as we have already
6 heard, this turns out to be a bad week for you, and
7 under certain circumstances we could consider a
8 hardship transfer to another term of court.

9 So if anyone wishes to apply for a hardship
10 transfer, please stand. And this lady I saw first
11 whose number is?

12 JUROR 346: 346.

13 THE COURT: 346.

14 JUROR 346: Uh-huh. My husband is having
15 surgery on Wednesday, and then I fly out-of-state on
16 Friday.

17 THE COURT: You know, those sound like two
18 conflicts to me.

19 JUROR 346: My assistant is out all this week,
20 and it's only me.

21 THE COURT: And you would like to come back
22 when?

23 JUROR 346: May, if possible.

24 THE COURT: Any time in May?

25 JUROR 346: Any time in May is fine.

1 THE COURT: Okay, or we can just send her a
2 notice in May, can't we? We don't need to schedule
3 now.

4 CLERK: Yes, sir.

5 THE COURT: Okay, you're excused. And the lady
6 in the checked black and white.

7 JUROR 55: Juror number 55.

8 THE COURT: Number what? I'm sorry.

9 JUROR 55: 55.

10 THE COURT: 55.

11 JUROR 55: I have my own insurance agency, and I
12 am the agent at the office. I do have an assistant,
13 but she is having some little issues with her child,
14 and she's been working only part-time. My husband
15 is there, but he's not an agent, he can't sign off
16 on policies. I'm the only one that can sign off,
17 and I was hoping to try to schedule everything,
18 because I am going on vacation next week, so I need
19 to leave everything organized. Where I also have
20 two children which my husband is running around
21 with, so it's kind of a crazy time, and I would love
22 to serve, but anywhere after the new year, any time
23 is fine.

24 THE COURT: We're gonna be out of jurors pretty
25 soon. And when would you like to come back?

1 JUROR 55: Anytime in January or February,
2 March.

3 THE COURT: What about March?

4 JUROR 55: That's fine.

5 THE COURT: We'll send you a notice.

6 JUROR 55: Okay.

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

8 JUROR 55: Thank you.

9 THE COURT: And yes?

10 JUROR 30: Hi, juror number 30 and I have a trip
11 out-of-state planned to visit my 85-year-old father
12 on Friday, but I could serve any time after March.

13 THE COURT: March. We'll send you a notice.
14 You're excused, thank you. I've got one more free
15 pass left. Your number is what, ma'am?

16 JUROR 314: 314.

17 THE COURT: And you stood why?

18 JUROR 314: Yesterday the engine blew in my van,
19 my one and only vehicle. I have five kids under 16.
20 My van is in the shop.

21 THE COURT: Do you know what's wrong with your
22 van?

23 JUROR 314: The engine blew.

24 THE COURT: March?

25 JUROR 314: February would be better.

1 THE COURT: February would be better?

2 JUROR 314: Yes.

3 THE COURT: All right, we'll excuse you and send
4 you a notice for February.

5 JUROR 314: Thank you, sir.

6 THE COURT: Thank you, ma'am. Anything else?
7 All right, I find the jury panel to be qualified.
8 Some of you have been here for a while, ladies and
9 gentlemen, we have another series of questions to
10 ask, it may take a while.

11 Does anybody need a break or are you ready to
12 push forward?

13 THE JURORS: Push forward.

14 THE COURT: Oh, I've got ten who want a break,
15 and two want to push forward.

16 Let's take a short ten-minute break, ladies and
17 gentlemen.

18 (Recess.)

19 THE COURT: Solicitor, let me ask you, do we
20 have anybody, talking about jurors, who are
21 disqualified based on a prior conviction?

22 MS. CAMPBELL: We did not, Your Honor. Are you
23 talking about the criminal record? No.

24 THE COURT: Okay. The Bailiff says that two
25 jurors, or something like that.

1 THE BAILIFF: Some, he didn't tell me.

2 THE COURT: Several jurors have told the Bailiff
3 they need to speak with me.

4 So I'm passing that along to get a reaction, if
5 any, from the State or from the defense.

6 MS. CAMPBELL: I'm gonna approach and go ahead
7 and hand you this. And I'm assuming they want to
8 talk to you, because they would like a transfer
9 somehow to another term. Like you said, we were
10 sort of thin on jurors when we got ten strikes, and
11 that leaves the two alternates.

12 I would just want to make sure that the Court
13 has enough jurors to select from. You know, I have
14 no objection to the juror speaking to Your Honor,
15 and then whatever they need to speak with you about,
16 I am getting a little concerned that our numbers are
17 starting to dwindle.

18 THE COURT: They are.

19 MS. CAMPBELL: And I'm sure we're probably gonna
20 lose a few more with the voir dire.

21 THE COURT: Okay, let the record reflect that no
22 jurors are in the courtroom, defense has one or more
23 motions, I believe.

24 MS. CORNWELL: Your Honor, I do. The first
25 motion that I want to have handled, and this is

1 really the only motion I ask to be handled prior to
2 voir dire and jury selection, is a motion to quash
3 the indictments; particularly, indictment 2021-GS-
4 07-1311, that is the indictment for alleged or
5 attempted armed robbery.

6 This is an incident, where my client is charged
7 under warrant 2020-A-07-10300444, for armed robbery.
8 At the preliminary hearing after hearing testimony
9 from Investigator White, the Judge dismissed the
10 warrant for lack of probable cause. Subsequent to
11 that warrant being dismissed, the State presented an
12 indictment for attempted armed robbery to a Grand
13 Jury.

14 The indictment that was presented to the Grand
15 Jury does not indicate who the alleged victim was,
16 nor does it contain any specific factual allegations
17 in the indictment. It simply gives the statutory
18 definition. I believe you have that indictment in
19 front of you, but it basically states, "That in
20 Beaufort County, South Carolina on or about November
21 16th, 2020, the Defendant, Devante Lamonte White,
22 did commit armed robbery, attempted armed robbery,
23 while armed with a pistol and slingshot."

24 COURT REPORTER: Please slow down.

25 MS. CORNWELL: My apologies. "That in Beaufort

1 County, South Carolina, on or about November 16th,
2 2020, the Defendant, Devante Lamonte White, did
3 commit attempted robbery, while armed with a pistol,
4 slingshot, metal knuckles, razor, or other deadly
5 weapon, or while alleging either by actual words, he
6 was armed while using a representation of a deadly
7 weapon, or any object, which a person present during
8 the commission of the robbery reasonable believed to
9 be a deadly weapon, all in violation of 16-11,
10 regarding the et al of the Code of Laws of South
11 Carolina.

12 The indictment was given a true bill and signed
13 by a Foreperson on September 16th of 2021."

14 As your Honor is aware, an indictment is a
15 critical document in criminal defense preparation,
16 that is grounded in statutory and constitutional
17 principles. The primary purpose of an indictment is
18 to put the defendant on notice of what he is called
19 upon to answer, i.e., to apprise him of the elements
20 of the offense, and allow a person to plead guilty
21 or stand trial, and to enable the Circuit Court to
22 know what judgments pronounced he was convicted.

23 In State v. Hipe (phonetic), the courts were
24 clear that knowing that a fundamental principle of
25 law is that an accused be given sufficient notice of

1 a crime for which he is charged.

2 For these reasons, an indictment for robbery
3 must officially describe the property taken or
4 attempted to be taken. This interpretation of the
5 rule follows our State's constitutional provisions
6 that the right of the defendant is to be fully
7 informed of the nature and cause of the accusation,
8 and that no person shall be held to answer for any
9 crime or offense until the same is fully and fairly,
10 plainly, substantially and fully described to him.

11 The reason for this ruling is simple, that when
12 the term robbery is used, the State must put the
13 Defendant on notice, as to what was taken by the
14 Defendant, and from whom the property belonged to
15 make it a criminal act.

16 In this case, the State has failed to do either
17 of those. There is nowhere in that indictment, in
18 any formal writing, that has been presented to my
19 client that indicates who property was alleged to
20 have been taken from, or attempted to have been taken
21 from, or what type of property was alleged to have
22 been taken at that time.

23 Accordingly, again, based on State v. Hipe,
24 which is the controlling case on this, and I believe
25 handed that case up to Your Honor. The fact that,

1 this Court requires particularity, there is no
2 particularity in this. I believe that it stated
3 that a true test of sufficiency of an indictment as
4 to whether it contains the necessary elements of the
5 offense intended to be charged, and sufficiently
6 appraises the Defendant of what he must be prepared
7 to meet.

8 In this case, while they did put the statutory
9 elements into the indictment, they failed to note
10 any specificity of any crime alleged. Basically,
11 all they did was say that my client committed the
12 statutory offense; however, they failed to put in
13 any facts, any particularity, or any specificity, as
14 to anything related directly to this case, and the
15 matter for which he is being called to stand in
16 court.

17 Accordingly, the appropriate remedy in this, is
18 to quash the indictment. The reason that our courts
19 require that any motions about indictments be done
20 before the jury is sworn, is because it is not a
21 subject matter jurisdiction issue, it is for the
22 courts to decide prior to jury selection, because
23 once a jury selection is made, obviously, all
24 objections to the indictment at that point have been
25 waived.

1 And, again, we do not believe that this is an
2 instance, where an amendment can be properly made at
3 this eleventh hour. Obviously, we are owed formal
4 notice. We don't know what was presented to a Grand
5 Jury. Obviously, all we have for the Grand Jury
6 settings are what is contained in that indictment,
7 and what is in that indictment fails to give any
8 factual basis for the alleged armed robbery against
9 my client's day in court.

10 And, again, it doesn't indicate who was
11 allegedly being robbed. It doesn't indicate any
12 kind of property that was allegedly being robbed.
13 It doesn't indicate where, other than somewhere in
14 Beaufort County that this alleged property was being
15 taken. Based on that, we believe that under State
16 v. Hipe, our Constitution, and the provisions
17 provided by our Courts that that indictment is
18 insufficient, and should be quashed and not allowed
19 to go forward.

20 The other indictment is the possession of a
21 weapon during the commission of a violent offense.
22 In that indictment our case law is clear that, in
23 order to have that indictment, the State must
24 specify which crime was being committed that
25 constituted a violent crime. And the indictment for

1 the possession of a weapon during the commission of
2 a violent offense, it does not indicate what crime
3 is being committed, that would constitute that
4 violent offense.

5 I also have an issue, I believe, that when the
6 State puts in their verbiage for possession of a
7 weapon during the commission of a violent offense,
8 it states specifically that he has been convicted of
9 a violent crime, and no way has my client been
10 convicted of a violent crime at this point. And so
11 to put that into that the indictment, and to put
12 that into the jury's forefront of the their mind
13 that he has been convicted of a violent crime is
14 undue prejudicial.

15 So based on the specificity requirements, State
16 v. Hipe, and the other case law that is mentioned in
17 our memorandum, which we would ask for the Court to
18 make it a Court's Exhibit, we believe that the only
19 appropriate remedy at this point will be to quash
20 the indictments of the alleged armed robbery, as
21 well as the possession of a weapon during a violent
22 crime.

23 If Your Honor is not inclined to quash the
24 possession of a weapon charge, we would ask that you
25 not read that he has been convicted of a violent

1 crime at that time.

2 THE COURT: All right.

3 MS. CORNELL: And, again, I do believe that the
4 attempted armed robbery did not meet the
5 specification of a factual basis, and the only
6 remedy to that at this point is to quash that
7 indictment.

8 THE COURT: Solicitor?

9 MS. CAMPBELL: May it please the Court, Your
10 Honor.

11 Factually, on November 16th, 2020, Devante White
12 had reached the culmination of nearly a month long
13 snare of the victim in this case. He communicated
14 with him through text messages, pretending to be
15 this young girl, Sarah. When he did that, he was
16 trying to arrange for the victim, Tim Milliken,
17 first, to come and meet him down on some deserted
18 road. The victim declined that invitation; however,
19 after several more weeks of pretending to be this
20 young girl, the victim allowed Devante White to come
21 into his neighborhood.

22 He thought, I am letting the 17-year-old into
23 the neighborhood. Devante White has plotted and
24 planned and secured two other men to be in the
25 vehicle with him, Lilly White and Jamal White. He

1 put those two men in the trunk, he drove to the
2 victim's home. The victim got in the car with him.

3 They drove around so they could get in the right
4 gate to this gated community, and then they pulled
5 up to the front of the victim's home.

6 When the victim got out of Devante White's car,
7 the trunk was popped, the two men hiding in the
8 trunk jump out. Devante White grabs the victim from
9 behind and tells him, "You're under arrest." And he
10 then begins to hold the victim and work him down the
11 victim's driveway, along with the assistance of the
12 other three Defendants to the victim's backdoor,
13 where he hits him in the head over a period of
14 several minutes.

15 The victim refusing to let Devante White into
16 his home. Devante White threatens to kill the
17 victim's children, and then the victim opens the
18 back door slightly. There's still an argument going
19 on. The victim is still then trying to push Devante
20 White out the backdoor, and Devante White shoots Tim
21 Milliken, the victim in this case, in his left leg.
22 He severs Tim's femoral artery, and Tim dies in
23 about 60 seconds on his laundry room floor.

24 That is factually what is known. That's what
25 the indictments are based off of. There's no

1 information that the State has possessed, in terms
2 of what exactly Devante White was attempting to take
3 from Tim. I mean, there could be many assumptions
4 that all the weapons in Tim's house, perhaps all the
5 money in Tim's house, or perhaps all the other items
6 in Tim's house. There's simply no indication as to
7 what he might be trying to take. As to the
8 attempted armed robbery indictment, I certainly
9 think that based on prior, as defense counsel has
10 noted, its purpose, three-fold. Your Honor know
11 this, I'm sure backwards and forwards, so that the
12 Defendant may adequately prepare his defense. This
13 indictment is in conjunction with the other
14 indictments in this case. There's never been any
15 question on the preparation of the defense, as to
16 what was involved here. This is not a separate
17 incident, it all involves the same factual scenario.
18 There's nothing new, there's no surprise to the
19 defense.

20 Number two, so that the Court may know what
21 judgment to pronounce, clearly, the indictment is
22 for an attempted armed robbery. There is no
23 question, as to the judgment that you might
24 pronounce. And, lastly, the acquittal or conviction
25 may be effectively placed into bar a subsequent

1 conviction. Again, we meet that threshold. The
2 next section of that opinion, it says, "An
3 indictment for robbery, you know, describe the
4 property that was taken," but this is an attempted
5 armed robbery. And we're not required to give, as
6 the Court said, a better description than the
7 circumstances permit. And in these circumstances
8 it's not as if Devante White, who had the gun on
9 him, you know, was trying to grab something out of
10 his back pocket, or take something out of his
11 jacket. So the circumstances that permitted
12 certainly are what are reflected in the indictment,
13 Your Honor. Thank you, Your Honor.

14 THE COURT: All right, thank you.

15 MS. CAMPBELL: As to the possession of a weapon
16 during a violent crime, that is simply, again, we
17 stand beside the indictment of being valid, and that
18 is for the conviction of the murder, or the
19 kidnapping, or the attempted armed robbery in this
20 case. Thank you.

21 THE COURT: Anything briefly in response?

22 MS. CORNWELL: Your Honor, while that may be
23 what the State is alleging and indicating that's
24 what they're going to prove, if they don't even know
25 where they're alleging he was going to rob or steal,

1 I don't know how we can prepare for that, and
2 prepare a defense against that. In the case we
3 handed up, the Court decided that that wasn't
4 specific enough. We don't even have that here.

5 Again, a Magistrate Judge had already heard this
6 case back when he was first arrested, and dismissed
7 the armed robbery charge, based on a lack of
8 probable cause, that anything was taken, or
9 attempted to be taken from the victim at that time.

10 In the indictment we have here, and what was
11 presented to the Grand Jury, it doesn't even
12 indicate how the victim is, where this alleged
13 robbery occurred, or what was alleged to have been
14 taken.

15 Well, the State can sit here all day long and
16 say that these are the facts that they want to show.
17 That should have been specified in the indictment
18 with some form of particularity, so that my client
19 would know what he was standing charged with, and
20 what he was defending himself on. Our case law is
21 clear that without any specification, the indictment
22 is invalid, improper, and, as such, should be
23 quashed and not allowed to go forward.

24 Again, the State itself admits that they don't
25 know what, if anything, that he was going to take;

1 and if they don't know, I'm not sure how they can
2 prove it, and I'm also not sure how my client can
3 prepare a defense to say that he was not trying to
4 take something, and not knowing what it is that he
5 was alleged to have taken.

6 Particularly, the State doesn't even know what
7 it is that they're claiming that he was allegedly
8 going to take. There is no particularity, there is
9 no specificity, and based on, like I said, the
10 controlling case law. That's where our Supreme
11 Court indicated that specificity and factual
12 particularity must be given.

13 There are a number of cases subsequent to that
14 confirm and uphold that decision. It just happens
15 to be the one that specific with robbery, and
16 indicates that, in order to charge and indict
17 somebody with armed robbery, it must fully, fairly,
18 plainly, substantially advise the person of what
19 they are being held to answer for. And in order to
20 do that, my client would need to know the place, the
21 victim, the time, the alleged property, monies, who
22 that property and money belonged to.

23 As our case law also indicates, that you can't
24 steal something that doesn't belong to the person
25 that you're allegedly stealing it from; but, again,

1 there's no particularity in this indictment, and
2 there's no way that my client could be brought
3 forward and know what he has to stand to answer for
4 without that particularity.

5 The State has had, you know, a Solicitor for
6 over ten years. Solicitor 101 is check your
7 indictments, make sure they have the specificity and
8 particularity, and they match statutory laws that
9 are current today. This matter has been on the
10 docket in June, there was a matter in September, and
11 now here.

12 The State has had plenty of opportunities to
13 review these indictments, and to make sure that they
14 specify with particularity the charge for which my
15 client is being called to answer for. They have not
16 done so, and as such, it prejudices my client, and
17 the only remedy is to quash the indictment.

18 THE COURT: All right, thank you, Ms. Cornwell.
19 Ms. Campbell, anything briefly?

20 MS. CAMPBELL: Just very briefly, Your Honor.
21 In Devante White's own words, in his communications
22 to the co-Defendants in this case, he is
23 communicating to them in the vernacular of, "I have
24 a lick for us," which means I have a planned out
25 we're going to go to this guy and take something

1 from him.

2 Does he ever tell the co-Defendants specifically
3 what it is he wants from this man? No, but it's
4 clear that he communicated that he intends to take
5 something from the victim in this case, through text
6 message, through face-to-face conversation, he is
7 planning and plotting for weeks to commit this --
8 well, he didn't get whatever it was he was after.
9 Thank you, Your Honor.

10 MS. CORNWELL: And, Your Honor, the State has to
11 prove, and it's a finding fact for the jury,
12 however, to present a defense, we need at least
13 formal notice of those facts in the indictment.

14 THE COURT: The Court agrees with the arguments
15 made by defense counsel, and as to the attempted
16 armed robbery, grants the motion to quash the
17 indictment.

18 The Court denies though the motion, as it
19 relates to possession of a weapon during a violent
20 crime, but the Court certainly would not ever state
21 to the jury that the Defendant has been convicted of
22 attempting or committing a violent crime.

23 Anything else?

24 MS. CORNWELL: No, Your Honor, thank you.

25 MS. CAMPBELL: No, Your Honor.

1 THE COURT: All right, we need to take five
2 minutes before the jury comes in?

3 COURT REPORTER: Yes, sir.

4 THE COURT: Okay, I thought so.

5 Okay, let's take a five-minute recess.

6 (Recess.)

7 THE BAILIFF: All jurors are present, Your
8 Honor.

9 ***

10 PROCEEDINGS CONTINUED

11 THE COURT: Welcome back, ladies and gentlemen.
12 I wish I had a dollar for every time I was wrong
13 about telling a jury how long it was gonna be, while
14 we took a break. And, Solicitor, is the State ready
15 to present a case?

16 MS. CAMPBELL: We are, Your Honor. Would you
17 like me to call the case, Your Honor?

18 THE COURT: If you would.

19 MS. CAMPBELL: Thank you. May it please the
20 Court?

21 This is the matter of the State of South
22 Carolina v. Devante Lamont White, Indictment Number
23 2021-GS-07-00101 for murder. The State of South
24 Carolina v. Devante Lamont White, kidnapping, 2021-
25 GS-07-00102, State of South Carolina v. Devante

1 Lamont White, possession of a weapon during the
2 commission of a violent crime, 2021-GS-07-00111.

3 THE COURT: Thank you, Solicitor. And, Ms.
4 Cornwell, is the defense ready to proceed?

5 MS. CORNWELL: We are, Your Honor.

6 THE COURT: Ladies and gentlemen, as you heard
7 just a moment ago, the Defendant in this case is
8 charged with the offense of murder. The indictments
9 which the significance, or lack of significance of
10 an indictment is going to be explained to you at a
11 later time, alleged that on or about November the
12 16th of 2020, in Beaufort County, that said
13 Defendant, Devante Lamont White did kill one,
14 Timothy Milliken.

15 And the other charge is of kidnapping and
16 possession of a weapon during a violent crime are
17 related to the events surrounding the charge of
18 murder. I tell you that, because in just a few
19 minutes I'm gonna ask the attorneys -- I'm going to
20 end up asking you some questions about your
21 knowledge or lack of knowledge of these allegations.
22 Before I do that though, I'm going to ask the
23 attorneys who are involved in this case, if they
24 will identify themselves to you, along with their
25 respective clients and witnesses, and assistance.

1 And so we begin with the State, Ms. Campbell?

2 MS. CAMPBELL: Thank you, Your Honor. Good
3 morning, my name is Trasi Campbell, I'm an Assistant
4 Solicitor in the 14th Judicial Circuit. Seated at
5 the State's table with me this week will be Mary
6 Jones, an Assistant Solicitor with our office. It's
7 possible that Jared Shedd and Mary Jordan Lempesis,
8 also Assistant Solicitors, may also at times be
9 seated with me at the State's table.

10 Additionally, an investigator with the
11 Solicitor's Office will be seated here, and
12 Investigator Corporal William White -- Ben White
13 with the Sheriff's Department here, Beaufort County
14 Sheriff's Office.

15 And also at this time, Your Honor, seated up
16 here is Corporal Zach Cushman, with the Beaufort
17 County Sheriff's Office. Would you like me to do
18 the full witness --

19 THE COURT: All the witnesses, if you would.

20 MS. CAMPBELL: All right, thank you. And for
21 the record, Your Honor, the victim's name in this
22 case is Timothy Milliken.

23 The witnesses for the State, Your Honor, would
24 be the Beaufort County Sheriff's Office Dispatch, or
25 Records Custodian, Alison Moreria, the Records

1 Custodian at Enterprise Rental Car, Eric Dukarski,
2 Beaufort County EMS representative, Ariel Starr
3 Branham, Beaufort County Sheriff's Office, Tyler
4 Carder, Beaufort County Sheriff's Office Kierra
5 Morris, Beaufort County Sheriff's Office Erica Lynn,
6 excuse me, Erin Lynn, Beaufort County Sheriff's
7 Office Andrew Calore, Beaufort County Sheriff's
8 Office John , Beaufort County Sheriff's Office Chad
9 Seronka, Beaufort County Sheriff's Office Angie
10 Crumpton, Beaufort County Sheriff's Office Angela
11 Grantham, Beaufort County Sheriff's Office Doug
12 Seifert, Beaufort County Sheriff's Office David
13 Wilkinson, Beaufort County Sheriff's Office Eric
14 Calendine, Beaufort County Sheriff's Office Todd
15 Calhoun, Beaufort County Sheriff's Office Seth
16 Reynolds.

17 Additionally, Your Honor, witnesses for the
18 State would also be Corporal Cushman, and Corporal
19 White. Additionally, the Savannah Police Department
20 Officer Peter Suppa, the Gwinnett County Georgia
21 Police Department, Sabrina Lopez, Gwinnett County
22 Georgia Police Department, C. J. Lymber, Gwinnett
23 County Georgia Police Department D. J. Delshad.
24 Other witnesses, Your Honor, Jeffrey Kelley, Stuart
25 Mahaffey, Joseph Shivers, Phil Mateo, Quinetre

1 Snooks, Quincie Watson, Jamal Coakley, Sarah Barr,
2 Malique White. The Beaufort County's DNA Lab
3 Forensics Department Andrew Garinger, the South
4 Carolina Law Enforcement Division, Firearms
5 Division, James Green. Digital Forensics, 14th
6 Judicial Circuit, Derek Nelson. And the Medical
7 University of South Carolina Forensic Pathology
8 Department, Dr. Virginia Richards. And, finally,
9 the Beaufort County Sheriff's Office, Evidence
10 Custodian, Sean Jansen. Thank you.

11 THE COURT: Thank you, Ms. Campbell.

12 Ms. Cornwell?

13 MS. CORNWELL: Thank you, Your Honor. Good
14 morning, my name is Ashley Cornwell, I am an
15 attorney in South Carolina. My firm is the Cornwell
16 Law Firm, it is based out of Mount Pleasant, South
17 Carolina. I practice often in the 14th Circuit, as
18 well as the 9th Circuit and the 1st Circuit.

19 Seated with me at the table is my client,
20 Devante Lamont White. And I'm going to try not to
21 repeat any of the officers the State called out, but
22 others involved in this case in the Beaufort County
23 Sheriff's Office will be Officer Adams, Officer
24 Calendine, Officer Calhoun, Officer Calore, Kaiser,
25 Officer Klein, Officer Meehan, Officer O'neal,

1 Officer Seifert, Officer Wilkerson. And from the
2 Gwinnett County Police Department Officer Ricciardi,
3 Officer Barrington, Officer Cochran, and Officer
4 Lopez.

5 We also have officers from the Dorchester County
6 Sheriff's Office, Officer Easterlin, McMillian.

7 From the Beaufort County Detention Center,
8 Officer McMillan and Officer Smalls. From the
9 Federal Bureau of Investigation George French, and
10 Cary Grainger. And witnesses, Cynthia Walker,
11 Nicholas Howard.

12 THE COURT: All right, thank you. Ladies and
13 gentlemen, my first question is this, has any member
14 of the jury panel ever been related by blood, or
15 related by marriage to either of the attorneys
16 involved in this case, or other attorneys that may
17 be involved, or to the Defendant himself, or to the
18 deceased, or to any of the witnesses that have been
19 identified to you?

20 Have you ever been related by blood or marriage
21 to any of those individuals? If so, please stand.
22 And let's have your number, sir.

23 JUROR 204: 204.

24 THE COURT: All right, sir, and you stood
25 because?

1 JUROR 204: I may be related to Daniel Frazier.

2 THE COURT: Well -- but you don't know that?

3 JUROR 204: Not 100 percent, but I do have a
4 cousin whose last name is Frazier.

5 THE COURT: Okay. Hypothetically speaking,
6 let's just suppose that you are, when's the last
7 time you saw this individual?

8 JUROR 204: I'm not sure.

9 THE COURT: Okay. When you say cousin, first,
10 second, third, any idea? Removed once or twice?

11 JUROR 204: Again, I'm not sure.

12 THE COURT: Okay.

13 JUROR 204: Someone might have told me, "Oh,
14 that's your cousin."

15 THE COURT: I see.

16 JUROR 204: So maybe, but they never actually
17 had a connection.

18 THE COURT: Okay, I understand. Thank you, sir.

19 JUROR 204: Uh-huh.

20 THE COURT: Has any member of the jury panel
21 ever had a close personal associate relationship
22 with any of the attorneys involved in the case, with
23 the Defendant himself, or with the deceased, or with
24 any of the witnesses that have been identified to
25 you by the attorneys?

1 If you've ever had a close, personal, or social
2 relationship with any of those individuals, please
3 stand. Has any member of the jury panel, or maybe
4 your immediate family, ever been represented by any
5 of the attorneys involved in this case? If so,
6 please stand.

7 Has any member of the jury panel ever worked for
8 a law enforcement agency? If so, please stand. I
9 thought there might be more than one. And your
10 number, sir, is what?

11 JUROR 7: Juror number seven, Your Honor.

12 THE COURT: Seven?

13 JUROR 7: Yes, Your Honor.

14 THE COURT: And could you tell us which agency
15 you work for?

16 JUROR 7: So I worked for the Metropolitan
17 Police Department in Washington Police Department in
18 Washington, D.C. from 1989 to 1996. I worked for
19 the Leesburg, Virginia Police Department from 1996
20 to 2001.

21 THE COURT: Okay.

22 JUROR 7: I worked for the United Nations
23 International Police Task Force from 1998 to 2002.
24 And then I worked with and retired from the Metro
25 Transit Police in Washington, D.C. in 2000.

1 THE COURT: And would that be the last time
2 you've worked for any such agency?

3 JUROR 7: Yes, Your Honor.

4 THE COURT: All right, thank you, sir.

5 JUROR 7: Thank you.

6 THE COURT: Has any member of the jury panel, or
7 any member of your immediate family provide
8 financial support to any pro law enforcement
9 organization, such as the National Police
10 Foundation, the National Association of Police
11 Organizations, or such similar organizations? If
12 so, please stand.

13 And I see juror number 7 standing again. And
14 the last time you would have made such a
15 contribution would have been approximately?

16 JUROR 7: Myself, Your Honor, that would be
17 2000, the foundation would be called Heroes. It's a
18 charity for surviving members or families of fallen
19 police officers killed in the line of duty.

20 THE COURT: Okay, all right, thank you, sir.

21 JUROR 7: Thank you.

22 THE COURT: And behind you would be the lady
23 number?

24 JUROR 305: 305.

25 THE COURT: 305.

1 JUROR 305: We make a monthly donation to
2 Tunnels to Towers, which is an organization -- it's
3 -- pays mortgages and the bills for killed police
4 officers, first responders and Army service members.

5 THE COURT: All right, thank you, ma'am.

6 COURT REPORTER: I'm sorry, could you repeat the
7 name of the company, or the organization?

8 JUROR 305: Tunnels to Towers.

9 COURT REPORTER: Okay.

10 THE COURT: And, yes, ma'am, your number?

11 JUROR 175: 175. My husband and I give to the
12 Fraternal Order of Police.

13 THE COURT: All right, thank you. And, yes,
14 sir, your number?

15 JUROR 42: 42.

16 THE COURT: 42.

17 JUROR 42: Monthly donation to Tunnel to Towers.

18 THE COURT: Say it one more time?

19 JUROR 42: Monthly donation to Tunnel to Towers.

20 THE COURT: I see, okay. All right, thank you.
21 And, yes, your number?

22 JUROR 259: 259. My brother is a police officer
23 in Portland, Oregon, and often asked to provide
24 charitable contributions for the last 20 years.

25 THE COURT: Okay, and thank you.

1 CLERK: Ma'am, your number was 259?

2 JUROR 259: Yes, ma'am.

3 CLERK: Thank you.

4 THE COURT: Has any member of the jury panel, or
5 a member of your immediate family, ever been the
6 victim of a violent crime? If so, please stand. Is
7 that --

8 JUROR 175: 175.

9 THE COURT: What was that again? I'm sorry.

10 JUROR 175: 175. And my sister was raped when
11 she was a child.

12 THE COURT: Approximately, how long ago?

13 JUROR 175: I don't know, that's -- well, she's
14 50, so a long time ago.

15 THE COURT: Okay, all right, thank you, ma'am.
16 And I've forgotten your number, sir.

17 JUROR 204: It's okay, 204. And my mother was a
18 victim of attempted murder in 2000.

19 THE COURT: Was that in this County?

20 JUIORE 204: Beaufort County.

21 THE COURT: All right, sir, thank you, sir.

22 JUROR 204: Thank you.

23 THE COURT: And, yes, sir, your number?

24 JUROR 58: 58.

25 THE COURT: 58.

1 JUROR 58: Attempted armed robbery. An
2 attempted armed robbery. I mean --

3 THE COURT: You?

4 JUROR 58: Yeah.

5 THE COURT: And how long ago was that?

6 JUROR 58: Seven years ago.

7 THE COURT: Was that in this County?

8 JUROR 58: No.

9 THE COURT: Okay, all right, thank you, sir.

10 JUROR 58: All right.

11 THE COURT: And, yes, ma'am?

12 JUROR 164. Juror 164. My husband's stepmother
13 was raped in the last two to three years ago.

14 THE COURT: Was that here?

15 JUROR 164: Yes.

16 THE COURT: Okay, all right, thank you. Does
17 any member of the jury panel currently live in
18 Westbury Park, or have you previously lived in
19 Westbury Park? Now or formerly reside in Westbury
20 Park? Your number, please, ma'am?

21 JUROR 137: 137.

22 THE COURT: Do you or did you?

23 JUROR 137: I am currently.

24 THE COURT: Currently?

25 JUROR 137: Uh-huh.

1 THE COURT: How long have you lived there?
2 JUROR 137: Two years.
3 THE COURT: You said?
4 JUROR 137: Two years.
5 THE COURT: Two?
6 JUROR 137: Uh-huh.
7 THE COURT: Okay, all right, thank you. Yes,
8 sir.
9 JUROR 403: Is that Westbury Park in Bluffton?
10 THE COURT: I didn't put the question down.
11 CLERK: It is, Your Honor.
12 JUROR 403: I have been there for ten years.
13 THE COURT: I'm gonna interrupt you a minute,
14 what's your number?
15 JUROR 403: 403.
16 THE COURT: You did live there?
17 JUROR 403: Yes, sir.
18 THE COURT: How long ago? I'm sorry.
19 JUROR 403: Since two years.
20 THE COURT: Two years.
21 JUROR 403: 2013 through '15.
22 THE COURT: All right, thank you. Has any
23 member of the jury panel, or member of your
24 immediate family ever been represented by the 14th
25 Circuit Solicitor's Office, or have you ever worked

1 for the 14th Circuit Solicitor's Office? If so,
2 please stand. All right. Additional questions from
3 the State, Solicitor?

4 MS. CAMPBELL: No, Your Honor.

5 THE COURT: All right, from the defense?

6 MS. CORNWELL: No, Your Honor.

7 THE COURT: Has any member of the jury panel
8 formed or expressed an opinion about any issue, or
9 any matter involved in this case? If so, please
10 stand.

11 Is any member of the jury panel aware of any
12 bias or any prejudice towards any of the State, or
13 towards the Defendant in this case? If so, please
14 stand.

15 Is there any member of the jury panel who was a
16 member of the Grand Jury that issued the indictments
17 in this case? If so, please stand.

18 Does any member of the jury panel know of any
19 reason whatsoever why he or she should not serve as
20 a juror in this case, with particular emphasis being
21 placed on your ability to be fair and impartial to
22 both the State and to the Defendant? If so, please
23 stand.

24 All right, is the State ready to select the
25 jury?

1 MS. CAMPBELL: We are.

2 THE COURT: Is the defense ready?

3 MS. CORNWELL: Yes, Your Honor.

4 THE COURT: Madam Clerk? Ladies and gentlemen,
5 the -- five and ten?

6 THE CLERK: Correct, and there were three
7 alternates.

8 THE COURT: Yes.

9 CLERK: Yes, sir.

10 THE COURT: All right. I'm sorry, the computer
11 is randomly selecting names that will be drawn, and
12 the name will be called at the discretion of, and
13 the direction of the computer.

14 As the names are called, each side has an
15 opportunity to reject jurors. The attorneys don't
16 get to select the jurors, they get to reject the
17 jurors. Each has a certain number of what are
18 called strikes, so they have to use them judicially.
19 They don't know who's coming up next, they don't
20 know who's coming up ten names down the list, and
21 they don't have to give any reason or state any
22 reason why they chose not to have juror number so
23 and so on their jury.

24 It can be all kinds of reasons. It could be
25 where they work, where they live, what they're

1 wearing here today, but they don't have to tell us.
2 So our computer is going to quickly -- the computer
3 has selected the names. And, Madam Clerk, if you'll
4 give us a jury.

5 CLERK: I'm gonna call your juror number, if
6 you'll please just stand. Juror number 147. What
7 say the State?

8 MS. CAMPBELL: Please excuse the juror.

9 CLERK: Juror number 108. What say the State?

10 MS. CAMPBELL: Present the juror.

11 CLERK: What say the defense?

12 MS. CORNWELL: Please seat the juror.

13 THE BAILIFF: Come forward, please, ma'am.

14 CLERK: Bring all your belongings.

15 THE BAILIFF: Bring your possessions with you
16 that you've got.

17 CLERK: Juror number 94. What say the State?

18 THE BAILIFF: Please present the juror.

19 CLERK: What say the defense?

20 MS. CORNWELL: Please present this juror.

21 THE BAILIFF: Come forward, please, ma'am.

22 CLERK: Juror 289. What say the State?

23 MS. CAMPBELL: Please excuse the juror.

24 THE BAILIFF: You may seat down, ma'am.

25 CLERK: Juror 302. What say the State?

1 MS. CAMPBELL: Please present the juror.
2 CLERK: What say the defense?
3 MS. CORNWELL: Please excuse the juror.
4 THE BAILIFF: You can sit down, ma'am.
5 CLERK: Juror 225. What say the State?
6 MS. CAMPBELL: Please present the juror.
7 CLERK: What say the defense?
8 MS. CORNWELL: Please present the juror.
9 THE BAILIFF: Come forward, please, ma'am.
10 CLERK: Juror 207. What say the State?
11 MS. CAMPBELL: Please present the juror.
12 CLERK: What say the defense?
13 MS. CORNWELL: Please seat the juror.
14 THE BAILIFF: Come forward, please, ma'am.
15 CLERK: Juror 216. What say the State?
16 MS. CAMPBELL: Please present the juror.
17 CLERK: What say the defense?
18 MS. CORNWELL: Please seat the juror.
19 THE BAILIFF: Come forward, please, ma'am.
20 CLERK: Juror 164. What say the State?
21 MS. CAMPBELL: Please present the juror.
22 CLERK: What say the defense?
23 MS. CAMPBELL: Please excuse this juror.
24 THE BAILIFF: You may sit down, ma'am.
25 CLERK: Juror 344. What say the State?

1 MS. CAMPBELL: Please present the juror.
2 CLERK: What say the defense?
3 MS. CORNWELL: Please excuse this juror.
4 THE BAILIFF: You can sit down, ma'am, thank
5 you.
6 CLERK: Juror 36. What say the State?
7 MS. CAMPBELL: Please present the juror.
8 CLERK: What say the defense?
9 MS. CORNWELL: Please excuse this juror.
10 THE BAILIFF: You can sit down, sir.
11 CLERK: Juror 194. What say the State?
12 MS. CAMPBELL: Please present the juror.
13 CLERK: What says the defense?
14 MS. CORNWELL: Please excuse this juror.
15 THE BAILIFF: You can sit down, ma'am.
16 CLERK: Juror 208. What say the State?
17 MS. CAMPBELL: Please present the juror.
18 CLERK: What say the defense?
19 MS. CORNWELL: Please seat the juror.
20 THE BAILIFF: Come forward, please, sir.
21 CLERK: Juror 1. What say the State?
22 MS. CAMPBELL: Please present the juror.
23 CLERK: What say the defense?
24 MS. CORNWELL: Please present the juror.
25 THE BAILIFF: Come forward, please, ma'am.

1 CLERK: Juror 169. What say the State?
2 MS. CAMPBELL: Please present the juror.
3 CLERK: What say the defense?
4 MS. CORNWELL: Please seat the juror.
5 THE BAILIFF: Come forward, please, sir.
6 CLERK: Juror 238. What say the State?
7 MS. CAMPBELL: Please present the juror.
8 CLERK: What say the defense?
9 MS. CORNWELL: Please seat the juror.
10 THE BAILIFF: Come forward, please, sir.
11 CLERK: Juror 367. What say the State?
12 MS. CAMPBELL: Please present the juror.
13 CLERK: What say the defense?
14 MS. CORNWELL: Please excuse this juror.
15 THE BAILIFF: You can sit down, ma'am.
16 CLERK: Juror 213. What say the State?
17 MS. CAMPBELL: Please present the juror.
18 CLERK: What say the defense?
19 MS. CORNWELL: Please excuse this juror.
20 THE BAILIFF: You can sit down, sir.
21 CLERK: Juror 148. What say the State?
22 MS. CAMPBELL: Please present the juror.
23 CLERK: What say the defense?
24 MS. CORNWELL: 148?
25 CLERK: 148.

1 MS. CORNWELL: Please seat this juror.
2 THE BAILIFF: Come forward, please, ma'am.
3 CLERK: Juror 267. What say the State?
4 MS. CAMPBELL: Please present the juror.
5 CLERK: What say the defense?
6 MS. CORNWELL: Please excuse this juror.
7 THE BAILIFF: You can sit down, sir.
8 CLERK: Juror number 2. What say the State?
9 MS. CAMPBELL: Please present the juror.
10 CLERK: What say the defense?
11 MS. CORNWELL: Please seat this juror.
12 THE BAILIFF: Come forward, please, ma'am.
13 CLERK: Juror 259. What say the State?
14 MS. CAMPBELL: Please present the juror.
15 CLERK: What say the defense.
16 MS. CORNWELL: Please excuse this juror.
17 THE BAILIFF: You can sit down, ma'am.
18 CLERK: Juror 60 -- excuse me, Juror 46. What
19 say the State?
20 MS. CAMPBELL: Please present the juror.
21 CLERK: What say the defense?
22 MS. CORNWELL: Please present the juror.
23 THE BAILIFF: Come forward, please, ma'am.
24 CLERK: Selecting alternate number one. Juror
25 number 42. What say the State?

1 MS. CAMPBELL: Please present the juror.
2 CLERK: What say the defense?
3 MS. CORNWELL: Please excuse this juror.
4 THE BAILIFF: You can sit down, sir.
5 CLERK: Juror number 226. What say the State?
6 MS. CAMPBELL: Please present the juror.
7 CLERK: What say the defense?
8 MS. CORNWELL: Please seat this juror.
9 THE BAILIFF: Come forward, please, sir.
10 CLERK: Alternate number two. Juror number 61.
11 What say the State?
12 MS. CAMPBELL: Please present the juror.
13 CLERK: What say the defense?
14 MS. CORNWELL: Please present the juror.
15 THE BAILIFF: Come forward, please.
16 CLERK: Alternate number three. 175.
17 MS. CAMPBELL: Please present the juror.
18 CLERK: What say the defense?
19 MS. CORNWELL: Please excuse this juror.
20 THE BAILIFF: You can sit down, ma'am.
21 CLERK: Number 72. What say the State?
22 MS. CAMPBELL: Please present the juror.
23 CLERK: What say the defense?
24 MS. CORNWELL: Please present the juror.
25 THE BAILIFF: Come forward, please, ma'am.

1 THE COURT: Now, are there any matters of law
2 the Court needs to consider concerning the
3 composition or selection of the jury?

4 MS. CAMPBELL: Not from the State.

5 MS. CORNWELL: No, Your Honor.

6 THE COURT: Was that a no? I'm sorry.

7 MS. CORNWELL: I apologize. No, Your Honor.

8 THE COURT: Okay. Ladies and gentlemen, for
9 those of you who are not seated over there, we're
10 gonna let you go for the day. I don't know about
11 the rest of the week, but we ask you to call that
12 number, the call-in number, 6 o'clock this evening
13 or after, and, of course, there'll be a message on
14 the machine that'll tell you what to do next. And
15 the next message could be call back the next day, it
16 could be come in tomorrow morning, it could be, we
17 don't need your services anymore, but you are on
18 jury duty until you're either released by me in the
19 courtroom here, or unless the machine releases you.

20 Is there anything, any questions, any problems,
21 anything that needs to be taken care of? Ladies and
22 gentlemen, you're excused until further order.

23 THE CLERK: Please give us your badges on the
24 way out, and if you need a work excuse, go across
25 the hall.

1 (Unselected jurors exit the courtroom.)

2 THE COURT: Ladies and gentlemen, we are not
3 going to actually begin the trial of the case from
4 the standpoint of witnesses taking the witness
5 stand, and the attorneys making presentations to
6 you. We're going to excuse you until tomorrow
7 morning at 9:30. We're not leaving, we have matters
8 we have to take up in this very same case this
9 afternoon, but just a couple words. Until this case
10 is completely over, keep in your mind that you,
11 members of the jury, are going to have to make a
12 decision in this case, based on what happens here in
13 the courtroom, what happens, primarily, from the
14 witness stand, by witnesses who will be examined and
15 cross-examined, there may be documents entered into
16 evidence.

17 I don't know, that's how you're gonna make your
18 decision, not based on what your family or your
19 friends or your neighbors tell you they heard about
20 this case, or they think about this case, or they
21 think about cases like this, you have to make this
22 decision. You also cannot get on the internet, as
23 you and many people are inclined to do nowadays, to
24 see what The Island Packet have to say about this
25 case, or did it say anything, did anybody say

1 anything.

2 If anybody had anything to say that was of any
3 interest in this case, they'll be here on the
4 witness stand, and you'll hear from them, not what
5 somebody told somebody, or a reporter on the street
6 corner. 9:30 in the morning. Anybody have any
7 problems?

8 THE PROSPECTIVE JUROR: I have previously read
9 the coverage of this story.

10 THE COURT: I'm sorry, you what?

11 THE PROSPECTIVE JUROR: I have previously read
12 news coverage of this story.

13 THE COURT: Okay.

14 THE PROSPECTIVE JUROR: I don't know if that
15 matters.

16 THE COURT: Probably other people have too.

17 THE PROSPECTIVE JUROR: Okay.

18 THE COURT: But can you make your decision based
19 on what happens here?

20 THE PROSPECTIVE JUROR: Yes.

21 THE COURT: Not what you've heard or read or
22 something. You can? Okay. All right, thank you,
23 ladies and gentlemen. We'll see you tomorrow
24 morning at 9:30. The Bailiffs will show you where
25 to go.

1 THE BAILIFF: Please follow me.

2 (Jurors exit the courtroom.)

3 THE BAILIFF: The jury's clear, Your Honor.

4 THE COURT: Anything before we take a lunch
5 break?

6 MS. CAMPBELL: Just from the State's
7 perspective, Your Honor, we have put all the
8 exhibits on flash drive, which includes Defendant's
9 in-custody statements, to the investigators in the
10 case, along with bodycam from the first responding
11 officer. I think that's it.

12 Yes, the first response bodycam, the Defendant's
13 statement. I will say that the flash drive contains
14 all the surveillance videos that were at the
15 victim's home in this case. He had a high-tech
16 security system. There is a combined surveillance
17 video that the Sheriff's Department put together,
18 that that would be what the State would intend to
19 introduce at trial, and only a very small portion of
20 that even.

21 So for time's sake, I guess, just to let you
22 know, the Defendant's statement's about 45 minutes.
23 The combined surveillance video in its entirety is
24 about 30 minutes, but we'd only seek to introduce
25 about ten minutes of it. And then, again, all the

1 photographs, I have them on hard copies for the
2 Court, as well, and they're already labeled with
3 State's exhibit numbers. I've provided that to the
4 defense, as well. But just wanted to let you know
5 that we have that for you in preparation for this
6 afternoon.

7 THE COURT: Let me ask you a quick question.
8 I'm not sure I fully understand. There's more than
9 one statement of the Defendant involved?

10 MS. CAMPBELL: No, there's just one statement.

11 THE COURT: Okay. And that's 30 minutes?

12 MS. CAMPBELL: 30, 45 minutes maybe. And, you
13 know, again, as I've said to Your Honor before, and
14 the defense is aware of this, it's not something
15 that the State intends to introduce in its case in
16 chief. This would only be a matter, if the
17 Defendant were to take the stand in his own defense,
18 that we would be seeking to use it, if we needed it,
19 at that point. And, certainly, if the defense
20 wanted to stipulate to that, then that would remove
21 the necessity for the Denno hearing. He was in
22 custody, it's all on video, he was given his rights
23 properly.

24 THE COURT: So says the State.

25 MS. CAMPBELL: Well, that is true, I am the

1 State.

2 MS. CORNWELL: Your Honor, as far as for
3 purposes of whether he was in custody, he was, was
4 he Mirandized, was I think it becomes -- any of
5 those things, that's unknown, we can't argue, if my
6 client is on the State's stand, and they want to use
7 the statement for impeachment purposes, and we're
8 just gonna cross that bridge when we get to it.
9 That way we can handle that motion at that time.

10 If they're not introducing it in their case in
11 chief, then there's no real concern for me to have
12 to object to it during their case. That'll give my
13 client the opportunity to think about whether or not
14 he wants to take the stand, and we can argue the
15 statement together one more time, just to see if
16 we're gonna make any objections to that.

17 THE COURT: You'all are both okay with that
18 approach?

19 MS. CAMPBELL: The State agrees with that, yes.

20 THE COURT: Well, is there any sense in me
21 reviewing anything that you have on the flash drive
22 during lunch, or is it --

23 MS. CAMPBELL: So, Your Honor, the State intends
24 to introduce the combined surveillance video from
25 the victim's home, and just a small portion, maybe

1 ten minutes of that video, which shows the murder,
2 the kidnapping.

3 And also, the photos we would like to address
4 those this afternoon, they are on the flash drive.
5 And the bodycam that was worn by the first
6 responding officer, we intend to introduce that, as
7 well.

8 THE COURT: I understand, but is there any sense
9 in me looking at it, or are we just going to need to
10 go ahead and do it in the courtroom and hear
11 objections as it comes up?

12 MS. CAMPBELL: We just made it for you, Your
13 Honor, however you would like to proceed.

14 MS. CORNWELL: I mean we can likely just argue
15 it once you're in the courtroom, Your Honor.

16 THE COURT: Okay. Do we need more than 1:30 for
17 lunch, or is 1:30 okay?

18 MS. CAMPBELL: The State, that works for me,
19 Your Honor, thank you.

20 THE COURT: All right, we're in recess until
21 1:30.

22 (Luncheon recess.)

23 ***

24 PROCEEDINGS CONTINUED

25 THE COURT: All right, is the State ready to

1 proceed?

2 MS. CAMPBELL: Yes, Your Honor.

3 THE COURT: The defense ready?

4 MS. CORNWELL: Yes, Your Honor.

5 THE COURT: What are we doing first?

6 MS. CAMPBELL: Your Honor, I think for the sake
7 of the record, because we always like to start out
8 with an agreement. We have an agreement that Juror
9 46, which was the 12th juror seated, who upon being
10 seated, says to the Court that before being
11 released, she knows something about this case. She
12 did not answer that during the qualification of the
13 voir dire.

14 So, what we've agreed upon is to have, if Your
15 Honor believes this is proper, to have the Bailiffs
16 separate her from the rest of the jurors in the
17 morning, and have the Court bring her in separately,
18 and question her and make a determination at that
19 point, whether or not she could sit on the jury,
20 where she's under oath.

21 So, I think the State and the defense could
22 agree on that, and I'll certainly ask Ms. Cornwell,
23 if I've stated that appropriately?

24 MS. CORNWELL: Yes, Your Honor, if you can
25 separate her and bring her into Court, so that she

1 can --

2 THE COURT: Okay.

3 MS. CORNWELL: -- answer questions then. I will
4 tell Your Honor, just the full transparency, that I
5 am going to object to her remaining on the jury, at
6 this point, because she failed to answer that she
7 knew about it when she was selected.

8 I had strikes to use in case something like this
9 issue were to come up. Certainly, if she had let us
10 know that she had read, or knew something about this
11 case prior to, you know, us going through the
12 selection process, I would likely have used a strike
13 on her.

14 So we've got a situation, and given the fact
15 that she just gave us that information, she wasn't
16 forthcoming during the qualification of the voir
17 dire, I'm going to respectfully request at the end
18 of this, that she be replaced with an alternate.

19 THE COURT: Well, let me ask you'all this.

20 MS. CAMPBELL: That'll be fine.

21 THE COURT: Well --

22 MS. CAMPBELL: That'll be just fine with the
23 State.

24 THE COURT: Let me ask this question, was she
25 asked, if she knew anything about this case, or read

1 anything about it, or heard anything about it?

2 MS. CORNWELL: I believe that --

3 THE COURT: I don't think that questioned was
4 asked.

5 MS. CORNWELL: I don't think it was asked.

6 MS. CAMPBELL: She was given the information
7 about the date at the Westbury Park, and the names
8 of the individuals involved.

9 THE COURT: Right.

10 MS. CAMPBELL: No, the Court didn't ask her
11 that.

12 THE COURT: Okay.

13 MS. CAMPBELL: And, Your Honor, we don't object
14 to that, and we actually think that would probably
15 be proper.

16 THE COURT: To strike her?

17 MS. CAMPBELL: Yes, and put in that first
18 alternate would be fine, or the next person to sit.

19 THE COURT: Well, let me ask you this, does that
20 -- do we need to bring her in and question her then?

21 MS. CAMPBELL: No.

22 MS. CORNWELL: No, Your Honor, if we can get the
23 Clerk to say she doesn't need to return, that would
24 be fine too.

25 THE COURT: Okay.

1 MS. CAMPBELL: And if Your Honor is ready, I can
2 move onto the second matter?

3 THE COURT: All right.

4 MS. CAMPBELL: I believe I have good news for
5 the Court.

6 James Green, our SLED expert in firearms, the
7 Darlington case he was scheduled to attend tomorrow
8 pled out, so he's informed us he's available
9 tomorrow. I've relayed this information to defense
10 counsel, and we're going to agree to take him out of
11 order tomorrow afternoon.

12 THE COURT: Okay.

13 MS. CAMPBELL: And then the items of the firearm
14 projectile, different things that he's involved
15 with, would simply come into evidence at a later
16 date through the collecting officers. And then --

17 THE COURT: Assuming they can --

18 MS. CAMPBELL: -- that could probably be done
19 Thursday.

20 THE COURT: Say that, again, I'm sorry, I
21 interrupted you. What about Thursday?

22 MS. CAMPBELL: No, I just said with that change,
23 then there's no reason for us to have to skip
24 Thursday afternoon --

25 THE COURT: Oh.

1 MS. CAMPBELL: -- Thursday afternoon --

2 THE COURT: Oh, right.

3 MS. CAMPBELL: -- and wait for him to testify
4 Friday, so I think that gives the Court a little bit
5 better understanding of where we are with this case,
6 and what the rest of your week might look like, and
7 that's why I agreed with the defense.

8 THE COURT: All right, so far, so good.
9 What else?

10 MS. CAMPBELL: I understand that the defense has
11 some objections to the admissibility of a lot of
12 different items that the State intends to introduce,
13 that are from the Defendant's cell phone extraction.
14 And so I think possibly the best thing to do would
15 be to take up the cell phone extraction defense
16 motion, and then we could return to the photographs
17 and videos and bodycams.

18 THE COURT: Okay.

19 MS. CAMPBELL: Unless there's no objection to
20 the combined surveillance video, which I don't think
21 there is. We discussed that on the break, and I
22 believe there's about two minutes that the defense
23 talked to me about removing, or editing out, or
24 something that we can do. And if that's the case,
25 then we could agree on the combined surveillance

1 video.

2 MS. CORNWELL: Yes, Your Honor. I think that as
3 long as we can --

4 MS. CAMPBELL: Uh-huh.

5 MS. CORNWELL: -- you know, I don't have a
6 problem with it.

7 THE COURT: We're gonna call that the combined
8 surveillance video --

9 MS. CORNWELL: Correct.

10 THE COURT: -- less two minutes.

11 MS. CORNWELL: We've identified the two minutes
12 that needs to be taken out, and we'll take that out.
13 And so that leaves us with the defense motion, I
14 believe, before we go any further.

15 MS. CAMPBELL: Yes, Your Honor.

16 MS. CORNWELL: May it please the Court? I've
17 handed up our motion to obtain the cell phone
18 records. This is an incident where my client was
19 arrested on November 17th of 2020. He was arrested
20 in Georgia. At that time, his cell phone was seized
21 by law enforcement incident to arrest.

22 Mr. White did not consent to the seizure of that
23 cell phone, or the search within that cell phone.
24 However, law enforcement has maintained custody,
25 care and control of that cell phone, since the day

1 that it was seized. On June 15th of 2021 is when
2 law enforcement finally decided to obtain the first
3 search warrant for Mr. White's cell phone.

4 A search of that from SLED resulted in negative
5 findings, and, again, the phone was returned to the
6 Beaufort County Sheriff's Office, as opposed to
7 being returned by my client's possession. After
8 that on June 7th of 2022 law enforcement obtained a
9 second search warrant to perform a second search of
10 the phone, and on June 9th of 2022 the Beaufort
11 County Sheriff's Office, by its extraction unit,
12 issued a report of their findings.

13 They had incidents including, but not limited
14 to, contacts from all his text messages,
15 photographs, social media sites, and location
16 information. Certainly, we object to those records
17 coming in. It is our position that my client has a
18 Fourth Amendment possessory interest in the cell
19 phone.

20 He has a Fourth Amendment right against unlawful
21 search and seizures. Case law is pretty clear, I
22 think Riley v. California, it's a Supreme Court
23 case, where cell phones were often present, as far
24 as whether or not you have a warrant do search the
25 cell phone. Our U.S. Supreme Court has been clear

1 that you do have to have a warrant, in order to take
2 a cell phone. That cell phones have possessory
3 interest, and are protected possessions of the
4 person, so, obviously, any search, seizure has to be
5 done with probable cause.

6 Our States have gone further to state that even
7 when a seizure is lawful at its inception, it can
8 nonetheless violate the Fourth Amendment because of
9 the manner of execution; and if that manner of
10 execution unreasonable infringes from the possessory
11 interest of a person.

12 They go further to say even a seizure, based on
13 probable cause is unconstitutional, if the police
14 act with unreasonable delay in securing the cell
15 phone, a person then claims a possessory interest in
16 the cell phone, even when the cell phone is seized
17 incident to arrest, and a warrant must be reasonably
18 detained -- I'm sorry, must be reasonably obtained,
19 in order to access information from that cell phone.
20 There are two cases that are fairly on point with
21 this case, and that is U.S. v. Pratt, which is a
22 Fourth Circuit decision from 2019.

23 And they reference a case right out of Georgia,
24 which is U.S. v. Mitchell, that case in 2009. I
25 will indicate to Your Honor that, while these cases

1 are under the Fourth Constitutional -- the Federal
2 Court Amendment of the U.S. Constitution, our South
3 Carolina Constitution Fourth Amendment is the same
4 and similar.

5 And so those Fourth Amendment rights would fall
6 in line with what we are seeing with the decisions
7 made in the Federal Courts. I will state that there
8 are not any State decisions that are really on point
9 with one like this. Most of the State's decisions
10 when it comes to search warrants, and securing
11 warrants with evidence seize deals with drugs, and
12 there is case law on the states, that you still have
13 to secure a search warrant within a reasonable
14 amount of time of when the evidence is seized, or
15 when the evidence has been seen to believe that it
16 is still there.

17 In looking at this case, as we compare it to the
18 other cases, U.S. v. Pratt, again, is the Fourth
19 Circuit case that is pretty significantly similar to
20 this case. In that case, Pratt's conviction was
21 overturned, when the Fourth Circuit Court of Appeals
22 determined that there was an unreasonable delay from
23 the government, from the time that they seized
24 Pratt's phone to the time they got a warrant for the
25 contents of that cell phone, which, in turn,

1 violates Pratt's Fourth Amendment rights.

2 In that case, FBI agents in both North and South
3 Carolina were conducting an investigation into a
4 prostitution ring potentially involving juveniles.
5 They set up a sting operation, where one of the
6 juveniles was arranged to meet with somebody on a
7 date.

8 Once the juvenile entered the room, law
9 enforcement agents identified themselves, at the
10 same time Pratt was in the parking lot of that
11 hotel. Law enforcement agents encountered him
12 seized his cell phone. He happened to be holding
13 his cell phone in his hand at the time that they
14 were there. The juvenile did indicate that she had
15 sent nude photos to Mr. Pratt on his phone.

16 Mr. Pratt acknowledged to law enforcement that
17 there were likely nude photos in his phone. After
18 agents arrested Mr. Pratt and seized the phone, they
19 waited 31 days from the time that they seized it to
20 the time that they got a search warrant. At the
21 preliminary hearing the government did delay in
22 getting a search warrant and needed to decide
23 whether or not to seek a warrant in North Carolina
24 or South Carolina.

25 The District Court denied this motion, however,

1 the Fourth Circuit reversed that ruling, determining
2 that the government's reason for delay was
3 insufficient. It justified the extended seizure of
4 the phone. They further denied the government's
5 alternative argument that it could retain possession
6 of the phone indefinitely, because it had
7 independent evidentiary value similar to that of a
8 murder weapon.

9 The Court of Appeals in the Fourth Circuit also
10 found that that argument was not valid, because they
11 found that the phone did not have any evidentiary
12 value itself, it was the phone style that had
13 evidentiary value; and so based on that fact, they
14 could not take that possession and hold them
15 indefinitely, in order to secure a warrant.
16 Similarly, the United States v. Mitchell, the
17 Eleventh Circuit found that seizure of evidence
18 contained in Mr. Mitchell's computer violated his
19 Fourth Amendment rights, when the officer waited 21
20 days after seizing the computer to obtain a search
21 warrant in that case.

22 In that case, Mr. Mitchell was identified as a
23 potential target of receiving and distributing child
24 pornography. They arrested Mr. Mitchell at his
25 house. Mr. Mitchell did indicate that he had

1 subscribed to two different pornography sites, that
2 there was likely contraband and child pornography on
3 the computers in his home.

4 He -- those computers were seized, however, law
5 enforcement waited, approximately, 21 days before
6 getting a warrant for those, which the Eleventh
7 Circuit found it constituted a significant
8 interference with his possessor interest, and the
9 interference was not eliminated by the admissions
10 Mitchell made providing probable cause at seizure.
11 As such, the contents of that computer were obtained
12 in violation of his constitutional rights and should
13 have been sequestered at trial. The case at hand is
14 similar to both Pratt and Mitchell, except for in
15 this case, the State waited 567 days from the time
16 the phone was seized to the time law enforcement
17 obtained a search warrant that they intended to
18 introduce in this case.

19 As in Pratt and Mitchell there is no persuasive
20 justification that can be given by the State, as to
21 the delay, and obtaining search warrants for the
22 phone. My client has a strong proxy just in the
23 cell phone, despite being detained, and, therefore,
24 law enforcement was required to get a search warrant
25 in a reasonable and justifiable amount of time to

1 search that phone.

2 The 210 delay on the first warrant resulted in
3 negative findings. It would be our position that
4 had there been a finding of that, the 210 delay the
5 State delayed is an unreasonable delay, no matter
6 how you look at it. Obviously, the U.S. Courts have
7 found that 21 and 31 days are unreasonable,
8 certainly 210 days would be an unreasonable delay in
9 getting that search warrant. Despite that -- that
10 search resulted in negative findings.

11 The phone was then returned to the Beaufort
12 County Sheriff's Office, as opposed to being
13 returned to my client. Again, 567 days later they
14 got a second search warrant to perform a second
15 search of that phone. That is the case, where the
16 information was seized from the phone at that time;
17 but, again, that 567 delay is more than interfering
18 with possessor interest.

19 It's an unreasonable delay. There is no reason
20 that would be justifiable to wait 567 days to get
21 the search warrant to search the phone. In fact,
22 Your Honor, when we were going over the evidence in
23 this case in May, myself, and this is when another
24 attorney for a co-defendant was still on the case,
25 we met Wednesday, we went through the evidence.

1 We'd simply say that nothing's on the phones, we're
2 not leaving with phones, and there was nothing with
3 the phone.

4 The co-counsel at one point even filed a motion
5 to get items that were seized from the vehicle in
6 this case back, stating that they had nothing to do
7 with the case at hand. Judge Mullen heard that, and
8 we joined in that motion. It was denied. Judge
9 Mullen stated that she wasn't going to make this
10 case about the items that could potentially be of
11 evidentiary interest.

12 However, it was after that, in June, that this
13 second search warrant came out, which is 567 days
14 after the date that the phone was seized. My
15 understanding, based on reading the second search
16 warrant, is based on new technology, and I
17 understand that that is likely what the government's
18 going to argue in their interest versus the
19 possessory interest of my client.

20 Is it because of new technology they needed a
21 second search warrant, and it was based on that new
22 technology that they were able to seize the
23 information that they had. And while that may be
24 their reason, in how they got the information 567
25 days later, that does not give justification for the

1 unreasonable delay, and it does not excuse the
2 possessory interest that my client had no phone.
3 The search warrant for that phone should have been
4 done within a reasonable time.

5 Our State statutes do not indicate what a
6 reasonable amount of time is, however, we have case
7 law that shows anything after about two weeks is
8 generally deemed reasonable or credible. It's also
9 why we have search warrant returns that require ten-
10 day return on any items that were seized pursuant to
11 a search warrant.

12 In this case, the 567-day delay is not a
13 reasonable justification. The government's interest
14 versus my client's possessory interest are not
15 outweighed, based on new technology.

16 If that were the case, then what that is opening
17 the door to is for law enforcement to seize
18 computers and cell phones for an undetermined amount
19 of time, in hopes that they can get a new search
20 warrant every year, as technology upgrades and
21 updates, and continuing to search on, basically, a
22 fishing expedition to try to get into the phone's
23 files and seizures, and that is not what the Fourth
24 Amendment -- that is not a reason under the Fourth
25 Amendment, and I do not believe that what the

1 founders contemplated, when creating the
2 Constitution.

3 I do not believe that that's what our Courts
4 have intended in their rulings, where it's just okay
5 for law enforcement to hold onto a piece of
6 equipment, in hopes that technology will catch up
7 with their desire to extract pieces of evidence that
8 may or not may be there, at any time, after the item
9 is seized.

10 Pratt says 31 days is unreasonable, and Mitchell
11 says 21 days is unreasonable, certainly, 567 days
12 infringes upon the possessory interest is an
13 unreasonable delay that cannot be justified by any
14 argument from law enforcement, or any other
15 government interest over the phone.

16 Again, as case law has stated, it's Raleigh v.
17 California, that is a U.S. Supreme Court case,
18 indicating that you have to have a search warrant to
19 get into cell phone files.

20 That is because of the vast amount of
21 information that a cell phones store nowadays, and
22 that search warrant has to be done within a
23 reasonable amount of time and executed without
24 delay. That was not the case here. The fact that
25 the government waited 567 days in obtaining this

1 search warrant, this second search warrant to obtain
2 these files, I don't know where any Court would find
3 that that delay is reasonable.

4 I don't believe that the 210-day search would
5 have been reasonable, and that resulted in negative
6 findings, but certainly a 567-day delay is
7 unreasonable. It's a violation of the Fourth
8 Amendment. It interfered with my client's
9 possessory interest. And, again, we, specifically,
10 inquired in May about phone records.

11 We were told they were not possible, and based
12 on that, my client should have received his phone
13 back. His possessory interest did not diminish,
14 simply because he was detained, and that is evident
15 in Raleigh v. California, as well as Pratt and
16 Mitchell, as well.

17 So as such, the search of the cell phone was
18 unconstitutional, and all information seized from
19 the cell phone, and any fruits from that search and
20 seizure should be suppressed for trial.

21 THE COURT: All right. Thank you, Ms. Cornwell.

22 MS. CORNWELL: Thank you, Your Honor.

23 THE COURT: Ms. Campbell?

24 MS. CAMPBELL: Thank you, Your Honor. May it
25 please the Court? Your Honor, from the very

1 beginning of this case, it was clear that this was a
2 highly tech driven and highly sophisticated tech
3 case. Tim Milliken was a software engineer.

4 He worked making software programs from his
5 home, that were sent all over the world. He worked
6 for automobile manufacturers, designing programs to
7 prevent, you know, auto theft, and things to do with
8 keyless entry, and of that nature.

9 Discovered at his home, the massive amount of
10 technology, and it's seen on some of the
11 surveillance videos, and, certainly, law enforcement
12 saw it when they arrived after they were called
13 there.

14 It was so above their ability, even, you know,
15 potentially, at SLED, everything was sent, that they
16 could send at that time, to the FBI. There was a
17 considerable amount of time awaiting information
18 from the FBI about all of these massive computers,
19 that could, potentially, contain evidence about this
20 case. Because you can see in the surveillance video
21 Tim Milliken, on his cell phone, and then getting up
22 from his five, you know, computer screen office
23 area, walking outside to meet the Defendant and the
24 other co-defendants.

25 So during the period of time between when Tim's

1 body was discovered, and the defendants were
2 arrested, which was about 16 hours. They were
3 tracked and captured up in Gwinnett County in
4 Georgia. When they arrested the Defendant and two
5 of his co-defendants there, obviously, they seized
6 many items from the defendants themselves, from the
7 vehicle that they were in.

8 Devante's iPhone was one of those items that was
9 taken into custody then. Law enforcement, Corporal
10 White, Seth Reynells from the Sheriff's Department -
11 - they traveled to Gwinnett County, where these
12 individuals they were in custody and under arrest.
13 So they questioned these three men, Devante White,
14 Malik White and Jamal Coakley in Gwinnett County
15 within 24 hours of Tim being killed.

16 And Jamal Coakley confessed immediately to what
17 had occurred, and implicated Devante White in the
18 murder of Tim Milliken. And so it was clear that
19 Devante White's iPhone was a critical piece of
20 evidence that would need to be submitted to the
21 proper agency, if you will.

22 So it's my understanding that there was
23 consideration of whether this is something that
24 would be going to Homeland Security. I believe
25 Homeland Security was involved, at some point, with

1 the combined surveillance video. It was just the
2 most high-tech, you know, home that you could
3 imagine. It was like 20 something different
4 cameras, all with computers.

5 So, ultimately, the decision was made to send
6 all the phones to try to download the files to SLED.
7 So the SLED Agent gets all the phones from
8 defendants. So they're leaving all of Tim's items
9 at the FBI, and they send the defendants, phones to
10 SLED. And that Officer is set to testify in this
11 trial. Most importantly, I think, when Bill White
12 is questioning Devante White, they talk about his
13 phone, and Devante talks about his iPhone, and Bill
14 asks him, "Do you want to give us the password?"

15 So he gives them the password, encourages them
16 to use that password, when they try, you know,
17 perhaps look and see what's in his phone. So they
18 take it to SLED, and it's identified minimally,
19 because, of course, that's not the right password,
20 as Devante's iPhone.

21 So there's owner ID information, Devante's
22 iPhone, a phone number, and that's about as far as
23 they can get with this system at GrayKey. And so
24 that's what comes back from SLED, that's as far as
25 we can get, Devante's iPhone and a phone number. So

1 in the interim time the Sheriff's Department, and
2 Mr. White, the Defendant that's been in custody here
3 since his arrest in Gwinnett County, the Sheriff's
4 Department in the meantime develops their own device
5 extraction unit.

6 Officer Cushman here is one of the officers
7 involved in that unit. And so they have now, again,
8 as technology evolves, they have the new better than
9 GrayKey system called Cellebrite Group Force. So
10 the decision was made to resubmit all the phones to
11 the Cellebrite Group Force technology, to see if
12 they can past any, you know, point where they get at
13 SLED.

14 Well, it took about -- I don't even know, ten,
15 15 seconds. So you prompt a phone with certain
16 information about a potential owner, Devante White's
17 birthdate was used to prompt the phone once it was
18 plugged into the machine, and it opened right up.
19 That was the password was that. Contained within
20 Devante White's iPhone is -- well, I saw the
21 evidence of how he communicated with the victim,
22 Tim.

23 Tim's phone at the FBI was -- again, a techy
24 guy. I have some people in my office, their
25 passwords are like 35 letters long, but Devante's

1 phone contained all of his communications with Tim.
2 It contained all of his communications with Sarah,
3 his co-defendant. And the interesting thing about
4 his phone was, it contained the communications where
5 he would say, "Tim, you know," again, pretending to
6 be Sarah, "You know, I want to come and live with
7 you, and you can take care of me."

8 And then Tim would say, "Okay, come over and
9 I'll rescue you." And then Devante would message
10 Sarah and say, "Hey, send me a picture of yourself."
11 And then she would send it to Devante, who would
12 send it onto Tim, and so it's a clear timeline there
13 between what happened.

14 I would say to you that the decisions that were
15 made were made based on the science, based on the
16 critical nature of these highly technological
17 devices. You know, you don't want to take a chance
18 of destroying evidence, that would be horrific. And
19 so what they did was, they carefully made decisions
20 along the way, to try and preserve the evidence, to
21 try and, you know, obtain what they could.

22 And as the Pratt case indicates, the possessory
23 interest is, Your Honor, completely -- I mean
24 there's no question, is outweighed by the
25 government's interest in obtaining the evidence of

1 criminal activity, which is exactly what happened
2 here.

3 And so I would just submit to you that the
4 defense has failed to meet any burden that they
5 might have, in terms of the suppression motion.
6 And, of course, if there's any other questions you
7 had for me, or anything I can address, I'll be happy
8 to do that.

9 THE COURT: Give me the timelines on the two
10 different warrants.

11 MS. CAMPBELL: So, Your Honor, the search
12 warrant -- I just had it out, here we go. So the
13 first search warrant, the decision was made to send
14 it to SLED to try the GrayKey system on June 15th,
15 2021, and I can pull up the report. So we've got
16 information -- I'm trying to find the date on the
17 report, Your Honor.

18 THE COURT: It might be in the brief of the
19 defense.

20 MS. CORNWELL: The second search warrant is
21 signed on June 7th of 2022, Your Honor.

22 THE COURT: I'm sorry, say it again?

23 MS. CORNWELL: June 7th of 2022.

24 MS. CAMPBELL: Yes, in June of 2022, we did --
25 the search warrant was done with the new technology

1 that was available through the Beaufort County
2 Sheriff's Office, the device extraction unit.

3 THE COURT: SLED did not have that technology?

4 MS. CAMPBELL: They did not. And, in fact, when
5 I spoke with Brian from SLED, you know, as it
6 happens, many times they can hook some of these
7 phones up to this GrayKey, and it will give them,
8 you know, the estimated -- or it will be 20 years
9 before you can crack this phone open. And sometimes
10 they leave it plugged in there for a year, it's
11 just, you know, seeing what is going to come of
12 trying to crack into this phone.

13 They did not do that in this case. They sent it
14 back, because they were able to get the information
15 that this is -- the owner's name was Devante's
16 iPhone, a phone number that was attached to it. And
17 that phone number is the phone number that's
18 communicating with Tim, you know, from Tim's side of
19 the fence, so to speak. It was not there at the
20 time.

21 THE COURT: And the hearing before Judge Mullen
22 was when?

23 MS. CORNELL: Your Honor, that was during the
24 motion to sever, which I believe would have been --

25 THE COURT: Oh, I'm sorry, I thought it was a

1 motion to --

2 MS. CORNWELL: Well, it was combined with a
3 motion to sever. I think she had asked to maybe
4 sever the defendants. They joined in both of those
5 motions, and my recollection is, they were made
6 around May or June, because this case was originally
7 scheduled for trial in June.

8 MS. CAMPBELL: And as I said -- again, I'm sorry
9 to interrupt, it's not just the conversations. I
10 think I said this earlier, I just want to make sure
11 the Court understands, it's not just the
12 conversations.

13 When his birthdate, with the new technology, was
14 put into Devante's iPhone, it opened up everything
15 in his phone. And since that, the GPS data from
16 that phone from 30,000 points pinpoints Devante's
17 phone at the victim's home, at the time the victim
18 is being murdered. It tracks with the information
19 provided by the other defendants in this case, as to
20 where they traveled, both before and after the
21 murder. And then the historical data, in terms of
22 the internet searches. The searching in reference
23 to, you know, the story itself, about man killed in
24 Westbury Park.

25 The next day Devante's iPhone is searching that

1 up, and then says to his co-defendants, "Oh, shit,
2 that guy is dead." You know, that's the situation
3 I'm dealing with the co-defendants. They're saying
4 he's searching it up on that phone. So to be clear,
5 it's not just text messaging and instant messaging,
6 it is everything that one would have on their phone.

7 MS. CORNWELL: And, Your Honor, if I may
8 respond?

9 THE COURT: Sure.

10 MS. CORNWELL: First of all, all of the
11 information regarding the victim and all this
12 technology and stuff has nothing to do with my
13 client's cell phone. What they sent in in regards
14 to the victim's technology, again, doesn't relate to
15 my client's cell phone and the seizure of that cell
16 phone.

17 Law enforcement seizes cell phones during
18 arrests all the time, and immediately get search
19 warrants for those phones. There's always an
20 indication that there may be evidence to support a
21 crime in that phone, which is why getting a search
22 warrant for a cell phone is almost second nature.

23 As soon as you get it, you get a search warrant
24 for it, and you go. To indicate that this is new
25 technology that Beaufort County had is a little

1 misrepresenting. Cellebrite technology, SLED has
2 had Cellebrite technology for years.

3 I have used Cellebrite technology through SLED
4 agents, as a prosecutor in Orangeburg, as early as
5 2016 and '17; so it's not that the Cellebrite
6 technology is new and SLED didn't have it, it
7 upgrades every year, I mean like any technology,
8 they have new routes. So it is an upgraded
9 technology that Beaufort County used, but it's not
10 one that wasn't available. The technology was
11 available because it's always been available to
12 SLED.

13 Most phones are sent off to SLED, or to some
14 technology person within an agency within several
15 days of the seizure. Because most law enforcement
16 agencies find an exigency in obtaining that
17 information and that evidence, to support and
18 corroborate probable cause on their arrests.

19 In fact, in this case, on November 18th of 2020,
20 which is two days after the arrest, Beaufort County
21 was able to secure search warrants to send to
22 Verizon, to try to get the Verizon records, and try
23 to get those records.

24 So if they are able to get a search warrant for
25 those records in a reasonable amount of time,

1 without an unreasonable delay, why would they take
2 210 days for them to even get a search warrant just
3 at SLED? They didn't get any search warrants for
4 the actual phone device at all until 210 days later.
5 That came back with negative results.

6 We were informed that it had negative results.
7 And when they didn't get another search warrant for
8 another 567 days, again, that search warrant was
9 signed on June 7th of 2022. This case was schedule
10 for trial the second week of June of this year. So
11 there is certainly no justification in waiting 567
12 days from the time you seize the phone, to getting
13 the search warrant.

14 There is even less justification in seizing a
15 cell phone and waiting 210 days to get a search
16 warrant. A search warrant should be obtained for
17 seized evidence within a reasonable amount of time
18 to extract the evidence that you need.

19 SLED has had cell phone extraction units since I
20 was a prosecutor starting in 2010, and I know we've
21 been using cell phone technology since at least then
22 that SLED has always been able to provide us with.
23 I have spoken to an expert that used to work at
24 SLED, and he's confirmed that they did have
25 Cellebrite technology at that time, but the Group

1 Force application is a newer application, but there
2 was no reason for the 210-day delay in getting that
3 first search warrant.

4 Obviously, the possessor interest that my client
5 has in that phone was never diminished, and our case
6 law has been clear that once that cell phone was
7 seized, if they wanted to try to extract information
8 from that piece of evidence, they had to do so
9 within a reasonable amount of time from the seizure
10 of that phone.

11 Not within a reasonable amount of time of when
12 they thought technology might catch up and give them
13 access to the information that they wanted. Just
14 because the evidence that was seize made the
15 relevant material and all that, our Fourth Amendment
16 doesn't say, well, you can just go ahead and seize
17 things and hold onto it for as long as you need.
18 Riley and California goes very detailed into why
19 cell phones are such a new and controlling beast
20 with the qualitative and quantitative information
21 that they carry all in these devices.

22 Certainly, a search warrant is required when any
23 evidence is seized. A warrant must be procured
24 immediately. You know, our State Courts have found
25 that there may not be an unreasonable delay in, you

1 know, to inform somebody that evidence is available
2 if there is a drug case.

3 Obviously, all of that has to be done within
4 what is a reasonable time period. Our U.S. Court of
5 Appeals has found on multiple cases, like I said,
6 the two most controlling cases that are within our
7 immediate area, and relate mostly to this case, are
8 Pratt and Mitchell, which have been handed up; and
9 those state 21 days, and then in 2019 is when the
10 Pratt decision was made, that was 31 days, and 31
11 days was found to be unreasonable.

12 I would certainly think that 31 days is
13 unreasonable, 210 days is unreasonable, and 567 days
14 is particularly unreasonable. As such, all that
15 evidence that was seized pursuant to that warrant
16 that was extracted from that phone or seized, in
17 violation of his constitutional rights under the
18 Fourth Amendment, in accordance with Riley and in
19 accordance to Pratt and in accordance to Mitchell;
20 and as such, that evidence seized should be
21 suppressed.

22 There is no justifiable reasonable delay, and if
23 the only delay is, well, we waited 567 days, because
24 then we found out there was new technology, well,
25 again, I don't believe that our Courts would ever

1 give law enforcement permission to just hold onto
2 possessory interest items, such as cell phones and
3 computers indefinitely, until technology has caught
4 up with what they want to get out of the evidence.
5 That opens up a whole can of worms, and a precedence
6 that I don't believe anybody wants under the Fourth
7 Amendment. In this case, it would be one thing, if
8 it was 30 days, or if it were even 45 days.

9 Over 210 days and 567 days is completely
10 unreasonable, particularly when the time they got
11 the second search warrant in June of 2022 was at the
12 same time that this case was originally supposed to
13 be called for trial. My client had a possessor
14 interest to the phone, he never gave consent to the
15 procedure and search of the phone, and based on that
16 and any proof of that search from the phone are
17 unconstitutional and should be struck.

18 THE COURT: All right, thank you.

19 MS. CAMPBELL: Thank you, Your Honor.

20 THE COURT: Ms. Campbell, do you want to
21 respond?

22 MS. CAMPBELL: Just briefly, Your Honor. Again,
23 so the first point, so that we're clear, that search
24 warrant did not yield a result. The phone could not
25 be unlocked during that search warrant, and so you

1 -- you really -- you don't have a return on that
2 search warrant ever. You can't get into the phone.
3 And so I just wanted to make sure the record was
4 clear on that, it wasn't a full return.

5 THE COURT: Let me ask you this --

6 MS. CAMPBELL: Sure.

7 THE COURT: -- what was the reason for the delay
8 between the date of seizure and the first search
9 warrant?

10 MS. CAMPBELL: Right, this -- and so like I
11 said, Your Honor, the Sheriff's Department when they
12 went into Tim's home, they had a tremendous amount
13 of high technology evidence they were dealing with.
14 They had made the decision that night to call in the
15 FBI, and then they sent everything from the home to
16 the FBI.

17 MS. CAMPBELL: This phone was not in the home.

18 MS. CAMPBELL: No, I'll get to that. And then
19 -- it's okay, I didn't tell you. Then the next day
20 when they are able to track down the car, and then
21 track it down to Gwinnett County over in Georgia,
22 and then Defendants are taken into custody, that's
23 when they obtained the phone --

24 THE COURT: Okay.

25 MS. CAMPBELL: -- of all the Defendants.

1 THE COURT: All right.

2 MS. CAMPBELL: Now, they then, you know, bring
3 those phones back here, and, again, this is during a
4 time when every agency is almost nearly shut down
5 because of the COVID situation that everyone is
6 dealing with. All the procedures and protocols are
7 done right from Homeland Security to FBI to SLED, so
8 there was a period of time when they were making
9 decisions about, well, what do we want to do with
10 these phones, because this Defendant has given us,
11 you know, a passcode, but if we put in the wrong
12 passcode, we put that code in, or if we do
13 something, you know, that causes it to shut down or
14 have a breakdown, we may destroy evidence.

15 So I think that the period of time that the
16 defense is concerned about was a time, where they
17 were making calm, rational, you know, decisions to
18 make the proper choice about where to send the
19 phones, and so they did that, and they sent it to
20 SLED. And then SLED say, "This is as far as we can
21 go, we can't get no further, and by the way the
22 wrong passcode." So then the phone has not ever
23 been opened, and it is new technology.

24 Group Force (phonetic) is the latest cutting
25 edge when it comes to the iPhone, and we did not

1 have that in 2021, but we got it in July of 2022.

2 The case was continued --

3 THE COURT: And the reason for the delay between
4 those two days is what?

5 MS. CAMPBELL: Because we didn't have the
6 technology.

7 THE COURT: I know, but was it known in June of
8 '21 that the technology was going to be available in
9 June of '22?

10 MS. CAMPBELL: Oh, I can't answer that. I
11 don't, you know, I don't know what the device
12 extraction ex-forensic experts know about when new
13 programs are going to be release.

14 THE COURT: So that's what defense counsel is
15 saying, is that to use that argument, you keep the
16 property forever.

17 MS. CAMPBELL: Well, I mean if you don't -- some
18 phones are kept, again, like I said, for years
19 hooked up to these machines.

20 So I mean I'm not saying that, you know, until
21 you're positive that you've been unable to make an
22 advance and get inside the phone, I don't think it's
23 unreasonable. I don't think we waited, you know, an
24 amount of time that during an ongoing investigation
25 that warrants suppression of what is clearly the

1 Defendant's iPhone that contains the information
2 that shows him participating in setting up this
3 victim, and then killing him.

4 Well, I, you know, when the Defendant liked to
5 law enforcement, and gave the wrong passcode, you
6 know, had he given them the correct one, then SLED
7 would have been able to get in the phone and get it
8 unlocked and extracted.

9 THE COURT: All right, I'm gonna take it under
10 advisement, make a decision before tomorrow.

11 MS. CAMPBELL: Thank you, Your Honor. All
12 right, then I think we're gonna move onto the
13 State's exhibit and the photos, if that's okay with
14 Your Honor. And I may be talking for the defense
15 and for Your Honor, these are the trial exhibits
16 that will be presented in the case, and to the
17 Court.

18 And I'd just like for the record to reference
19 these other exhibit numbers, so that it's clear as
20 to what they are.

21 THE COURT: Do we know yet which items the
22 defense objects to?

23 MS. CAMPBELL: We can -- yes, so the defense and
24 I met over the break, and I was informed, in terms
25 of the photographs, there was -- she had an

1 objection to 3, 8, 9 and 10. So I had agreed to 3
2 black and white, I took out 9, and a black and white
3 10. So that is the agreement of the defense and the
4 State, in terms of those particular photographs.

5 My understanding is that, as I move through the
6 photographs, that there are no objections to the
7 other ones then.

8 THE COURT: Is that correct, Ms. Cornwell?

9 MS. CORNWELL: Now, as far as -- I think that's
10 some of them. Looking at the exhibits she gave with
11 other photographs, there are a number that I don't
12 believe are relevant material, or helpful to show
13 the event.

14 I also think they're gonna come in -- if they
15 come in, they will have to come in, based on the
16 search of the cell phone, and so I don't know if you
17 want to get into that right now. There's State's 54
18 and 54A, where these were found -- or was found on
19 my client's phone. It just showed my client with a
20 gun. We don't have any time or date when that
21 photograph was taken. If that firearm in that is
22 any way related to this incident. There's obviously
23 a prejudicial value that is greater than the
24 probative value in that.

25 THE COURT: Well, slow down a minute, let me see

1 if I can find those --

2 MS. CAMPBELL: All right, so --

3 THE COURT: Hold on.

4 MS. CAMPBELL: -- I'm really not comfortable
5 jumping around. If we can just take them in order,
6 would that be okay with the defense, and make the
7 record clear?

8 THE COURT: Well, I misunderstood. I thought at
9 first you said there were no objections to the
10 others, I misunderstood you.

11 MS. CAMPBELL: Well, the entire packet that I've
12 handed up to the Court and that the defense has, are
13 the exhibits that the State would introduce. And so
14 I'm just concerned that we're gonna get lost, and
15 there's a lot. In fact, if it would be all right,
16 could we just go in order?

17 MS. CORNWELL: You had mentioned 3, 8, you took
18 out 9 and 10, which are in black and white. So
19 since we're kind of bringing the black and white, 3,
20 8 and 10 and removal of 9, items 1 through 53 I
21 don't have an objection to.

22 THE COURT: Hang on a minute.

23 MS. CORNWELL: Instead of having to go through
24 them.

25 THE COURT: 1 through 53 no objection?

1 MS. CORNWELL: According to our stipulations.

2 MS. CAMPBELL: All right.

3 THE COURT: Okay.

4 MS. CAMPBELL: Also --

5 THE COURT: So we need to move to 54 and 54A?

6 MS. CAMPBELL: Yes, Your Honor.

7 THE COURT: There's no other large block that we
8 agree on?

9 MS. CORNWELL: I believe that we agreed on --
10 I've got 1, 2, 3, 4 -- I've got 20 out of -- and
11 they go up to 110, there's only about 20 that I have
12 an objection to. And I can go through those by
13 number. Like I said, I'm happy to go through each
14 one individually, I just thought it would help the
15 amount of time, but I'm not objecting to all of
16 them, I'm only objecting to about 20 out of 110.

17 MS. CAMPBELL: Well, then I think I'll just sit
18 down and let Ms. Cornwell --

19 THE COURT: Well, it's just --

20 Let's see if we can figure it out. If you want
21 to try it one at a time and see what happens.

22 MS. CAMPBELL: All right.

23 MS. CORNWELL: Thank you, Your Honor, I've got
24 54 and 54A.

25 THE COURT: Hang on a minute, let me see if I

1 can find those. I found 54. I've got 54A now also.

2 MS. CORNWELL: And, Your Honor, the first
3 objection, they were seized from the cell phone in
4 violation of my client's Fourth Amendment right, and
5 they should be suppressed based on that.

6 THE COURT: Okay, 54 and 54A subject to -- is
7 that the only objection, Solicitor?

8 MS. CAMPBELL: No, we'd also argue that they're
9 not relevant material, there's no date and time, in
10 that case only a firearm, it has nothing to do with
11 this particular incident. I think it's over
12 prejudicial for 403.

13 THE COURT: All right, Solicitor, what do you
14 say, Solicitor?

15 MS. CAMPBELL: Well, as to the date and time I
16 absolutely can provide, because in his cell phone
17 every photo he takes obviously has a date, time and
18 where its location of where that picture was taken.
19 If my memory serves me correctly, my Investigator is
20 looking it up now in the extraction.

21 These photos were taken just in a week or two in
22 a very short timeframe, before Tim was called, with
23 a revolver that is similar to the revolver that is
24 taken from the Defendant, and the large blowup is
25 over here. Of course, in the box is the revolver

1 that came from the Defendant, and on the right is a
2 large photo from Devante White's phone, and that's
3 also State's Exhibit 95, again, in the same time-
4 frame, so I can provide a date and time. November
5 10th, 2020 at 9:36 p.m., which is in the days of Tim
6 being killed with a gun that looks exactly like the
7 gun the Defendant's holding, taking pictures of
8 himself and posting on his Snapchat. Now, I did
9 take the extra step of blacking out the emoji and
10 the words, and that's why we have 54A, but I do
11 think we can provide relevant date and time. Again,
12 with the cell phone issue under advisement, I think
13 we assume the date and time from the State's
14 exhibit.

15 MS. CORNWELL: Your Honor, and just to be clear
16 the gun expert from SLED is unable to -- is
17 inconclusive as to whether or not the gun they
18 seized actually matches the bullets/projectiles. I
19 would also argue that unlike some firearms, where
20 it's a certain color, or, you know, more a rare
21 firearm, the firearm's -- the firearm that's in --
22 that appears to be in this picture, there are
23 firearms there, is a .38 or .357, it's got
24 distinguishing characteristics, there's features
25 that show that this is that gun, or could be that

1 gun.

2 Because he had a firearm in his possession on
3 November 10th, clearly means that he took that
4 firearm and shot and killed him. I don't believe
5 that there's enough relevant material evidence in
6 that photograph to be probative to this case at-
7 hand. So the State has a firearm they've got in
8 custody, they plan on introducing into evidence.
9 This photograph does nothing other than try to
10 prejudice the jury that, you know, he posted
11 pictures of himself with firearms.

12 THE COURT: All right.

13 MS. CORNWELL: And then --

14 THE COURT: Okay, I've got it. I'm going to
15 take it under advisement. What's next?

16 MS. CORNWELL: 63 is a photograph of the victim
17 that was allegedly taken from my -- after a search
18 of my client's cell phone.

19 THE COURT: What -- let me see if I can find it,
20 I'm sorry.

21 MS. CORNWELL: Yes, Your Honor.

22 THE COURT: You said 53?

23 MS. CORNWELL: 63, Your Honor.

24 THE COURT: 63. Okay, 63, and I've got it now,
25 go ahead.

1 MS. CORNWELL: That would just be pursuant to
2 our motion to suppress his cell phone records and
3 the extraction.

4 THE COURT: Cell phone objection, okay.

5 MS. CORNWELL: 64, 65, 66, 67 and 68, again,
6 would be pursuant to our motion regarding the
7 information received from the cell phone.

8 THE COURT: All right, I see the photographs of
9 a house. What about it, Solicitor?

10 MS. CAMPBELL: Your Honor, in the Defendant's
11 conversation with Tim in the days leading up to the
12 murder, he tries to, again, pretending to be Sarah,
13 lure Tim out to Defendant's home, which is a
14 photograph taken of the Defendant -- where the
15 Defendant lives, [REDACTED] Hickory Hill Road in Green
16 Pond, to [REDACTED] Wiggins Drive, which is the address of
17 -- shown on 65 and 66, where he tells Tim to drive
18 to, to pick him up a/k/a her.

19 So Tim declines to come out to this deserted
20 area to pick this, you know, pick Sarah up. And 67
21 is the map information showing the location between
22 the Defendant's home and where they tried to get the
23 victim to come to, which is about just right around
24 the corner, very close to his house.

25 THE COURT: And --

1 MS. CAMPBELL: And so, again, it is relevant to
2 the plotting and the planning to try and lure Tim
3 out of his home, where he could be the victim of
4 some criminal activity of this Defendant.

5 THE COURT: So the objections are photographs is
6 what?

7 MS. CORNWELL: Your Honor, first it would be
8 under our motion to suppress the records. These are
9 coming from -- all this information is coming from
10 the cell phone records that were extracted, pursuant
11 to the search warrant. Our next argument would be
12 that they're not relevant material to this matter.
13 I think they're trying to indicate that he tried to
14 set him up days before, which, obviously, that's
15 404B evidence as prior bad acts.

16 There's nothing very convincing that shows that
17 those allegations are factual.

18 THE COURT: I guess I --

19 I guess I'll have to wait and hear that one, but
20 now something I've missed, these photographs'
21 locations are from the cell phone?

22 MS. CAMPBELL: No, Your Honor, the Investigator
23 in this case took those photographs to demonstrate
24 the location to where the Defendant was telling Tim,
25 our victim, to come and pick someone up there in the

1 days leading up to the murder.

2 THE COURT: Oh, that information is on the cell
3 phone?

4 MS. CAMPBELL: It was, yes.

5 THE COURT: Which is the grounds for the
6 objection?

7 MS. CAMPBELL: Yes, Your Honor.

8 THE COURT: Okay, I'll take that under
9 advisement until we see where we're headed with
10 that. And what I missed was 69.

11 MS. CORNWELL: And, Your Honor, 69 is just a
12 photograph that was on my client's phone, per the
13 extraction, so it would be pursuant to our motion to
14 suppress the cell phone.

15 MS. CAMPBELL: And to be clear for the record,
16 69 when you follow the conversation, and then these
17 are the printed-out copies of the conversation
18 pertaining to Devante White and our victim, State
19 60. And then State's 58 is the face of instant
20 messages between Devante White and Sarah Barr.

21 So Tim Milliken tells Devante, who he thinks is
22 Sarah, says, "Send me a picture of yourself and your
23 child." So then Devante messages Sarah, and says,
24 "Send me a picture of you and your baby."

25 So then Sarah messages the -- this picture, and

1 it's in the conversations, date and time, she sends
2 Devante white of this picture of herself and the
3 baby. It stays in Devante's phone maybe five
4 seconds, and then is immediately sent through text
5 message to Tim, who makes a comment like, "What a
6 beautiful child."

7 So it just again if there's no other objection
8 than the cell phone argument that's been made, I
9 want the record to be clear that 69 is on Devante's
10 phone, but it came from Sarah to Devante, and then
11 Devante sent it to Tim.

12 THE COURT: All right, I've got that one.

13 MS. CORNWELL: 71 and 72, Your Honor, I believe
14 are the exact same arguments. They are two pictures
15 of Mr. Barr, the codefendant in this case, that she
16 allegedly sent to my client's phone, so it would be
17 the same argument under the motion to suppress, and
18 I'm going to assume that Ms. Campbell's argument
19 would be the same as the previous photographs that
20 we just discussed.

21 MS. CAMPBELL: That's true.

22 THE COURT: Okay.

23 MS. CORNWELL: 78, 79 and 80, Your Honor, are
24 pictures of an apartment complex. I believe these -
25 - the State's gonna try to get in these photos to

1 show prior bad acts of a prostitution business that
2 was being run out of that apartment. Again, I don't
3 know if that has any relevancy or throughout the
4 case at hand.

5 I think they're trying to get into it, showing
6 that this is where, you know, my client potentially
7 met one of the codefendants, and that they did it,
8 because she was a prostitute and whatnot, and that
9 constitutes prior bad acts. We got it through 404B
10 -- saying it's not fair and convincing, and it does
11 not meet any standards under 404B and Lyle.

12 THE COURT: Ms. Campbell?

13 MS. CAMPBELL: So there's no way to explain what
14 Sarah Barr is doing at Timothy Milliken's house on
15 November 16th of 2020, other than to give the whole
16 story, which is res gestae.

17 Sarah Barr met Devante White in November through
18 December of 2020. He put her to work as a
19 prostitute, along with his Uncle Marquis Pollard,
20 this is evidence she's prepared to testify to, as a
21 17-year-old prostitute working out of Shell Pointe
22 Apartments there in Beaufort. During that time in
23 September, 2020, Devante White's uncle, Marquis
24 Pollard, takes Sarah Barr to Tim Milliken's house in
25 Westbury Park.

1 Now, she spends some time there with Tim
2 Milliken. Marquis Pollard takes her back to the
3 Shell Pointe Apartments, where she continues to work
4 for about five days there, along with a number of
5 other girls who are being worked out of this
6 location. Devante reaches out to Tim just out of
7 the blue, and he starts messaging Tim around the end
8 of October 2020, and then spends the next two to
9 three weeks I guess communicating with him. Again,
10 pretending that he's Sarah Barr, who Tim knows,
11 because she's been in his home in September 2020.
12 It's relevant, it's probative, it's absolutely falls
13 squarely within res gestae. And in terms of 404B,
14 you know, we've got -- let me -- I looked at it last
15 night, I'll tell you I've got a number of things
16 that it does meet. So I --

17 THE COURT: The photographs are intended for
18 what purpose now?

19 MS. CAMPBELL: That --

20 THE COURT: To --

21 MS. CAMPBELL: They are showing the location
22 where Sarah Barr met Devante White and was
23 trafficked by Devante White.

24 THE COURT: Right. That she's going to testify
25 too?

1 MS. CAMPBELL: Absolutely, and she's going to
2 say that he and his uncle trafficked her from there,
3 and his uncle took her to Tim Milliken's home while
4 they were trafficking her in September, 2020 out of
5 that location.

6 THE COURT: Okay. Okay, so give me the
7 exceptions then that gets it in.

8 MS. CAMPBELL: Okay, so we have motive,
9 identity, and then the common scheme or plan, and
10 then intent. And I think certainly we've got
11 identity, and this -- what's going on is the common
12 scheme and plan of human trafficking. Because
13 they're trafficking Sarah in 2020, and Devante,
14 again, pretending to be Sarah in these messages with
15 Tim, is offering up trafficking services to Tim yet
16 again.

17 You know, it's an ongoing operation, if you
18 will, because he's trafficking her in September, and
19 then he reaches out to Tim and tries to set up
20 another situation, where girls are being brought to
21 Tim's home.

22 MS. CORNWELL: And, Your Honor, my client's not
23 on trial for human trafficking, prostitution, or
24 anything like that, but I'm not sure how you
25 correlate human trafficking and prostitution to

1 murder, or any common scheme plan, motive, you know,
2 of murder, kidnapping and possession of a weapon,
3 which is what he's charged with. There's, you know,
4 under Lyle, there's got to be some sort of -- it
5 has to be significantly similar to the prior bad act
6 to show any of these things. I'm not sure how human
7 trafficking is substantially similar to kidnapping
8 and the murder of Tim Milliken and how they intend
9 on getting into it.

10 THE COURT: Now, I don't think the Solicitor's
11 trying to say it's similar, she's trying to say --
12 tell me again what it is though. That it's to show
13 identity of who?

14 MS. CAMPBELL: All the parties, because Devante
15 White could never have been inside Westbury Park but
16 for the fact that Sarah Barr was there and being put
17 forth as a prostitute. She was being -- and she
18 will testify she's being dropped off for the night,
19 and there's talk of -- there's messages back and
20 forth about how much money it's gonna cost, a back
21 and forth on the price of the, you know, what's
22 gonna happen.

23 And so, again, it's just the trickery that took
24 place from the end of October to November 16th
25 between Devante and Tim. Tim never -- it's clear he

1 never knows that he's talking to this man. He
2 always believes that he's talking to Sarah, the 17-
3 year-old.

4 THE COURT: All right.

5 MS. CAMPBELL: And the only way to explain how
6 Devante White winds up in Tim's driveway, driving
7 Sarah there, is Sarah would testify -- is going to
8 testify is because she knows Devante. She met him
9 in September of 2020. He put her out as a
10 prostitute.

11 Her uncle put her out, but more importantly took
12 her to the victim's home to that location, so she's
13 been in that home, and she knows what's in the home.
14 And Devante White, you know, it's an elaborate plan
15 and scheme to get -- you can't get to the victim's
16 home, unless you have a gate code, and so there's a
17 lot of back and forth about giving the gate code and
18 how to get in, and he does get in.

19 So I don't know if that's at all helpful, Your
20 Honor. It all started when Devante White met Sarah
21 Barr at the Shell Pointe Apartments in September of
22 2020. And then when he gets the lick, the plan in
23 mind, that he's gonna go over and rob Tim, you know,
24 bust in his house or whatever, he messages Sarah and
25 he says, "Hey, I've got a lick for us."

1 And Sarah, because she knows him, messages him
2 back and says, "For real? I need some money for
3 real, for real." And so the two of them, as Sarah
4 is gonna testify, commence to plot and plan what
5 they're gonna do to Tim. And so Devante is
6 continuing his messages with Tim, trying to make
7 sure that they can get over there and get into
8 Westbury Park. You cannot get in unless you have a
9 gate code. So that's when, you know, the whole --
10 I'm gonna rescue you from this human trafficking,
11 you know.

12 THE COURT: But Sarah Barr wasn't there on the
13 day of the murder, was she?

14 MS. CAMPBELL: No, she was there. She --

15 THE COURT: Oh, she was there?

16 MS. CAMPBELL: -- was a full participant, yes,
17 she was.

18 THE COURT: Oh, I'm sorry, I didn't understand.

19 MS. CAMPBELL: Yes, sir, she was there, the two
20 men, friends, that he hooked up with jump out of the
21 trunk. And, again, Sarah is the only reason, the
22 woman, the girl, if you will, that the gate code's
23 given out. And it all ties back to what he did with
24 Sarah, how he knows Sarah, how they know one
25 another. There's no way for her to tell her story

1 without talking about him being there as her pimp.
2 It's not to show, you know, anything but that.

3 THE COURT: Preliminarily, subject to your
4 objection when we get there. It sounds to me as
5 though we are talking about res gestae, and
6 explaining what the whole deal was about. Subject
7 to you being able to put it altogether.

8 MS. CAMPBELL: Sure.

9 THE COURT: All right, so what's next?

10 MS. CORNWELL: Your Honor, the next one that
11 I've got is 80, 81, 82, 91 and 92, and those would
12 be pursuant to our motion to suppress. That is the
13 extraction reports.

14 THE COURT: I see.

15 MS. CORNWELL: Pursuant to the search warrant.
16 And then finally the last one that we have, Numbers
17 96 through 100.

18 THE COURT: Look let me interrupt you a quick
19 minute. Here's what I wrote down that we just last
20 talked about was 81, 82, 91, 92?

21 MS. CORNWELL: Yes, sir. And, I'm sorry, 93 is
22 from the phone extraction, so it would be based
23 on --

24 THE COURT: That's the reason I asked the
25 question.

1 MS. CORNWELL: Yes, Your Honor, I apologize.

2 MS. CAMPBELL: And, again, I want to draw the
3 connection to Your Honor, the photo 93 came from
4 Devante White's phone. The conversation was in
5 Devante White's phone, it deals with that photo, is
6 in State's Exhibit 92. And it's a conversation
7 between Marquis Pollard, who is Uncle P and Devante.
8 And this timestamp on the phone of this conversation
9 is September 7th, 2020, September 8th, 2020, when
10 Marquis Pollard, Uncle P says to Devante, "Tell
11 them hos get back in here." And Devante is sending
12 this photo to Uncle P of Sarah in September, when
13 she's being trafficked at those apartments here at
14 Shell Pointe.

15 So it's all tied together as these two Exhibit
16 23 and, of course, the cell phone extraction report,
17 92.

18 THE COURT: Okay, I've got it.

19 MS. CORNWELL: I mean, Your Honor, we'd also
20 object to the term that she's being trafficked,
21 that's been mentioned several times. I believe Ms.
22 Barr, in her own statements, indicate that a friend
23 of hers told her how she could make some easy money
24 by going in you know, get paid to have sex in the
25 apartment. She voluntarily went there; she was not

1 kept there against her will in any way. She was
2 allowed to go back to her grandma's house. She's
3 not being provided with food, shelter, or anything
4 of that nature.

5 She's there to party and get paid to have sex
6 and party. So to the term trafficking is incredibly
7 prejudicial, and does not accurately reflect the
8 events that are happening. So for the State to
9 continuously say that she's been trafficked, she's a
10 victim of human trafficking, I believe negates the
11 severity significance of actual victims of human
12 trafficking.

13 This young lady has quite a history and quite a
14 record, and she was there voluntarily, and went
15 there of her own accord. She's had continued
16 conversations with these people of her own accord at
17 her parent's house, her grandmother's house. It
18 does not rise to the level of trafficking as what is
19 being portrayed by the State.

20 THE COURT: Well, let's talk about that while
21 we're here.

22 MS. CAMPBELL: Sure. So during the course of
23 this investigation, there was an attempt to, you
24 know, identify what had gone on with Sarah, as she
25 came into the custody of law enforcement. So they

1 put -- there's a program that you can put a picture
2 of the girls into, and she was 16 in September,
3 2020.

4 You could put this into a program, and so they
5 did. And so one of the deputies with the
6 Department, with the Beaufort County Sheriff's
7 Office, put her photo in and it matches the
8 databases for the websites where the girls are
9 posted for sale. And so they're web-based, it's
10 called Web-based Anti-Human Trafficking, in any
11 event it's called Spotlight.

12 And he found her almost immediately, and so that
13 is part of the evidence in this case as well that
14 she was located. And he would testify that he found
15 her posted for sale twice on September 7th, three
16 times on September 8th, two times on September 9th,
17 and once on September 10th, 2020, which is her
18 recollection and her testimony of when this
19 Defendant and his uncle were selling her out of the
20 Shell Pointe Apartments, and also taking her to sell
21 her to the victim in this case.

22 So I would say I don't have to use the words
23 human trafficking, but it's clearly a situation
24 where it is a pimp and a prostitute. She's going to
25 testify that the girls were in no way allowed to

1 post themselves, they were not allowed to have
2 phones. That the men who sold them were the ones
3 who made all the arrangements.

4 The girls were given no access to communicate,
5 other than with them, and that they were given about
6 five minutes notice when a man was coming to that
7 apartment. And then he would have paid by Cash App,
8 or he would pay by cash. And there was a different
9 situation, where there was a phone -- one phone that
10 the girls could use to notify the pimps that they
11 had been paid, the amount they had been paid, and
12 what they could do for that amount. In other words,
13 what sex acts could be performed.

14 So it, you know, I'm happy to give up the phrase
15 human trafficking, but her testimony and what she
16 went through, it was not all fun and free money.
17 There as a lot of coercion, and there was certainly,
18 you know, control, they were managed, they were
19 sold. That's her story, that's how this all came to
20 me, how she met Devante, how she met Tim, and what
21 happened to her.

22 THE COURT: I agree with the Defendant's
23 position about using the term trafficking. There's
24 probably gonna be some more objections to testimony
25 from that witness. When do you think she's gonna be

1 up, be called?

2 MS. CAMPBELL: So she identifies probably
3 Wednesday morning. There's a lot of evidence in the
4 surveillance video. She can identify herself and
5 the three men that took her over there. She
6 identifies Devante on the surveillance video.

7 THE COURT: Yeah.

8 MS. CAMPBELL: And then she, again, identifies
9 many of the photos. She identifies the
10 conversations from the cell phones.

11 THE COURT: But when do you intend to call her?

12 MS. CAMPBELL: Probably not until the earliest I
13 would think Thursday -- well, we may move along more
14 quickly, it could be Wednesday afternoon, but
15 probably Thursday morning.

16 THE COURT: All right.

17 MS. CAMPBELL: Towards the end of the State's
18 case.

19 THE COURT: All right. You pretty much know
20 what that witness is gonna say, or wants to say?

21 MS. CORNWELL: She's given multiple statements,
22 Your Honor. Which version of her statement she's
23 gonna give I'm interested to see.

24 THE COURT: Well, what I'd like to see if I can
25 smooth this thing, the rough edges on this, can you

1 get together what you think you would object to, if
2 she were the on the witness stand?

3 MS. CORNWELL: Yes, Your Honor.

4 THE COURT: So we can make some preliminary
5 rulings on -- or maybe make rulings on it.

6 MS. CORNWELL: Yes, sir.

7 THE COURT: Okay.

8 MS. CORNWELL: And, Your Honor, the last group
9 of photos that are of concern would be 96 through
10 100. I don't see how multiple photos or any photos
11 regarding this are more inappropriate and
12 prejudicial, certainly. The victim died in this
13 room, obviously, it's murdered, he was shot, and
14 they're gonna have testimony from, you know,
15 multiple people about, you know, the evidence that
16 was in there, and there's really no need to show
17 multiple pictures, particularly multiple bloody
18 pictures, just to prove that blood resulted from
19 this incident.

20 While there is a large amount of blood, I
21 believe that what they are trying to do is try to
22 get all of these in. I think it is extremely
23 prejudicial, and that testimony regarding the amount
24 of blood is sufficient for the probative value, and
25 the fact that he died from blood loss can be

1 testified to the coroner, as well as EMS --

2 THE COURT: Well --

3 MS. CORNWELL: -- and I think it will show the
4 jury all those bloody photos.

5 THE COURT: All right, Ms. Campbell?

6 MS. CAMPBELL: Your Honor, these photos are not
7 being introduced by the State to show the victim's
8 blood loss, although it was tremendous.
9 Essentially, all the blood in his body came out when
10 his femoral artery was severed, when Devante White
11 shot him in the leg.

12 These photos are being offered to show the blood
13 spatter that was all over the door, the doorway, the
14 walls, so that it's clear in the evidence the amount
15 of blood that would have gotten on the lower part of
16 the Defendant's jeans that he can be seen wearing in
17 the surveillance video. State v. Collins, State v.
18 Gray, the whole line of cases certainly make it
19 clear that, you know, the State has a relevant
20 probative reason for introducing these photos,
21 because 16 hours later, when the Defendant is taken
22 into custody in Gwinnett County, Georgia, he is
23 wearing a pair of girly-girl shorts, cut-off shorts.
24 Now, I can't tell you if he cut the pants off, or if
25 he switched into somebody else's clothes, but it's

1 clear, and there's a photograph in the evidence of
2 those -- of shorts that when he was taken into
3 custody, and so we think it's relevant, we think
4 it's probative.

5 All of those photos, the jury has an
6 understanding as to why in the world this Defendant
7 would be wearing these teeny-tiny shorts, rather
8 than long pants in, you know, in November long pants
9 that he's see in the surveillance video wearing when
10 he shoots Tim, and the blood is splattering all over
11 the place. So it's not, you know, for any reason
12 other than that.

13 THE COURT: Okay.

14 MS. CORNWELL: Your Honor, those surveillance
15 videos those are going to show, you know, the
16 shooting itself. I don't believe showing the
17 photographs is, you know, helpful. I think the
18 photographs are more prejudicial than probative.
19 Obviously, the jury is gonna see the video, they're
20 going to be able to see where the blood is in that
21 video.

22 THE COURT: Okay, I disagree, and I will allow
23 the State to use perhaps not all of these, but at
24 least some of these. Let me just look, 97 shows
25 what the State has said they wanted to show.

1 MS. CORNWELL: And, Your Honor, we request they
2 could be shown in black and white.

3 THE COURT: 99 shows that. What about it,
4 Solicitor? Defense --

5 MS. CAMPBELL: Is that what Your Honor would
6 like to do?

7 THE COURT: No, I said defense wants to know
8 about showing black and white.

9 MS. CAMPBELL: I printed them in black and
10 white, and I think Your Honor should have that as
11 well, and we're happy to do that.

12 THE COURT: Okay. All right, does the State
13 believe that more photographs are necessary than the
14 two I just mentioned?

15 MS. CAMPBELL: That's fine, Your Honor.

16 THE COURT: Okay. Which brings us to -- let's
17 take a five-minute recess.

18 MS. CORNWELL: Thank you, Your Honor.

19 MS. CAMPBELL: Thank you, Your Honor.

20 (Recess.)

21 THE COURT: All right, where are we here?

22 MS. CAMPBELL: Well, Your Honor, from the
23 State's perspective, I think that the next matter
24 that we need to address is Officer Hewitt's bodycam,
25 it's about five minutes and 20 seconds, that the

1 State intends to introduce, which is first responder
2 on-the-scene. There are individuals that he
3 encounters when he first comes up to the scene on
4 the bodycam. And then the search through the house.
5 It shows very clearly for the jury all of Tim's
6 things. There's just tremendous relevance and value
7 for the jury to see. Additionally, talking about
8 the fact that there might be children in the home.
9 They are looking for the children. They find the
10 children in the child's bedroom in the bodycam.\

11 That is relevant and probative, not merely
12 prejudicial information, because I believe White and
13 Coakley would be testifying that the only reason it
14 appeared to them that Tim got the keys out of his
15 pocket and unlocked the back door is, because
16 Devante White said, "If you don't open the door, I'm
17 gonna kill your kids," that's when he unlocked the
18 door.

19 And so the relationship between Tim and his
20 children, and then opening the backdoor and the
21 bodycam is all intertwined and relevant to the
22 State's case.

23 MS. CORNWELL: And, Your Honor, I think the body
24 came has got, obviously, admissible hearsay on it.
25 That there is no reason that the body cam footage

1 needs to be shown. Officer is going to testify, and
2 the officer testify as to what he did when he
3 arrived on-the-scene. That is typically what we do
4 in these trials. The conversations that are
5 captured on that bodycam footage, all of that is
6 hearsay. And as far as showing the valuables and
7 goods that are inside the home, I don't -- I mean
8 it's a person's home, obviously, they've got stuff
9 inside their home in a robbery or attempted robbery,
10 and that has been apparent. I don't see how any of
11 that goes to a murder or a kidnapping, as far as
12 like the fact that he has children or whatever, all
13 of that can be testified too.

14 And I think showing the bodycam, one, it's
15 wading into the admissible hearsay that's going to
16 be in that bodycam, and, again, it is really
17 prejudicial and overkill as to what the officer can
18 testify to himself what --

19 THE COURT: Speaking of the hearsay that you're
20 talking about, is there anything especially
21 prejudicial, other than the fact that it's hearsay?

22 MS. CORNWELL: Your Honor, I'd have to go back
23 and look, but I would think a) they're discussing
24 how they came -- why they came over to the house,
25 what they found. They're also showing the reasons

1 they were over there, and what they know about. And
2 I think we'll get the specific officer's bodycam for
3 that, there's a lot of bodycam footage, but
4 typically we're just hearing, you know, them talk
5 about the relationship with the victim.

6 MS. CAMPBELL: And I can clear that up. It's
7 very brief, it's just sort of, you know, Hewitt's
8 running up to the house, they're standing at the end
9 of the driveway, "You know, what's going on?" "Just
10 go to the backdoor and you'll see what's happened."
11 They don't give any, you know, great detail. And
12 even if they did, it would be an excited utterance
13 but there is nothing that is in some louder detail,
14 it's just like basically, "Yeah, we found them, go
15 to the backdoor, you'll see what happened."

16 THE COURT: It sounds like what the Solicitor is
17 saying is, what I would typically expect to permit,
18 but if you want me to, I'll be glad to look at it or
19 watch it.

20 MS. CAMPBELL: Thank you.

21 MS. CORNWELL: Yes, your Honor, and I'll look at
22 it again tonight, and just make sure if there is a
23 specific part of the bodycam to introduce, and just
24 make sure that they note my objection.

25 MS. CAMPBELL: So we can put the five minute and

1 20 second portion on a thumb drive, or she can play
2 it for you before she leaves, and we can do the same
3 for Your Honor --

4 THE COURT: Okay.

5 MS. CAMPBELL: -- in terms of the bodycam.

6 THE COURT: All right.

7 MS. CORNWELL: It's also showing the victim in
8 all his blood.

9 MS. CAMPBELL: But you can't really tell or see
10 Tim from that angle, look at it.

11 MS. CORNWELL: Okay.

12 MS. CAMPBELL: And then -- so the combined
13 surveillance video, just to make it clear for the
14 record, so there's no problems later on, there's a
15 photo in the evidence of the photographs provided to
16 the defense, that has sort of what we call like a
17 halo effect that is enhanced, to show a clearer
18 picture in the surveillance video of the Defendant
19 and Tim, when they are struggling at the backdoor
20 and Tim is getting shot.

21 That halo effect is also in the combined
22 surveillance video, that was in the photos as well.
23 I just wanted to make sure that that was clear for
24 everybody.

25 MS. CORNWELL: And, Your Honor, I've looked at

1 my video. I assume they're gonna have somebody
2 testify as to that. I don't have a concern or an
3 objection because of the halo effect.

4 THE COURT: Okay.

5 MS. CORNWELL: And, certainly, this is all
6 stipulated upon them laying the proper foundation,
7 authenticating video through 911 and --

8 THE COURT: Right.

9 MS. CORNWELL: -- I'm assuming they're going to
10 put the witnesses up to indicate how they got the
11 video, what they did to the video, and how they --

12 THE COURT: I would anticipate that.

13 MS. CAMPBELL: Correct.

14 THE COURT: That that's going to be done.

15 MS. CAMPBELL: Yeah.

16 THE COURT: But you aren't stipulating to it
17 as --

18 MS. CORNWELL: Yes.

19 THE COURT: -- to its admissibility.

20 MS. CORNWELL: Correct, Your Honor. Once it
21 becomes admissible, it becomes admissible.

22 THE COURT: All right, what's next?

23 MS. CAMPBELL: I think that might be it.

24 THE COURT: What about from your perspective,
25 anything else?

1 MS. CORNWELL: Your Honor, I believe that's all
2 from us right now.

3 THE COURT: Well, you'all help me, I've
4 forgotten, what do we do about Defendant's
5 statement.

6 MS. CAMPBELL: That's another thing we're gonna
7 take up, should the Defendant decide to testify in
8 the trial.

9 THE COURT: Okay. Do we need to address any
10 priors, prior record stuff?

11 MS. CAMPBELL: Today? I mean I can -- I sent
12 the information to defense counsel.

13 MS. CORNWELL: And, Your Honor, I believe the
14 only thing on his record that I'm aware of is a
15 failure to appear, a Magistrate level breach of
16 trust, those are over the last ten years.

17 THE COURT: Okay, so we're good. Is that it?

18 MS. CORNWELL: That's it, Your Honor.

19 THE COURT: Let me hear if there's any
20 objection, but the Bailiff's gonna call our juror
21 and tell her that both State and the defense have
22 agreed that it would be in the best interest of
23 justice, if she did not serve, and she doesn't have
24 to come in, but if she wishes to come in and hear it
25 from me in the courtroom, she can, but she needs to

1 be here by 9:30. Any problems with that?

2 MS. CORNWELL: No, Your Honor.

3 THE COURT: Okay. Okay. How long do we think
4 we're gonna need for opening from the State's
5 perspective for the State's opening?

6 MS. CAMPBELL: 15 minutes. I mean I'm not long-
7 winded.

8 THE COURT: Same, same?

9 MS. CORNWELL: Yes, Your Honor.

10 THE COURT: Okay. All right, Court's adjourned
11 until 9:30 tomorrow morning.

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

14 ***

15 END OF VOLUME I

STATE OF SOUTH CAROLINA	IN THE CIRCUIT COURT
	2021-GS-07-00101
COUNTY OF BEAUFORT	2021-GS-07-00111
-----)	
State of South Carolina)	
	)
Plaintiff,	)
vs.	)
	)
Devante L. White,	)
	)
Defendant.	)

December 13, 2022
Beaufort, South Carolina

B E F O R E:

The Honorable Brooks Goldsmith, Judge Presiding

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1 PROCEEDINGS

2 ***

3 TUESDAY, DECEMBER 13, 2022

4 BEAUFORT, SOUTH CAROLINA

5 ***

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

8 THE COURT: Is the State ready to proceed this
9 morning?

10 MS. CAMPBELL: Good morning, Your Honor. The
11 State is ready.

12 THE COURT: Is the defense ready?

13 MS. CORNWELL: Yes, Your Honor.

14 THE COURT: On the issue of the defendant's
15 motion to suppress the phone records, anything new
16 or in addition to what we have already heard or
17 seen, From the State?

18 MS. CAMPBELL: Not from the State.

19 THE COURT: From the defendant?

20 MS. CORNWELL: No, Your Honor.

21 THE COURT: The Court has reviewed the cases
22 submitted by the defendant, the Mitchell case and
23 the Pratt case. One being in 2009 and 2019. Both
24 cases reversed the trial Court because of the trial
25 Court's failure to suppress cell phone evidence. I

1 find that the State has failed to offer any
2 reasonable explanation for the delays that have been
3 complained of by the defendant in obtaining the two
4 search warrants.

5 For those reasons, I grant the defendant's
6 motion to suppress. Of course, that affects a lot
7 of stuff that we have talked about.

8 I believe when we went through the photographs,
9 we addressed all of those photographs except for the
10 ones that had been, I guess, produced as a result of
11 the seizure of the phone.

12 Is there any question from the State about which
13 photographs have now?

14 MS. CAMPBELL: Thank you, Your Honor. It was my
15 understanding yesterday when we reviewed all the
16 items that the State intended to introduce that
17 State's 54, State's 54A, State's 63, State's 69,
18 State's 70, State's 71, State's 72, State's 73,
19 State's 74, State's 75, and State's 77 were all the
20 photographs that were extracted from the defendant's
21 cell phone.

22 In addition, the State had proposed State's
23 Exhibit 81, which is an extraction report, State's
24 82, which is also an extraction report. State's 91,
25 which is an extraction report. State's 92, which

1 was an extraction report. Then finally, State's 93,
2 which is an additional photograph from the
3 defendant's cell phone.

4 The State, in anticipation of Your Honor's
5 ruling this morning, removed these items from
6 anything that would be introduced at trial. So that
7 is our understanding of the Court's ruling in
8 reference to the defendant's cell phone.

9 I will be happy to be corrected if I stated that
10 incorrectly for the Court.

11 THE COURT: Okay. Let's hear from the defense.

12 MS. CORNWELL: Your Honor, I believe those are
13 all the correct numbers. Certainly, if something
14 pops out to me that I missed, during the trial I
15 will object at that time.

16 THE COURT: It appears to me that the State has
17 accurately enumerated.

18 Other than the drawing of the alternate juror,
19 is there anything else we need to do?

20 MS. CAMPBELL: I do think, Your Honor, I need to
21 make it clear on the Court's ruling in reference to
22 a couple of matters before the State opens.

23 There was some discussion yesterday about
24 State's 64, 65, 66, and 67. I just wanted to be
25 clear that the State understands that these items in

1 particular were the source that that information
2 came from, the defendant's cell phone. So those are
3 included in this grouping over here that will not be
4 introduced.

5 THE COURT: Yes.

6 MS. CAMPBELL: Second, Your Honor, there was a
7 discussion in reference to the fact -- I believe
8 your ruling was under the law of Res Gestae, the
9 relationship and how Sarah Barr knows this
10 defendant, which is involved in meeting him during a
11 time when she was engaged in prostitution is
12 certainly allowed by the State.

13 THE COURT: You mean in the opening?

14 MS. CAMPBELL: Yes, and in the evidence that
15 will be presented.

16 MS. CORNWELL: Your Honor, we have the same
17 objection that it's prior bad acts. There is no
18 convincing that it's more prejudicial than probative
19 that her being a prostitute has nothing to do with
20 the charge of murder. She can easily explain her
21 relationship with Mr. White as knowing him for
22 several months.

23 I don't know that background back and forth is
24 necessary. I think it is more prejudicial than
25 probative. We would ask that it -- at least

1 allegations of prior bad acts clearly it would be
2 placed in front of the jury for prejudicial
3 purposes. For that reason, we would still object to
4 being able to discuss that she was trafficked in any
5 way.

6 THE COURT: As I said yesterday, a reference to
7 trafficking to trafficking would not be allowed.

8 MS. CAMPBELL: We will not do that.

9 THE COURT: All right.

10 The Court agrees that it is more probative than
11 prejudicial and would admit it under the res gestae
12 here.

13 MS. CAMPBELL: Thank you, Your Honor.

14 THE COURT: Anything else?

15 MS. CORNWELL: Your Honor, there is a couple of
16 things that the State and I did discuss regarding
17 the compilation video and the halo effect. I think
18 what we would find is that -- I wasn't sure what
19 they were talking about with the halo effect until
20 Mr. Lowery explained to me and showed me what they
21 were talking about on the halo effect.

22 I do believe for demonstrative purposes when
23 they publish to the jury out here, that halo is
24 fine. What they agreed upon is when they submit it
25 into evidence though, it does not have that effect

1 on it, so whatever goes back to the jury and then
2 submitted into evidence is just the video without
3 any demonstrative tools being used for that.

4 The other thing that we are going to do is a
5 compilation video. It's taking pieces of different
6 surveillance videos. While they are going to
7 publish just the compilation video, we are going to
8 move into evidence all of the different pieces of
9 evidence. That way, if I need to refer to a piece
10 of evidence that is not in that compilation video,
11 it's in the evidence. I'm not having to introduce a
12 new piece of evidence because it's still under the
13 record of completeness would be that video.

14 MS. CAMPBELL: That's correct.

15 THE COURT: State agrees. Okay. I understand.

16 MS. CORNWELL: The other thing Your Honor asked
17 us to review again is in regard to the bodycam
18 footage. I was able to put the bodycam footage that
19 the State is intending on introducing through
20 Officer Hewitt. I do agree that there is nothing of
21 a hearsay point that concerns me.

22 I don't think -- the voices are very muffled,
23 and I do agree, Your Honor, that it would be some
24 sort of excited utterance. My only objection at
25 this point is that the video, again, shows multiple

1 times of the victim's body just laying dead in the
2 laundry room. Certainly, we are going to have
3 photographs of that. They are going to have a video
4 of the actual killing. I believe that it's
5 cumulative at this point. I think it is prejudicial
6 to continuously show different angles and different
7 people seeing his body as they walk up.

8 So, we would simply request that that part of
9 the video -- obviously, the officer can testify as
10 to what he walked up upon, what he saw, what he did.
11 I don't believe that showing the video is necessary.
12 It's just going to continuously put a dead body in
13 front of the jury.

14 THE COURT: Ms. Campbell.

15 MS. CAMPBELL: Your Honor ruled on that
16 yesterday. There is a brief opening of the door
17 that you cannot really even see Tim's body in the
18 brief opening. The rest of the video concerns what,
19 again, the State said yesterday, was necessary,
20 probative. It's relevant to the interior of this
21 home.

22 So, I would just like to say that I think your
23 ruling yesterday was appropriate, and we will play
24 it as is.

25 THE COURT: The Court agrees.

1 MS. CAMPBELL: Thank you, Your Honor.

2 MS. CORNWELL: Thank you, Your Honor.

3 THE COURT: As to the selection of the alternate
4 juror, the clerk has prepared the names of the three
5 alternate jurors on separate pieces of paper and has
6 put them in a metal drum.

7 Does anybody have any objection to that
8 procedure, first of all. Hearing none, we will move
9 forward. Secondly, does anyone have an objection to
10 the names also placed in a tube or cylinder within
11 the large one.

12 Does anyone have any objection to either one of
13 the clerks drawing the name?

14 MS. CORNWELL: No objection from the defense,
15 Your Honor.

16 MS. CAMPBELL: None from the State.

17 THE COURT: We will do that and then -- for the
18 record, we will have the bailiff select one of them
19 and hand it back to the clerk.

20 We will open it now.

21 THE CLERK: It is Number 72, Kimberly Cornelius.

22 THE COURT: My thought would be to announce to
23 the jury when they come in that one of our jurors --
24 that they have noticed that we are short one juror,
25 and that juror will be participating in the case.

1 Through a selection process, Juror Number 72 has
2 been selected.

3 Any objection to any of that?

4 MS. CAMPBELL: Not from the state.

5 MS. CORNWELL: No objection, Your Honor.

6 THE COURT: Then that's what we will do.

7 Is the State ready for the jury?

8 MS. CAMPBELL: Yes.

9 MS. CORNWELL: The last thing is we would like
10 to make a motion for sequestration. I have
11 discussed it with the Solicitor's office. I have no
12 objection to Mr. White, seeing as that he is their
13 lead investigator.

14 Certainly, the victim's family. I think
15 Investigator Jason Wilson. We would ask for
16 sequestration.

17 MS. CAMPBELL: Certainly, the State would ask
18 for the same in return from the defense.

19 I believe that there are two individuals in the
20 courtroom at this time for the defense. I just
21 wanted to be assured that they would not be called
22 to testify and that they be identified for the
23 Court.

24 MS. CORNWELL: Your Honor, that is my client's
25 mother and grandmother. They were not on the

1 witness list, and they will not be called to
2 testify.

3 THE COURT: Each of the attorneys are going to
4 be responsible, then, for ensuring that the
5 agreement which will be made an order of the Court
6 is complied with.

7 MS. CORNWELL: Yes, Your Honor.

8 THE COURT: No witnesses in the courtroom except
9 as we have stated so by agreement.

10 Now, if we could have the jury.

11 THE BAILIFF: The jury's entering the courtroom,
12 Your Honor.

13 (Jury enters the courtroom.)

14 THE BAILIFF: The jury's seated, Your Honor.

15 ***

16 PROCEEDINGS CONTINUED

17 THE COURT: Good morning, ladies and gentlemen.

18 JURORS: Good morning.

19 THE COURT: You may perhaps have noticed that
20 we're one juror short this morning. That juror will
21 not be participating in the trial of the case.
22 Juror number 72 has been selected to take the place
23 of the juror, who is no longer with us. The
24 remaining two alternate jurors need to pay just as
25 close attention, as those of you who have been

1 selected to be the in 12, you never can tell what
2 will happen. Having said all that, let me say --
3 oh, Madam Clerk, we'll need to swear the jury
4 though.

5 THE CLERK: All right, ladies and gentlemen,
6 stand up and raise your right hand. Do you solemnly
7 swear or affirm that you shall well and truly try
8 and true deliverance make between the State of South
9 Carolina and the accused, in a true verdict
10 according to the evidence, so help you God?

11 JURORS: I do.

12 CLERK: Thank you so much.

13 THE COURT: Just a few statements to you, ladies
14 and gentlemen, before we begin the trial of the
15 case. As you heard, the Defendant in this case is
16 charged by way of an indictment, with murder,
17 kidnapping, and possession of a weapon during a
18 violent crime.

19 The elements of these offenses will be explained
20 to you at a later date. I need to tell you though
21 that the fact that the indictments that was
22 initiated in this case does not carry with it any
23 inference of guilt.

24 The Defendant has pled not guilty to each of
25 these indictments, and that shifts the burden to the

1 State to prove guilt of the Defendant to your
2 satisfaction beyond a reasonable doubt. The
3 indictments are merely the vehicles that bring the
4 case into court.

5 Your purpose, ladies and gentlemen, is to
6 determine the facts of the case, and you determine
7 that from testimony and other evidence that you will
8 be seeing or hearing. You determine what the facts
9 of the case are. I will tell you about the law that
10 applies in the case. It's my duty and job to
11 preside over the trial, to rule on the admissibility
12 of evidence, to make sure the lawyers conduct
13 themselves in an appropriate manner, and then tell
14 you about the law that applies to these charges, and
15 that will be done at the end of the case; that will
16 be done after the attorneys make their opening
17 statements to you, after all of the witnesses have
18 completed their presentation of evidence, then I
19 will tell you about the law that applies in the
20 case, after the attorneys also make their closing
21 arguments to you, then and only then can you begin
22 to discuss the case even among yourselves.

23 Until this case is over with, as I told you
24 yesterday, I ask you to not read anything, hear
25 anything, or do any research on anything about this

1 case. The attorneys, in just a moment, will make
2 their opening statements to you, where they tell you
3 how they believe what the evidence is gonna show or
4 not show, then we'll hear witnesses.

5 From time-to-time you may hear attorneys ask to
6 see me at a side bar, where we'll whisper things
7 outside of your presence, or when you can't hear us.
8 And the reason is, it's not to keep secrets from
9 you, but it's being done because I must discuss with
10 the lawyers a matter of law. And in doing that, I
11 may be required to discuss with the lawyers the
12 facts that have been presented in the case.

13 And I tell you now the law does not permit me to
14 discuss the facts of the case in your presence,
15 because, like I've already said, you determine what
16 the facts are in the case. Having said all that,
17 ladies and gentlemen, we will now begin with opening
18 statements from the attorneys, beginning with the
19 State. Solicitor?

20 MS. CAMPBELL: Thank you, Your Honor.

21 ***

22 OPENING STATEMENT BY MS. CAMPBELL

23 MS. CAMPBELL: Good morning.

24 JURORS: Good morning.

25 MS. CAMPBELL: Again, my name is Trasi Campbell.

1 It's good to see you this morning. Westbury Park in
2 Bluffton, South Carolina, November 16th, 2020, it
3 all starts with the loneliness of one man, Timothy
4 Milliken, the victim in this case, the man who was
5 murdered.

6 His loneliness made him the perfect mark, and
7 seeing that perfect mark, this Defendant, Devante
8 White, set in motion a series of events that brought
9 Tim to his back porch, being threatened with a gun
10 to his head, and then killed. The acts of
11 kidnapping and murder, here in Beaufort County,
12 November 16th, 2020.

13 So, let's talk about the account of the last day
14 of Tim Milliken's life, the testimony that you will
15 hear from the witness stand, and the evidence that
16 the State will bring to you.

17 Six hours, that's about how long it took this
18 Defendant to gather up his crew, and drive from
19 Savannah, Georgia in Quincie Watson's rental car.
20 With his friends and buddies, Jamal Coakley and
21 Malik White. Devante White, the Defendant drives
22 with Jamal Coakley and Malik White all the way to
23 Summerville, South Carolina, to pick up a young
24 girl, and her name is Sarah Barr. Sarah and Jamal
25 and Malik will all testify this week.

1 The four of them come from Summerville down to
2 Bluffton to Westbury Park, armed with a plan, armed
3 with a gun, to grab Tim, tie him up, get into his
4 home, and, as they say, "Do a little lick," slang
5 for robbery. 16 minutes, that's about how long it
6 takes from the time this Defendant, driving the car,
7 pulls off the side of the road, gets Jamal and Malik
8 out of the car, puts them in the trunk of the car.
9 Gives Jamal the handgun and said, "All right, when I
10 pop the trunk, you'all need to jump out, put the gun
11 on the lick, I'm gonna grab him."

12 He leaves Sarah Barr, the girl, in the front
13 seat. Then they drive to the gate at Westbury Park.
14 Now, Tim is lured out, comes to the gate, gets in
15 the backseat of the car, and drives around to
16 another gate to Westbury Park. Because you see, at
17 Westbury Park there's only one gate with a kiosk to
18 enter a passcode to get in.

19 Now, 60 seconds, that is about how long it took
20 for Tim Milliken to bleed out and die, after this
21 Defendant shot him in the leg, severed the femoral
22 artery in Tim's laundry room. 16 hours, that's
23 about how long it took for law enforcement agencies,
24 the Beaufort County Sheriff's Office, the Jasper
25 County Sheriff's Office, the Savannah Police

1 Department, the Gwinnett County Police Department,
2 all of them working together in perfect
3 synchronicity to identify, track and capture this
4 Defendant and his three co-defendants. Remember,
5 Sarah Barr, Jamal Coakley and Malik White, four
6 defendants, plotted, planned to seize him, tie him
7 up, and do their lick.

8 So, who are these plotters and planners, and
9 what exactly happened on November 16th of 2020?

10 Murder happened, kidnapping happened, and
11 possession of a weapon during these violent crimes.
12 Murder, and His Honor, as he said, will tell you
13 later, is the unlawful killing of another human
14 being with malice of forethought. Kidnapping is
15 unlawfully seizing, holding, confining, abducting,
16 or carrying away any other person by means
17 whatsoever, without the right to do so, without the
18 authority of law.

19 And then, again, possession of a weapon during
20 the commission of a violent crime is using a gun to
21 carry out that violent crime. During the next few
22 days, the State will bring to you exactly the
23 testimony and the evidence, to tell you exactly what
24 happened on November 16th of 2020. Now, Sarah Barr
25 and Jamal Coakley and Malik White, they were all

1 captured together, they were all arrested together,
2 they were all charged, and they were all indicted.
3 In recent months Sarah Barr, Jamal Coakley and Malik
4 White have all pled guilty, and they will testify to
5 you about what happened that night, and their part
6 in it.

7 You will hear them tell you about Devante White
8 pulling off the road before Westbury Park, putting
9 Jamaland Malik in the trunk with the gun. You will
10 hear them tell you about everything that happened to
11 Tim that night. And something else, you will see
12 what happened to Tim. Tim was a software engineer,
13 he designed car security systems for manufacturers
14 all over the world, and he had the most elaborate
15 surveillance video system at his home. And that
16 video system recorded everything that happened that
17 night with these four Defendants and Tim. And so
18 when you see that surveillance video, this is what
19 you will see.

20 You will see the rented car pull up. You will
21 see Devante White get out of the driver's seat,
22 Sarah Barr get out of the front passenger seat.
23 You'll see them pop the trunk.

24 You'll see Jamal Coakley and Malik White hop out
25 of the trunk. You'll see Jamal Coakley put the gun

1 on Tim, as this Defendant grabs Tim from behind,
2 holding him at his cuffs of his sweatshirt, and
3 tells him, "You're under arrest."

4 And then you'll hear Tim cry out, "What? Why?
5 What are you talking about?" And then you'll hear
6 this Defendant say, "Listen carefully,
7 prostitution." On that surveillance video you will
8 see them work Tim down his driveway. You will see
9 them move around to the back of the house to the
10 back porch. You will see the handgun move from
11 Jamal Coakley, where Malik White takes it from him,
12 and gives it to Devante White on the back porch,
13 because Devante is telling Jamal, "Hit him, hit
14 him."

15 And Jamal's refusing to shoot him, so he takes
16 control, "Give me the gun." Hitting Tim in the
17 head, shooting the gun off, threatening to kill
18 Tim's children if he doesn't open the backdoor. And
19 finally opens -- gets the keys out, opens the
20 backdoor, and even then Tim is fighting for his
21 life.

22 He is trying to push Devante out the door,
23 Devante got ahold of Tim's collar and the gun on
24 him, and he shoots him, and it's all on video, and
25 you will see that.

1 You'll hear from the neighbors, who heard the
2 first shot go off. They'll tell you they knew it
3 sounded like it came from Tim's house. They text
4 Tim, "You know, are you okay?" No answer. They
5 hear a second shot, then they're out the door.
6 "What's going on over there?" They see a car flying
7 away. They'll tell you how they went into Tim's
8 home looking for him, and found him dead in the
9 laundry room, and called 911.

10 So you might be asking yourselves, at this
11 point, how do these four people, Devante, Jamal,
12 Malik and Sarah, how do they know Tim? How do they
13 get to Tim behind the gate? Well, it requires a
14 plan to get an invitation to come over to get behind
15 the gate. That invitation, that lure is the girl,
16 is Sarah Barr.

17 So who is Sarah Barr? She'll tell you, she's a
18 young girl, already at that time with an 18-month-
19 old baby boy, in a cycle of working in prostitution,
20 spending time -- she spent time with Tim. She met
21 Tim. She met Tim in September of 2020. And she
22 also met this Defendant in September of 2020, when
23 she was put to work as a prostitute. After
24 September, 2020, weeks go by, Tim's not forgotten
25 though, and then he circled back around too. You'll

1 hear testimony from the Beaufort County Sheriff's
2 Office, as to how they obtained photos of that car
3 at the gate, surveillance video footage. We know
4 what cars have on them, license plates.

5 You'll hear how they tracked down that license
6 plate to Enterprise Car Rental, they tracked it down
7 to who had rented it. The renter of that car was
8 Quincie Watson, Malik White's girlfriend.

9 They tracked that down further to Quincie
10 Watson's mother over in Jasper County. Then they
11 tracked Quincie down in Savannah, and lo and behold,
12 the car is there, just a few hours after Tim has
13 been killed. You'll hear from the Savannah Police
14 Department about what happened when they located the
15 vehicle.

16 Now, you'll also hear where they, finally, found
17 that car way up in Gwinnett County, Georgia. You
18 may ask yourself, why in the world are these four
19 people all the way up in Gwinnett County, Georgia?
20 Because Malik White and his girlfriend, Quincie
21 Watson and their baby, well, that's where Quincie
22 Watson's grandma lives in Lilburn, Georgia. And so
23 that night, now with Quincie and the baby too, they
24 all haul together on the trip, the flight, to
25 Lilburn.

1 And there in Lilburn, right in front of
2 grandma's house, again, with the law enforcement
3 agencies working together, and locating the vehicle,
4 along with Quincie's mother's help, they locate the
5 vehicle, and they come in.

6 And they are arrested, all of them. You will
7 hear about the seizure of that car. You will hear
8 about the items that were seized from that car,
9 including the gun. You will hear testimony and see
10 the -- I call them like the girly-girl shorts,
11 they're like real short cut-off, kind of frayed at
12 this area here, that this Defendant was wearing up
13 at grandma's house, not the long pants that you see
14 him wearing on the video.

15 You see him running around in those girlie
16 shorts. And you'll hear testimony from the SLED
17 firearms forensic examiner about that gun in that
18 car. Then you'll hear from the Beaufort County
19 Sheriff's Office's DNA expert, their forensic lab.
20 Andrew Garinger will testify that that gun had the
21 DNA on it of who held the gun, Jamal Coakley and
22 Devante White.

23 And then you'll have testimony that -- remember
24 what I said, you will see the grabbing and the
25 holding of the cuffs, and whose DNA is on the cuffs

1 of Tim's sweatshirt? Devante White, the Defendant.
2 This happened at nighttime. This happened in a very
3 dark corner of our world.

4 Here today, starting today in this courtroom and
5 the rest of this week, we will be presenting
6 evidence, testimony of the plot, the plan and the
7 prostitution, the murder and the kidnapping, but not
8 in the dark, here in the daylight. And,
9 necessarily, we're gonna have to talk about the life
10 choices with Tim that he made. He found himself in
11 a dark place, in a dark corner, and, you know, not
12 everybody makes it out of the dark alive, Tim
13 didn't.

14 But, you know, this trial is not about Tim's
15 life choices, or why he needed to be in that dark
16 corner that night, back in September of 2020, when
17 he met Sarah. It's about shining the light into
18 that dark corner, and bringing justice to Tim's
19 murders, his kidnappers.

20 Justice for those who planned and plotted, who
21 held a gun on Tim, attacked him. Tried to zip-tie
22 his hands together. Sarah's gonna testify, Devante
23 dropped the zip-ties and she's picking them up, and
24 handing them back at their own little porch, to get
25 his hands tied up. But when Tim refused, and when

1 he fought back, they murdered him and killed him.

2 The State of South Carolina will bring you the
3 witnesses and the evidence forward, to help you, the
4 jury, to help you take up this case. And rightly,
5 and let me say this, rightly and correctly under our
6 law, the burden of proof is right here on the State
7 of South Carolina. And that's the burden of proof
8 beyond any -- the reasonable doubt, guilt beyond
9 reasonable doubt, and we bear that burden, and we
10 should.

11 The testimony and the evidence in this case will
12 meet that burden squarely, and the light of truth
13 and justice will shine into all of this darkness and
14 give you the evidence that is necessary and required
15 for you to meet your oath that you just took, to
16 rightly, fairly, honestly try this case, and return
17 a verdict that speaks the truth.

18 And that truth is that this Defendant kidnapped
19 and murdered Tim Milliken on November 16th, 2020,
20 here in Beaufort County. Thank you.

21 THE COURT: Thank you, Ms. Campbell. Ms.
22 Cornwell?

23 MS. CORNWELL: Thank you, Your Honor, may it
24 please the Court?

25 THE COURT: Sure.

OPENING STATEMENT BY MS. CORNWELL

MS. CORNWELL: Tim Milliken's death was tragic, as is the loss of any life. But as far as Tim Milliken's death was, he was not murdered. And throughout the course of this trial, you're gonna get to review evidence and hear testimony from the stand, regarding the charges that the State has brought.

And when you listen to the testimony of the witnesses, you're also gonna have the opportunity to judge their credibility, to see if they are biased in any way, if they have any motive to testify in the way that they would testify. You're gonna get to view the evidence that the State's going to present for you, and bring to that your common sense and your life experience, in looking at the evidence, reviewing it and analyzing it, as it relates to the charges that the State has brought. And at the end of this trial the Judge is going to instruct you on the law.

And as the Judge has already told you, while you are the finders of facts in this matter, the Judge is the judge of the law. And so no matter what ideas you may have, or what you think the law in

1 this case may be, your duty, as jurors, is to put
2 those thoughts aside, and apply the law that the
3 Judge gives you, as it applies to this case.

4 And there are no lawyer tricks in this, you are
5 going to see video, and that video is going to show
6 this incident, and my client is in that video.
7 We're not gonna sit here and play games, and try to
8 say that it's not, or try to make it out, as if he
9 wasn't there, he absolutely was. But after you hear
10 the testimony, and review the evidence, and listen
11 to the law, as the Judge gives it to you, you will
12 see that in this case, and pursuant to the laws of
13 South Carolina, while Tim Milliken's death was
14 tragic, it was not murder.

15 And as a result, the charges that the State has
16 brought against my client for murder, for kidnapping
17 and possession of a weapon during the commission of
18 a violent offense it just don't add up to the
19 definition of the laws, that the Judge is gonna give
20 you, per the State of South Carolina and how it's
21 applied to this case.

22 And once you apply that law to the facts of this
23 case, to the evidence that you will see, and to the
24 testimony that you will hear, you will see that
25 while Tim Milliken's death was tragic, the verdict

1 against my client has to be not guilty of murder,
2 not guilty of kidnapping and not guilty of
3 possession of a weapon during the commission of a
4 violent crime.

5 Because when you apply the facts of this case to
6 the law, the State is going to fail to meet its
7 burden to prove to you beyond a reasonable doubt
8 that this incident rose to the level of murder, to
9 the level of kidnapping; and because of that, no
10 matter how horrible you feel, no matter how tragic
11 Mr. Milliken's death may be, it is not murder, and
12 for that I am confident that you will do as the
13 Judge instructs, you will find the law, as it is
14 given to you, and you will find my client not
15 guilty.

16 THE COURT: Thank you, Ms. Cornwell. You may
17 call your first witness, Solicitor.

18 MS. CAMPBELL: Thank you, Your Honor. The State
19 calls former Beaufort County Sheriff's Office
20 Jonathan Hewitt.

21 * * *

22 JONATHAN HEWITT

23 * * *

24 being first duly sworn, testified as follows:

25 ***

1 DIRECT EXAMINATION

2 BY MS. CAMPBELL:

3 Q. Good morning, Mr. Hewitt.

4 A. Good morning.

5 Q. Thank you for being with us. Let me take
6 you back to November of 2020, where were you
7 employed at that time?

8 A. The Beaufort County Sheriff's Office.

9 Q. And at that time how long had you been with
10 the Sheriff's Office?

11 A. Approximately, three years.

12 Q. All right, and did you have a particular
13 division that you were working at that time?14 A. I worked Patrol in the Southern Enforcement
15 Division.16 Q. And the Southern Enforcement Division, that
17 would be somewhere south of the Broad River Bridge?18 A. That encompasses Bluffton and Hilton Head
19 areas.

20 Q. All right.

21 Were you employed with the Sheriff's Department
22 then on November 16th of 2020?

23 A. I was.

24 Q. All right. So on November 16th of 2020 were
25 you dispatched to ■ Kensington Boulevard in

1 Bluffton, South Carolina?

2 A. I was.

3 Q. And is that in Beaufort County?

4 A. It is.

5 Q. Beaufort County,, South Carolina?

6 A. Yes, ma'am.

7 Q. All right, so when you were first on-scene,
8 could you tell us what your initial observations
9 were?

10 A. Upon arriving on-scene at ■ Kensington
11 Boulevard, I observed three males in the driveway
12 area of ■ Kensington, at which point they motioned
13 me towards the back of the residence.

14 I made it all the way down the driveway to the
15 back of the residence, where there was a vehicle
16 parked in the driveway, and I observed that the
17 residence had this back stair location.

18 The doorway, at that point, was ajar. I peered
19 through the window that -- or through the doorway
20 that had windows in it, and I observed a white male
21 laying and appeared to be deceased, with a large
22 amount of blood in the location.

23 (Court Reporter marks State's Exhibit Number 2,
24 Photograph, as attached hereto.)

25 (Court Reporter marks State's Exhibit Number 3,

1 Photograph, as attached hereto.)

2 BY MS. CAMPBELL:

3 Q. All right. I'm gonna show you what's been
4 marked as State's Exhibits 2 and 3, and ask you, if
5 you could identify those for us?

6 A. State's Exhibit Number 2 appears to be the
7 front of the residence that I responded to at ■
8 Kensington Boulevard; and State's Exhibit Number 3
9 appears to be that back step area that I was trying
10 to describe.

11 MS. CAMPBELL: Your Honor, at this time, the
12 State seeks to introduce into evidence State's 2 and
13 State's 3.

14 THE COURT: Without objection?

15 MS. CORNWELL: No, Your Honor, no objection.

16 THE COURT: It's admitted.

17 (State's Exhibits 2 and 3 were entered into
18 evidence.)

19 MS. CAMPBELL: Thank you, Your Honor. Your
20 Honor, at this time, we'd like to publish, first of
21 all, State's 2 --

22 THE COURT: Okay.

23 MS. CAMPBELL: -- to the jury. Let me pull up
24 the screen.

25 There's always an issue.

1 THE COURT: Always.

2 MS. CAMPBELL: we do need to resolve it now,
3 because we do have other evidence.

4 Do you want to take a break, give them a chance
5 to pull it up?

6 THE CLERK: I've sent a message also to somebody
7 to come, see if they can figure it out. It just
8 says it's not synching.

9 THE COURT: What do you want to do, ladies and
10 gentlemen, do you want to sit and wait, or do you
11 want to go back in the jury room and take a break?

12 MS. CAMPBELL: Yeah, we'll take a break.

13 THE COURT: Take a break?

14 MS. CAMPBELL: Yes.

15 THE COURT: All right, let's take a short break.
16 We'll send you word, when we are ready.

17 (Jury exits the courtroom.)

18 (Recess)

19 THE BAILIFF: The jury's entering the courtroom,
20 Your Honor.

21 (Jury enters the courtroom.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 ***

24 PROCEEDINGS CONTINUED

25 THE COURT: Welcome back, ladies and gentlemen,

1 I believe we're ready to give it another shot.

2 MS. CAMPBELL: Thank you, Your Honor.

3 So at this time the State would like to publish
4 State's Exhibit 2 for the jury, please?

5 THE COURT: You may.

6 BY MS. CAMPBELL:

7 Q. Okay, and so can you tell us, again, what is
8 State's Exhibit 2, please?

9 A. State's Exhibit 2 is gonna be a photograph
10 of the front of ■ Kensington Boulevard.

11 Q. Okay.

12 MS. CAMPBELL: And then State's Exhibit 3,
13 please.

14 BY MS. CAMPBELL:

15 Q. And what are we seeing in this State's
16 Exhibit 3?

17 A. Ma'am, basically, the back steps to ■
18 Kensington Boulevard, along with, at the top part, a
19 doorway into where I located the victim.

20 (Court Reporter marks State's Exhibit Number 32,
21 DVD, as attached hereto.)

22 Q. Thank you. I show you now what has been
23 marked as State's Exhibit 32, and ask you, please,
24 if you could identify that for us?

25 A. Ma'am, this is gonna be this contained my

1 body-worn camera footage that I reviewed prior to
2 the trial.

3 Q. And how can you identify that? Do you have
4 a mark on there, or something?

5 A. I do, it's marked with my initials, and then
6 the date that I reviewed the footage.

7 Q. Thank you.

8 MS. CAMPBELL: Your Honor, at this time we seek
9 to admit State's Exhibit 32.

10 THE COURT: Without objection?

11 MS. CORNWELL: Without objection, Your Honor.

12 THE COURT: Motion granted.

13 (State's Exhibit 32 was entered into evidence.)

14 BY MS. CAMPBELL:

15 Q. And so I'm clear, that is your bodycam from
16 November 16th, 2020 at ■ Kensington Boulevard; is
17 that right?

18 A. Yes, ma'am.

19 Q. All right.

20 MS. CAMPBELL: I'd like to then publish State's
21 Exhibit 32, please, to the jury.

22 (Video being played for the jury.)

23 MS. CAMPBELL: All right, can we stop, please,
24 we're supposed to have volume with this, and we do
25 not.

1 Your Honor, that's concluded State's 32, without
2 the audio.

3 BY MS. CAMPBELL:

4 Q. and at this time I would just ask Mr.
5 Hewitt, what are we seeing within State's Exhibit
6 32? Is there a name for what you're doing?

7 A. So after looking at the victim in the rear
8 of the residence, I was waiting, first of all, for
9 another unit to get there --

10 Q. Right.

11 A. -- as neither the complainant in the 911
12 call, that I'm aware of, or the individuals on-scene
13 could tell us of any suspect that may have been
14 involved in it; and, therefore, for the safety of
15 ourselves, and the potential that the suspect may
16 now be located inside the residence --

17 Q. Uh-huh.

18 A. -- something known as a protective sweep was
19 done of the residence.

20 Q. And when you did that protective sweep, you
21 did not locate anyone inside the home, other than --

22 A. No, ma'am.

23 Q. -- the victim?

24 A. No.

25 Q. All right.

1 MS. CAMPBELL: At this time that's all I have
2 for this gentleman, but I would reserve the right to
3 bring him back, when we have the audio available.

4 THE COURT: I understand.

5 MS. CAMPBELL: Thank you.

6 THE COURT: Cross-examination?

7 MS. CORNWELL: Thank you, Your Honor, we have no
8 questions for this witness.

9 THE COURT: Thank you. You may step down. You
10 may call your next witness, Solicitor.

11 MS. CAMPBELL: Thank you, Your Honor. The State
12 would call Jeffrey Kelley. Oh, I'm sorry, Your
13 Honor, I guess it got me all off, I need to call
14 Ariel Branham, and then Mr. Kelley. I got ahead of
15 myself.

16 * * *

17 ARIEL BRANHAM

18 * * *

19 being first duly sworn, testified as follows:

20 ***

21 DIRECT EXAMINATION

22 BY MS. CAMPBELL:

23 Q. Thank you, Ms. Branham. Where are you
24 currently employed?

25 A. Beaufort County EMS.

1 Q. And how long have you been employed there?

2 A. Approximately, four years.

3 Q. Were you employed with Beaufort County
4 Emergency Medical Services on November 16th,
5 November 17th of 2020?

6 A. Yes, ma'am, I was.

7 Q. All right. And did you respond to ■
8 Kensington Boulevard, Bluffton, South Carolina on
9 November 16th, November 17th of 2020?

10 A. Yes, ma'am.

11 Q. All right. Did you happen to issue a
12 report, or your department issue a report of actions
13 taken at that location, at that time?

14 A. Yes, ma'am.

15 Q. All right, and did you review that report
16 prior to your testimony today?

17 A. Yes, ma'am, I did.

18 Q. Okay, and do you have a copy of your report
19 with you?

20 A. I do.

21 Q. So what time were you dispatched, and where
22 were you dispatched to?

23 A. We were, approximately, dispatched around
24 2300, 2302, which is 11:23 p.m., and we were
25 dispatched to the address of ■ Kensington Boulevard,

1 Bluffton, South Carolina.

2 Q. And what time did you arrive at that
3 location?

4 A. Our time of arrival was 2330, so 11:30 p.m.

5 Q. And how long were you on-scene, before you
6 could have access to the victim in this case?

7 A. Approximately, 45 minutes.

8 Q. Can you tell the jury what the delay was, in
9 terms of being able to access Mr. Milliken?

10 A. Sure. The delay on-scene was due to an
11 aggressive dog. We walked to the back of the house,
12 and found an aggressive dog growling at us, and the
13 scene was not save for EMS to get to the patient; so
14 we asked for Animal Control to secure the dog, prior
15 to us getting to the patient.

16 Q. And that dog, and I know you termed it
17 aggressive, that was the dog that was next to Tim
18 Milliken in the laundry room lying down next to him;
19 is that right?

20 A. Yes, ma'am, it is.

21 Q. Okay. And was his dog eventually removed
22 from the laundry room?

23 A. Yes, ma'am.

24 Q. And did you have access then to Tim
25 Milliken?

1 A. We did, yes, ma'am.

2 Q. Okay. And so what, if anything, can you
3 tell me about the age of the patient, Tim Milliken,
4 and what were the signs or symptoms you had at that
5 time with this individual?

6 A. So we were able to get identification on the
7 patient, and found that he was, approximately, 45-
8 years-old. And whenever we made access to the
9 patient, we found that he had a gunshot wound to his
10 inner thigh, as well as a gunshot wound to his --
11 outside of his knee. We also found the patient to
12 be apneic and unresponsive.

13 Q. And that was unresponsive to all stimuli?

14 A. Yes, ma'am.

15 Q. Okay. And in layman's term, that would be
16 something like obvious death?

17 A. Yes, ma'am.

18 Q. Okay. And did you do anything, in terms of
19 notifying the Coroner, or what was the next step
20 that you took?

21 A. We did. So once we confirmed that the
22 patient was, in fact, deceased, we notified the
23 Coroner, who then notified us that he would be
24 arriving on-scene.

25 Q. So thank you so much for being with us

1 today, that's all the questions that I have.

2 THE COURT: Cross-examination?

3 ***

4 CROSS-EXAMINATION

5 BY MS. CORNWELL:

6 Q. So, Ms. Branham, it's your testimony that it
7 was about 45 minutes after you arrived on-scene,
8 before you were able to attempt to render aid to the
9 victim?

10 A. Yes, ma'am.

11 MS. CRONWELL: That's all the questions I have,
12 Your Honor.

13 THE COURT: Thank you, you may step down.

14 WITNESS: Uh-huh.

15 MS. CAMPBELL: Your Honor, at this time, we
16 would call Jeff Kelley.

17 * * *

18 JEFF KELLEY

19 * * *

20 being first duly sworn, testified as follows:

21 ***

22 DIRECT EXAMINATION

23 BY MS. CAMPBELL:

24 Q. Thank you, Mr. Kelley. Where do you
25 currently live?

1 A. [REDACTED] Kensington Boulevard, Bluffton.

2 Q. And where did you live in November X2020?

3 A. Same.

4 Q. About how long have you lived then at [REDACTED]
5 Kensington Boulevard?

6 A. I moved there in 2015.

7 Q. Uh-huh.

8 A. So five years.

9 Q. And so where do you work? Do you work
10 around this area?

11 A. I work at Gulfstream.

12 Q. And what do you do for Gulfstream?

13 A. I'm a pilot.

14 Q. And [REDACTED] Kensington Boulevard, where is that
15 in relation to [REDACTED] Kensington Boulevard?

16 A. It's -- our house is four houses down on the
17 right, it's across the street.

18 Q. Four houses down on the right across the
19 street from [REDACTED]?

20 A. Yes.

21 Q. And in November, 2020, did you know the
22 people who lived at [REDACTED] Kensington Boulevard?

23 A. Yes.

24 Q. Okay. And who lived at [REDACTED] Kensington
25 Boulevard in November of 2020?

1 A. Tim Milliken.

2 Q. Tim Milliken. Did anyone else live with
3 him, or reside there at different times?

4 A. His two daughters.

5 Q. His two daughters. And who are his two
6 daughters?

7 A. Anna and Natalie.

8 Q. Anna and Natalie? Okay. I'd like to take
9 you, if I can then, to that date, November 16th of
10 2020. Can you recall earlier that day perhaps what
11 you had been doing, or where you had been?

12 A. I do not recall.

13 Q. And then how about in the evening hours, can
14 you recall those hours?

15 A. Yes. I was at home --

16 Q. Uh-huh.

17 A. -- my wife and I, watching TV.

18 Q. At some point, did something occur that
19 caused you to be alarmed, or awaken you? Can you
20 tell us what happened?

21 A. Yeah, it was sometime around 11:00, we went
22 upstairs to go get ready for bed, and then I heard
23 something that sounded like a gunshot, and my wife
24 did too.

25 She said, "Did you hear that?" And I said,

1 "Yes," so I walked out on our top porch, opened the
2 door, and then I heard a second shot, or a second
3 noise.

4 And then at that time I was 100 percent sure it
5 was a gunshot, and I could tell it came from that
6 area, it was Tim's house.

7 Q. So if I understand then, it's at night, it's
8 dark, it's around 11 o'clock, you hear two gunshots
9 near Tim's house. What do you do at that point?

10 A. Well, I'm looking and I text Tim.

11 Q. Okay.

12 A. Then I hear some car door slam. It sounded
13 like four car door slamming and a car back out, and
14 speedily headed towards the gate. It thought it was
15 gonna hit the gate --

16 Q. Uh-huh.

17 A. -- and it stopped really aggressively,
18 waited for the gate to open, and then it sped away,
19 and --

20 Q. And just to help me understand, the gate
21 that we're talking about, that's the Buck Island
22 Gate; is --

23 A. Correct.

24 Q. -- that right? How many gates are there
25 into Westbury Park?

1 A. Two.

2 Q. Two? And so the Buck Island gate, and where
3 is the other gate?

4 A. That's the main entrance from Argent Road
5 area.

6 Q. Okay. Would that be off of 278?

7 A. Off 278.

8 Q. Okay. So you tried to text him.
9 Did you hear back from him?

10 A. I did not, and I normally hear back from him
11 immediately. I've never text him and him not text
12 me back within a matter of a few seconds.

13 Q. And so I'm hearing you say that, would you
14 have considered yourself to be close with him, or
15 friends with him?

16 A. Well, we text a lot, and talk a lot, we're
17 friends and neighbors. We had a lot in common, as
18 far as automobiles, and we talked about airplanes
19 and cars, and things like that. He was very
20 mechanical.

21 Q. Okay. And so then he's a friend, he's a
22 neighbor, and he would text you back, so it was odd
23 that he did not text you back?

24 A. Correct.

25 Q. All right, so what did you do then?

1 A. Well, I tried to call him, and as I tried to
2 call him, I started walking going -- told my wife I
3 was gonna go check on -- see what was going on.

4 Q. Are you concerned at all, at this point, for
5 what you may be walking into?

6 A. I was, at the time, sort of, not really
7 knowing what was going to be the case, but I didn't
8 think it was gonna be anything that I happened to,
9 you know, what had happened.

10 I didn't realize it was gonna be that. I just -
11 - in my mind I thought it was maybe a get together
12 in the backyard, or something, and somebody, you
13 know, accidentally shot a gun, or something happened
14 like that, I don't know. I just thought that it was
15 just something minor, nothing like this.

16 Q. And so in your mind, there may have been
17 something going on at Tim's house, where a gun
18 accidentally fired. Did Tim have guns?

19 A. I think so.

20 Q. All right.

21 So when you got on your way over to ■ Kensington
22 Boulevard, did anything happen on your way over?

23 A. The best I can recall, I believe that I
24 walked up his driveway and went to the back, because
25 I thought that -- I may have been mistaken that it

1 wasn't a gun, it maybe was some fireworks, or
2 whatever I thought.

3 Q. Uh-huh.

4 A. It could have been something else, but I
5 thought it was suspicious that somebody drove away
6 so fast, but after I walked to the backyard and did
7 not see the firepit, or anything like that going,
8 and no one there, and I was calling for Tim. And
9 then from the best of my -- that I can recall, I
10 walked back to the front yard, and I think Stuart
11 was there at the time, and I walked to the front
12 door, and was calling for Tim.

13 I looked in. I believe some music was playing,
14 or lights were all on. And I was knocking on the
15 door, and I noticed that the door was ajar, so I
16 just pushed the door open, and I went to the right
17 and was calling for Tim and Natalie. Because I had
18 though that I saw Natalie over there before the
19 week, and I always thought about Natalie being
20 there. Stuart went to the left, and the stairway
21 was in front of us.

22 Stuart was walking to the left, and I remember
23 calling up to the upstairs for Natalie or Tim and
24 didn't hear anything, and I walked to the right, and
25 as soon as I walked to the right and started looking

1 into the kitchen, I saw some blood coming from under
2 the door in the washroom.

3 Q. Uh-huh.

4 A. And then I noticed -- I was sort of shocked,
5 and I saw Stuart push the door, and it wouldn't
6 open. And at that point, then my thoughts of
7 something terrible had happened. You know, I knew
8 something was definitely wrong then, after hearing
9 the shot, and seeing the blood, and seeing the door
10 wouldn't open. I immediately called 911.

11 Q. I hear you talking about Stuart.

12

13 Is Stuart someone that also lives in Westbury
14 Park on Kensington Boulevard?

15 A. Yes, he lives next door to Tim.

16 Q. Do you know Stuart's last name?

17 A. Mahaffey.

18 Q. Stuart Mahaffey, okay. And I hear you
19 talking about Natalie, Tim's daughter, how old would
20 she have been in November of 2020?

21 A. I'm thinking nineish.

22 Q. Nine?

23 A. I believe.

24 Q. That's all I have, thank you.

25 THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MS. CORNWELL:

Q. Mr. Kelley, you indicated that you knew Tim well, you'all are friends?

A. I wouldn't say I knew him well, but we were friends.

Q. And --

A. We had a lot in common.

Q. -- during this time were you aware that he was married?

A. Was I aware that he had been married?

Q. Or that he was currently married?

A. I didn't know he was currently married.

Q. So you didn't know that his wife lived overseas?

A. I knew that he had a wife overseas, but I was under the assumption that they had got a divorce, I don't know.

Q. And did you assume they were divorced because of the women that would come over to the house?

A. I didn't know why.

Q. In your interactions with Tim, did he ever have any issues that you're aware of, with any of

1 the other neighbors?

2 Did he have any problems with any of the
3 neighbors, or did he generally get along with
4 everybody?

5 A. He got along with all the neighbors that I
6 know of, except one time when he had -- he told me
7 that one of the neighbors across the street and him
8 had a little argument.

9 Q. Do you know what the argument was about?

10 A. I do not know, I think it was about noise,
11 from what I can recall. I think the guy was making
12 a lot of noise, and Tim asked him to be quiet, and
13 the guy was threatening Tim, that's all I can
14 remember of that.

15 Q. At any point during your friendship with
16 Tim, did he have occasion to show you photographs
17 that were taken on his phone?

18 A. No.

19 Q. Did he ever show you videos or photographs
20 on his home computers?

21 A. No.

22 MS. CORNWELL: Well, that's all the questions I
23 have, Your Honor, thank you.

24 THE COURT: Thank you, you may step down. You
25 may call your next witness, Solicitor.

1 MS. CAMPBELL: Your Honor, the State calls
2 Stuart Mahaffey.

3 * * *

4 STUART MAHAFFEY

5 * * *

6 being first duly sworn, testified as follows:

7 COURT REPORTER: Is it Stuart with a U?

8 WITNESS: S-T-U- --

9 COURT REPORTER: Okay.

10 WITNESS: -- A-R-T.

11 COURT REPORTER: Thank you.

12 ***

13 DIRECT EXAMINATION

14 BY MS. CAMPBELL:

15 Q. Good morning, Mr. Mahaffey.

16 A. Good morning.

17 Q. Thank you for being with us. Can you tell
18 us where you live?

19 A. ■ Kensington Boulevard, we were the next-
20 door-neighbor --

21 Q. Okay.

22 A. -- of Tim.

23 Q. I was just getting ready to ask you that; so
24 ■ Kensington Boulevard, that means you're on the
25 same side of the street and right next door --

1 A. Yes, ma'am.

2 Q. -- to ■ Kensington Boulevard?

3 A. Yes, ma'am.

4 Q. Okay. And how long had you lived at that
5 location?

6 A. When was Hurricane Matthew? 2015.

7 Q. Yeah.

8 A. 2015.

9 Q. That's right. Did you have an occasion
10 while you were living there, to meet your next door
11 neighbor, Tim Milliken?

12 A. Yes, ma'am.

13 Q. All right. Did you also have an occasion to
14 socialize with him, or have dinner, or drinks?

15 A. All the above.

16 Q. Okay.

17 A. Yes, ma'am.

18 Q. So would you characterize Tim as a friend
19 then?

20 A. Yes, ma'am.

21 Q. All right.

22 A. Yes, ma'am.

23 Q. Do you know what Tim did or what he worked
24 at doing?

25 A. He did some kind of -- he worked from the

1 house, some kind of computer software for -- in
2 idiots terms it seemed like he worked on computer
3 systems breaking into cars. And if he could get
4 into a car, then he'd go back and say, okay, you
5 need to reup your security in this.

6 Q. Above your head?

7 A. Above my -- yes.

8 Q. Right.

9 A. But as far as I knew it was something --

10 Q. But that's as much as you know is software
11 engineer, trying to --

12 A. Security software --

13 Q. -- key --

14 A. -- with other vehicles.

15 Q. -- codes to break into cars, okay, thank
16 you.

17 Do you know if Tim was married or divorced?

18 A. I'm not sure of the status. I know that he
19 was divorced, but he also had met another woman.

20 Q. And what about the children, were there
21 children --

22 A. He had three children.

23 Q. -- in the home?

24 A. Three children. Two here.

25 Q. Two here?

1 A. Yes, ma'am.

2 Q. Okay, and who would they have been?

3 A. Anna --

4 Q. Uh-huh.

5 A. -- the oldest, and Natalie the youngest.

6 Q. All right, and was there another child at
7 all, or --

8 A. He had a little -- a son, but that was in I
9 believe Bali.

10 Q. Okay, and so in a foreign country --

11 A. Yes, ma'am.

12 Q. -- his other -- his last wife lived with
13 his --

14 A. Yes, ma'am.

15 Q. -- youngest child, the boy? Okay.

16 All right, did you ever meet that mother of the
17 boy?

18 A. No, ma'am.

19 Q. Okay. But you know Anna and Natalie?

20 A. Yes, ma'am.

21 Q. All right. Back on November 16th, 2020, can
22 you tell us about that night, and what happened in
23 your neighborhood that night?

24 A. We were asleep, my wife and I and the dog in
25 the bed, 10:30, 11:00, somewhere in that range. I

1 heard a pop, to me, it sounded like, basically, a
2 piece of wood falling, just a loud pop right behind
3 us. Because our bedroom backed up to -- right by
4 his house, and then jumped out of bed, and went
5 right -- laid right back down, and then it could
6 have been five seconds later, it could have been a
7 minute later, I heard a second pop.

8 Q. Uh-huh.

9 A. And the dog on the end of the bed jumped up,
10 which arose me to actually get up and get out of
11 bed, and went out the front door. And remember -- I
12 couldn't tell you how many, I just remember seeing
13 individuals getting in a car, me yelling, "Tim,"
14 thinking it was him getting in, you know, what was
15 going on, and they left out -- took off and left out
16 of the entrance of the neighborhood.

17 Q. What did you do then?

18 A. I believe -- and it's foggy, I think I went
19 inside and probably put some clothes on. Went
20 outside, and at that point the neighbors were all
21 congregating in the street.

22 Q. Uh-huh.

23 A. And we knew something had happened next door
24 with Tim. I mean there was lights on at the house.

25 Q. Did you go in the house?

1 A. And so myself and another neighbor went into
2 the house, entered the house, called out for Tim.
3 Lights were on, music was playing. He went in one
4 direction of the house, I went in the other, we met
5 in the kitchen area, and there was a door that went
6 to the laundry room, which was shut.

7 And Jeff had looked down -- the other neighbor -
8 - and saw blood coming from under the door. And I
9 tried to open the door, couldn't open the door, and
10 I remember him just saying, "This isn't good," and I
11 think he called 911, and we walked out, went around
12 the back side of the house to the door leading into
13 the laundry room.

14 | I opened the door up and saw Tim lying there.

15 Q. Do you remember calling 911, or did someone
16 else call; do you recall?

17 A. Jeff, the other person with me called 911.

18 Q. All right, and you were interviewed by law
19 enforcement, and told them what you've told us
20 today?

21 A. Yes, ma'am.

22 Q. That's all I have.

23 THE COURT: Cross-examination?

24 MS. CORNWELL: Thank you, Your Honor.

* * *

1 CROSS-EXAMINATION

2 BY MS. CORNWELL:

3 Q. Good morning, Mr. Mahaffey, how are you
4 doing?

5 A. Good morning.

6 Q. You knew Tim fairly well, correct?

7 A. Yes, ma'am.

8 Q. And when you were describing kind of his job
9 and what he did, he was very skilled with computers,
10 correct?

11 A. Yes, ma'am.

12 Q. Okay, and security systems with computers,
13 and how to kind of get around and break into them?

14 A. As far as I knew, yes, ma'am.

15 Q. And in your relationship with Tim, when you
16 told law enforcement about what you knew about him,
17 you also indicated that you were aware he was
18 involved with purchasing and running money for
19 drugs, correct?

20 A. Excuse me?

21 Q. You indicated to law enforcement about Tim
22 purchasing drugs, and how you also thought that he
23 also fronted money for some drugs at different
24 times?

25 A. Can I speak freely?

1 Q. Yeah, absolutely.

2 A. The night this happened, I walked in on my
3 next door neighbor, my buddy, lying there dead, and
4 so walking out I was full of adrenaline like never
5 before. I wanted to catch whatever, whoever did
6 this.

7 So at that point, my mind was racing in a
8 million directions, so I brought -- I mean I don't
9 remember, I probably would have thought of
10 everything that I could think of under the sun --

11 Q. Okay.

12 A. -- throughout the give direction.

13 Q. And that would have included informing law
14 enforcement of your knowledge of Tim's involvement
15 with drugs, correct?

16 A. A theory probably, yes, ma'am.

17 Q. Okay. Do you also recall telling law
18 enforcement that you're aware Tim would sometimes
19 hire prostitutes?

20 A. Yes, there was one incident I knew, yes,
21 ma'am, that you talked about.

22 Q. Okay. And you also let law enforcement know
23 that a couple weeks earlier Tim had shown you a nude
24 photo of a young girl with her hand covering her
25 face --

1 A. That would have been --

2 Q. -- on his phone?

3 A. -- the incident, yes, ma'am.

4 Q. Is that the only photograph that Tim ever
5 showed you?

6 A. Yes, ma'am.

7 Q. Did you ever go into his home and look at
8 his computer and see photos or videos on his
9 computers?

10 A. No, ma'am.

11 Q. And like you said, when you spoke with law
12 enforcement, you were just trying to give them as
13 much information as you had to help them?

14 A. Anything I could think of under the sun that
15 would point them in the direction of who would have
16 done such a thing.

17 Q. What was Tim's relationship with other
18 neighbors in the neighborhood? Was he well liked?
19 Did he get along with everybody?

20 A. In our -- I mean I, again, speak for our
21 surrounding neighbors, but, yes.

22 Q. So no reason to be scared or concerned that
23 any neighbor would try to bring him harm, correct?

24 A. Correct.

25 Q. And you're aware that Tim had a number of

1 different cameras and security systems within his
2 own home, correct?

3 A. Yes, ma'am.

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

6 THE COURT: Anything else, Solicitor?

7 MS. CAMPBELL: No, Your Honor.

8 THE COURT: Thank you, sir, you may step down.
9 Call your next witness.

10 MS. CAMPBELL: The State calls Phil Mateo.

11 * * *

12 PHILLIP MATEO

13 * * *

14 being first duly sworn, testified as follows:

15 ***

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q. Mr. Mateo, thank you for being with us.

19 In November 2020, did you have any particular
20 role at Westbury Park?

21 A. At that time I was the Board President for
22 the Homeowners Association, known as Westbury
23 Residential Association.

24 Q. And so in November 2020, did Westbury Park
25 have surveillance cameras at the entrances at Buck

1 Island and at 278?

2 A. Yes.

3 Q. Okay. Do you recall a request from the
4 Beaufort County Sheriff's Office on November 16th or
5 17th, regarding the Westbury Park gate surveillance
6 videos?

7 A. Yes.

8 Q. And did you comply with that request?

9 A. Yes, I did.

10 Q. All right. And so what did you do, in order
11 to comply with the request?

12 A. I have access to the servers for the
13 cameras, so I dialed in remotely using my laptop to
14 the cameras at Buck Island. I was asked to look for
15 a dark sedan --

16 Q. Uh-huh.

17 A. -- around a specific time. I spent about
18 two hours going through the camera feeds until I
19 found the dark vehicle, and then kept searching
20 around during that timeframe, saw Tim Milliken in
21 the cameras.

22 I then searched the other camera gate to see if
23 a vehicle had come on in, I found that as well, and
24 then I shared the information.

25 Q. And did you turn that information over to

1 Beaufort County Sheriff's Office?

2 A. Yes.

3 (Court Reporter marks State's Exhibit Number 15,
4 Photograph, as attached hereto.)

5 (Court Reporter marks State's Exhibit Number 16,
6 Photograph, as attached hereto.)

7 BY MS. CAMPBELL:

8 Q. All right. I'm gonna ask you to take a look
9 at State's Exhibit 15 and State's Exhibit 16 for us,
10 and ask you, if you can identify State's 15 and
11 State's 16 for us.

12 A. So if this first one is 15, that is a
13 picture from the gate access kiosk facing the
14 entrance gate into we -- known as the owner's gate,
15 the Buck Island gate.

16 Q. Uh-huh.

17 A. So that is a picture of the entrance going
18 into 278, or going into Westbury Park from Buck
19 Island. The second one is a picture from what we
20 call the visitor's gate, also known as 278, and
21 that's a picture of the license plate of a vehicle
22 that I found, when searching through the video
23 feeds.

24 Q. At the time you were directed to look?

25 A. Correct.

1 Q. All right, thank you.

2 MS. CAMPBELL: At this time the State seeks to
3 introduce State's 15 and 16, your Honor.

4 MS. CORNWELL: No objection.

5 THE COURT: The motion granted without
6 objection.

7 (State's Exhibits 15 and 16 were entered into
8 evidence.)

9 MS. CAMPBELL: And at this time we're going to
10 try, can we publish to the jury, please?

11 BY MS. CAMPBELL:

12 Q. Okay, and so if you could help us, what date
13 is depicted on State's 15 for us, for the record?

14 A. November 16th, 2020.

15 Q. And what time is depicted on that State's
16 15?

17 A. 2303, which is 11:03 p.m.

18 Q. All right. And when you say you saw Tim on
19 the surveillance video, what are you referring to in
20 State's 15, as Tim?

21 A. The individual getting into the driver's
22 side rear vehicle is Tim Milliken, he was,
23 originally, to the far left of the photo towards his
24 house. He was standing there until this vehicle
25 arrived, and then he walked over, got in the

1 backseat. That vehicle then backed up and exited,
2 and drove away.

3 Q. All right, and then State's 16?

4 A. (No audible response.)

5 Q. Okay, so I know we don't have a time on
6 this, but can you help us with State's 16, on the
7 timing of when you located this?

8 A. So it was within the next minute. So when
9 the vehicle left the Buck Island gate --

10 Q. Uh-huh.

11 A. -- the other camera showed it taking a right
12 turn. If you go down that right turn, take two more
13 rights, you come in the main gate, which is our
14 visitor gate, which is this gate, and I found this
15 vehicle coming in within a minute of it leaving the
16 other gate.

17 This is a closeup of the license plate showing
18 as many, you know, as clearly as I could of what
19 appeared to be CL something, something 6595.

20 Q. And you provided both of these to the
21 Sheriff's Office, correct?

22 A. Yes.

23 Q. Thank you.

24 MS. CAMPBELL: That's all I have.

25 THE COURT: Cross-examination? No?

1 MS. CORNWELL: No, Your Honor, I have no
2 questions.

3 THE COURT: All right, yes, ma'am. Thank you,
4 sir, you may step down.

5 WITNESS: Okay. Sorry, I've never done this
6 before.

7 THE COURT: You may call your next witness.

8 MS. CAMPBELL: All right, Your Honor, I think
9 the next witness is going to be surveillance video,
10 so we're gonna need the system from our office,
11 which has been on its way here, in order to start
12 that witness, Your Honor.

13 THE COURT: And so how long?

14 MS. CAMPBELL: I do have a -- yeah, I'm just
15 trying to find out now if we have an estimated time.
16 We're getting an answer for you, Judge.

17 Okay, I'm told that the system has just crossed
18 the Broad River Bridge, so barring some unusual
19 traffic, I would say 20 minutes for it to get here
20 and set up. It's a pretty big system, but we've got
21 some big guys who will bring it in for us and set it
22 up. That would put us close to noon, that's the
23 best I can tell you.

24 THE COURT: Or we can take an early lunch break.

25 MS. CAMPBELL: Okay.

1 THE COURT: All right, let's take a lunch break
2 until 12:45. And I'll remind you, ladies and
3 gentlemen, do not begin discussing the case. See
4 you back at 12:45.

5 (Jury exits the courtroom.)

6 THE BAILIFF: The jury's clear, Your Honor.

7 THE COURT: Is there anything we need to do
8 during the lunchbreak?

9 MS. CAMPBELL: No.

10 THE COURT: We're good? See you back at 12:45.

11 (Luncheon Recess.)

12 PROCEEDINGS CONTINUED

13 ***

14 THE COURT: Folks, it looks like we have another
15 issue with another jurors. The bailiff informs me
16 that Juror Number 207, I believe it is, advised one
17 of the bailiffs that -- I believe this juror in fact
18 recognized or recognizes some of the family members
19 of the deceased who are in the courtroom. In fact,
20 went to school with one these individuals.

21 Be glad to hear your thoughts.

22 MS. CAMPBELL: Your Honor, none of those
23 individuals are testifying in the trial. I don't
24 know that simply recognizing them qualifies them to
25 be removed. We certainly don't have an issue with

1 the juror remaining.

2 THE COURT: Their names were not listed to the
3 jurors.

4 MS. CAMPBELL: No. They are just members of the
5 general public who happened to be, I guess, close to
6 the victim's daughter and here to support her. We
7 are not offering their testimony in any way.

8 THE COURT: Ms. Cornwell.

9 MS. CORNWELL: I do believe the victim's
10 daughter was listed on the witness list when it was
11 read out to the jury. Certainly,
12 we need to bring that witness out and see if they
13 know any people associated with the families and see
14 if they have any impact to the listening to the
15 evidence in the case and see if it would effect how
16 they would render their verdict.

17 THE COURT: What do you say, Solicitor?

18 MS. CAMPBELL: So the defense is suggesting that
19 Your Honor pull this particular juror out and bring
20 them in and see whether or not that would impact
21 their ability to be fair and impartial?

22 That is in Your Honor's discretion, but I have
23 no objection to that.

24 THE COURT: I forgot to mention that the bailiff
25 has already set aside the juror. The juror is not

1 in the jury room at this moment.

2 MS. CORNWELL: I believe that would be the first
3 step, Your Honor. I do still have some concerns
4 with that person remaining on the jury if they feel
5 any connection to the victim's family and while
6 listening to testimony they are able to separate
7 that from their deliberations.

8 We do have two other alternates. It may be
9 easier to replace that juror and seat one of the
10 alternates.

11 THE COURT: Bailiff, please bring in Number 207.

12 (Juror 207 enters the proceedings.)

13 THE COURT: Let me ask you a few questions. You
14 are 207. One of the bailiffs told me that you
15 realized or knew that you recognized two of the
16 people in the courtroom.

17 Are they children of the deceased?

18 JUROR 207: No. I do not know their relations
19 with the deceased. I went to school with them, and
20 I probably haven't seen them since we graduated in
21 2019. I know we went to school together.

22 THE COURT: I see. You don't know who they
23 were. So your only connection is that you went to
24 school with them? That is the only issue?

25 JUROR 207: I went to school with them. Yes.

1 THE COURT: Okay. Did you all ever visit each
2 other's homes?

3 JUROR 207: No.

4 THE COURT: You know them by their first names?

5 JUROR 207: Yes.

6 THE COURT: No to their last names?

7 JUROR 207: No.

8 THE COURT: What you have just described to us,
9 would that affect your ability to serve on this
10 jury?

11 JUROR 207: No, sir.

12 THE COURT: You think you would still be able to
13 be a fair and impartial juror?

14 JUROR 207: Yes, sir.

15 THE COURT: To the state and to the defense?

16 JUROR 207: Yes, sir.

17 THE COURT: Any questions about that?

18 JUROR 207: No, sir.

19 THE COURT: Step right back outside.

20 (Juror 207 exits the proceedings).

21 MS. CORNWELL: Your Honor, we do still have
22 concerns that her relationship with knowing the
23 daughter's family. There may be some residual
24 concerns running into them in the community and how
25 that might affect your relationships at this point.

1 Given that we still have two alternates that are
2 available, after speaking with my client, he would
3 like me to excuse this juror.

4 THE COURT: From the State?

5 MS. CAMPBELL: The State's position is that she
6 is qualified to continue serving. She has answered
7 the Court's questions that despite recognizing those
8 individuals, she can be a fair and impartial juror.

9 THE COURT: I agree with the solicitor. Just
10 let's just say for the record her name had been
11 drawn, and a motion to disqualify her had not been
12 made before the selection process. I am going to
13 deny the motion to disqualify her.

14 So, anything else before the jury comes in?

15 MS. CORNWELL: Just note our objection for
16 purposes of the record.

17 THE COURT: So noted.

18 MS. CAMPBELL: The bailiff can bring the jury
19 back in now that we have everything working.

20 We will just play the bodycam. Does Your Honor
21 need former Officer Hewitt to come back to the
22 stand? We can certainly bring him up.

23 THE COURT: It has been introduced into
24 evidence?

25 MS. CORNWELL: It does, I believe. He does need

1 to be placed on the stand while the video is being
2 played. I need to be able to question him about
3 that.

4 THE COURT: Just bring him on in.

5 207 is being placed back with the jury in the
6 jury room. As soon as that is done, I will tell
7 them to come back into the courtroom.

8 (Jury enters courtroom).

9 ***

10 PROCEEDINGS CONTINUED

11 THE COURT: Welcome back, ladies and gentlemen.
12 Solicitor.

13 MS. CAMPBELL: The State will recall Jonathan
14 Hewitt at this time. I am sure we have our
15 technology all secured away.

16 At this time the State will be playing what has
17 been introduced into evidence as State's Exhibit 32.

18 (Exhibit 32 published for the jury).

19 MS. CAMPBELL: May it please the Court, that
20 would be the end of the State's testimony with
21 regard to this witness.

22 THE COURT: Any cross-examination of the
23 witness?

24 MS. CORNWELL: Just one, Your Honor.

25 ***

1 CROSS-EXAMINATION

2 BY MS. CORNWELL:

3 Q. The last time you made -- it's your
4 recollection there was cameras in every room inside
5 the house?

6 A. I know there were multiple cameras. I
7 don't recall how many there was. It was numerous
8 numbers.

9 MS. CORNWELL: Thank you. Nothing further.

10 THE COURT: Call your next witness.

11 MS. CAMPBELL: State calls Beaufort County
12 Sheriff's Office, Andrew Calore.

13 ANDREW CALORE,

14 being first duly sworn testified as follows:

15 * * *

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. Obviously, you are employed with the
21 Beaufort County Sheriff's Office?

22 A. Yes, ma'am.

23 Q. How long have you been employed there?

24 A. Twelve years.

25 Q. What currently are you assigned to do with

1 the Sheriff Office?

2 A. Currently, I am tasked as an investigator,
3 criminal investigation division.

4 Q. Your rank at this time?

5 A. Corporal.

6 Q. Back in November of 2020, were you with the
7 Sheriff's Department?

8 A. Yes.

9 Q. Were you working in Hilton head or
10 Beaufort? Which side?

11 A. Predominantly on the south side of Hilton
12 Head.

13 Q. Were you called out to the crime scene at
14 Kensington on November 16, 2020?

15 A. I was.

16 Q. What was your assigned duty when you got
17 there?

18 A. I did a secondary search around the aspects
19 of the residence. I believe it was a bedroom as
20 well as an office within the residence.

21 During that time I also collected surveillance
22 video from the scene.

23 Q. I will show you what has been marked as
24 State's Exhibit 38. Can you identify this?

25 A. Yes. There is a surveillance video

1 collected from the scene.

2 MS. CAMPBELL: At this time, we would ask to
3 admit State's Exhibit 38 and then publish that to
4 the jury.

5 MS. CORNWELL: I would like her to lay a little
6 more foundation on what is on it.

7 BY MS. CAMPBELL:

8 Q. In State's 38, can you tell me what is
9 contained within that flash drive.

10 A. When we were doing a search of the
11 residence, the victim had multiple cameras in
12 various rooms as well as exterior cameras.

13 Q. This is a true and accurate reflection of
14 what was on the surveillance videos on November 16,
15 2020?

16 A. Yes, ma'am.

17 MS. CAMPBELL: Thank you, officer. That is all
18 I have.

19 THE COURT: Cross-examination.

20 ***

21 CROSS-EXAMINATION

22 BY MS. CORNWELL:

23 Q. That video that we just saw, that was a
24 compilation of different cameras, different angles,
25 that you yourself put together?

1 A. Correct.

2 Q. It's in chronological order?

3 A. Correct.

4 Q. There were some things on there -- there
5 was a spotlight towards the end from the laundry
6 room. That is not part of the original surveillance
7 video?

8 A. I don't think so.

9 Q. The subtitles were not part of the original
10 surveillance video?

11 A. No.

12 Q. In getting that surveillance video, you had
13 to work with the FBI?

14 A. Correct.

15 Q. You sent just about everything electronic
16 to the FBI to help retrieve that information,
17 correct?

18 A. The FBI was there to assist with the on-
19 scene investigation with the surveillance video.

20 Q. Several other times, too, the surveillance
21 and file could not be opened?

22 A. Correct.

23 MS. CORNWELL: That is all I have, Your Honor.

24 MS. CAMPBELL: Nothing further.

25 THE COURT: Thank you, sir. You can step down.

1 You may call your next witness.

2 MS. CAMPBELL: Your Honor, we will take James
3 Green from SLED out of order at this time.

4 JAMES GREEN,

5 being first duly sworn testified as follows:

6 * * *

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q. At this time the State will tender James
10 Green as an expert of forensics firearms. I will go
11 into a little built of his background to see if the
12 defense objects to his qualifications at this time.

13 MS. CORNWELL: I am very familiar with him. I
14 have no objection to him being qualified as an
15 expert.

16 THE COURT: No objection?

17 MS. CORNWELL: No, Your Honor.

18 THE COURT: This witness is being qualified as
19 an expert in forensic firearms.

20 Witnesses are usually limited to opinions the
21 witness gives on the witness stand. For example,
22 seen smelled, heard. The exception for expert
23 witnesses, who have, based on their training or
24 experience, obtained some expertise in a certain
25 area. They can then offer their opinion there

1 matters in the area of their expertise.

2 We take the testimony of an expert witness just
3 like the you would take the testimony of any
4 witnesses.

5 Go ahead and ask your questions, Solicitor.

6 BY MS. CAMPBELL:

7 Q. How long have you been working at SLED?

8 A. June of 2015.

9 Q. In this particular matter, were you asked
10 to look at certain items of evidence?

11 A. Yes, ma'am.

12 Q. I will show you a couple of items of
13 evidence and see if we can work through what you did
14 and didn't do?

15 Q. State's Exhibit 44. I will ask if you can
16 identify that.

17 Q. State's Exhibit 44, should be the fired
18 bullet I examined in this case.

19 Q. Do we sometimes call that a projectile?

20 A. Yes, ma'am.

21 A. 47 and 48 I did not examine these.

22 State's Exhibit 46 is the revolver I
23 examined in this case as SLED Item 2.

24 Q. Let's talk about those items for a moment
25 if we can.

1 Did you prepare a report in this case?

2 A. Yes, ma'am.

3 Q. In your report, do you label what has been
4 identified by you as State's 44 and 46.

5 Do you label them differently within your
6 report?

7 A. Yes, ma'am.

8 Q. If I am talking about the projectile fired
9 bullet, what does that refer to in your report?

10 A. It would be referred to as a fired bullet
11 or Item 1.

12 Q. Tell us what Item 2 was in your report?

13 A. The revolver that I examined, and test
14 fired.

15 Q. Would that be 12 HWM .38 special?

16 A. Yes, ma'am.

17 Q. When you were working as a firearms
18 examiner, when you have the gun, the revolver, what
19 have you been asked to do and try to determine in
20 terms of the projectile and the gun?

21 A. Dealing with firearms is a forensic
22 science. We try to determine a fired bullet or a
23 fired cartridge case. If one is not submitted, a
24 whole bunch of bullets and cartridge cases -- I can
25 still look at those to determine how many firearms

1 are involved by markings left on the bullet as the
2 cartridge cases -- during the manufacturing process,
3 different firearms manufacturers have certain
4 characteristics they want to be on a particular
5 firearm.

6 The number of lands and grooves, the direction
7 of the twist. All of those are determined by the
8 manufacturer prior to them making or producing the
9 firearms.

10 Q. Did you have the opportunity to compare
11 Item 1 with Item 2?

12 A. Were you able to reach any result?

13 A. Yes, ma'am.

14 Q. You did?

15 A. Yes, ma'am.

16 Q. What would that result be?

17 A. My results were inconclusive. It could
18 have been fired by the revolver submitted to me.
19 There were not enough markings for me to definitely
20 identify that.

21 Q. I would like to move on to Item Number 2,
22 the revolver. Tell us a little bit more about what
23 you did with this revolver. Let's talk about how
24 this revolver functions. Is it a double-action or
25 single-action revolver?

1 A. Double action.

2 Q. What does that mean?

3 A. Part of it can be a double-action revolver,
4 fired in single-action as well.

5 If the gun is locked, as you can see right here.
6 It has an exposed hammer. If you were able to close
7 the revolver for double-action, I can pull the
8 trigger and it cocks, releases the hammer.

9 Single action means that with the cylinder
10 closed, I can cock the hammer and pull the trigger
11 and it will fire.

12 Q. What do we mean when we talk trigger pull.
13 What does that mean?

14 A. A unit of measurement expressed in the
15 pounds for the amount of pressure it takes to cause
16 a gunfire, make a gunfire.

17 Q. If I understand correctly, there is a
18 possibility where a double-action mode can also be
19 single-action mode?

20 A. Yes, ma'am.

21 Q. If the gun were in single-action mode, can
22 you tell us how much the trigger pull weight would
23 be and help us understand that?

24 A. Yes. First, when you are firing the
25 revolver, since you are not having to default the

1 main spring where you pull the trigger, the trigger
2 pull will be lighter on single action than it would be
3 for double action. Let me refer to my notes.

4 In dealing with State's Exhibit 46, a single-
5 action trigger pull weight varies. It was between
6 five pounds and five-and-a-half pounds. It's not
7 out of the ordinary for a revolver. That is right
8 where I would expect it to be. That means roughly a
9 little bit more than a half-gallon of milk, lifting
10 it with one finger. That would be about the
11 equivalent of that trigger pull.

12 The double-acting trigger pull was about 11.75
13 pounds, which is what I would expect in a double-
14 action revolver, when you're shooting a double
15 action.

16 Q. What would that equivalent have been in
17 terms of a gallon of milk or whatever.

18 A. About a gallon-and-a-half.

19 Q. Would you be able to give us an opinion
20 that this was a properly functioning firearm?

21 A. Yes, ma'am. Before I even test fire a
22 firearm, I will make sure it's safe to fire before
23 doing so.

24 If there is an issue with a firearm not working
25 properly or not like I would expect, it would be

1 very thoroughly detailed in my report.

2 Q. What is unintentional discharge or hair
3 triggers. Explain what those phrases mean to the
4 jury?

5 A. Yes, ma'am. Start with a hair trigger.

6 A hair trigger is what I consider to be an
7 unsafe firearm. You can touch the trigger with a
8 pencil. You tap it and it will go off. To me
9 that's not very safe.

10 Unintentional discharge is just that. You don't
11 mean the gun to go off by dropping, by hitting some
12 kind of force upon the firearm would cause that
13 firearm to go off when you don't need it to.

14 A. So a pencil tap would be like a hair
15 trigger. What we are talking about here is five
16 pounds to 11.75 pounds of weight to pull the trigger
17 on that one.

18 A. Yes, ma'am.

19 Q. So in your field of expertise in firearms,
20 are you able to say anything more than that to this
21 jury about a hair trigger or an unintentional
22 discharge and things of that nature?

23 A. No, ma'am. My field is firearms
24 identification. n We are looking at fired cartridge
25 cases and comparing those with firearms that are

1 available.

2 I do examine firearms to make sure they are
3 safe, but I am not an expert in every firearm to see
4 if a gun is acting the way it should. This one
5 acted the way it should have when I had it.

6 MS. CAMPBELL: Thank you. That is all I have.

7 THE COURT: Cross-examination.

8 ***

9 CROSS-EXAMINATION

10 BY MS. CORNWELL:

11 Q. Can you please give the jury a little bit
12 of your background and education and training for
13 what you do.

14 A. I have a bachelor's and a master's degree
15 both from Charleston Southern University. When I
16 was hired at SLED, I started the fire and tool mark
17 course instruction. It's about 3.5 years in
18 apprentice-type fashion. A lot of tests. I was
19 used to writing while I was in college, but not this
20 much.

21 I was then given 10 or 12 fake cases to see if I
22 could properly identify things.

23 Q. How many times have you been qualified as
24 an expert in firearms in a state court?

25 A. I think I am up to 105 now.

1 Q. The firearm involved in this case, there is
2 no safety on that firearm, correct?

3 A. Correct.

4 Q. That particular firearm can be used in both
5 double-action and single-action, correct?

6 A. Yes, ma'am.

7 Q. When it's in single action, if the hammer
8 is pulled back and cocked, the only way to render
9 that firearm safe without discharging it again is to
10 actually hold the hammer and slowly pull the trigger
11 to render it neutral again.

12 Correct? .

13 A. Yes, ma'am.

14 Q. That is the only way to make that firearm
15 safe once that hammer has pulled without discharging
16 it.

17 A. Yes and no. That is one way. There is
18 another way you can do it. If you manually pull
19 back on the cylinder stop, you can open the
20 cylinder. A lot of people don't know that, and
21 there is no sense in doing it. You are then putting
22 your hand somewhere near where the barrel is. You
23 don't want to get your hand anywhere near a loaded
24 firearm.

25 Q. You are not here to testify as to how a

1 firearm could be discharged unintentionally or
2 accidentally, are you?

3 A. No, ma'am.

4 Q. So your role is just to examine the firearm
5 and make sure that it's operable, see if you can
6 make comparisons, and make sure that it is working
7 properly, correct?

8 A. Yes, ma'am.

9 Q. In this case, the firearm that you have is
10 a double-action that can be fire single-action?

11 A. Yes, ma'am.

12 Q. And has no safety on it?

13 A. Correct.

14 Q. You cannot make any conclusive findings
15 regarding the projectiles that were submitted,
16 casings submitted in this firearm?

17 A. Yes, ma'am. There was enough similarities
18 for me to say it could have been State's Exhibit 46,
19 but it was not enough for me to say, yes, it was.

20 MS. CORNWELL: Thank you, Mr. Green.
21 That's all I have.

22 MS. CAMPBELL: Nothing else.

23 THE COURT: Thank you. You may step down.
24 Call your next witness.

25 MS. CAMPBELL: State calls Eric Calendine

1 of the Sheriff's Department.

2 ERIC CALENDINE,

3 being first duly sworn testified as follows:

4 * * *

5 DIRECT EXAMINATION

6 BY MS. CAMPBELL:

7 Q. Good afternoon.

8 A. Good afternoon.

9 Q. I know you are with the Sheriff's
10 Department.

11 How long have you been with the Sheriff's
12 Department?

13 A. Over 22 years.

14 Q. What is your current rank?

15 A. Currently a master sergeant.

16 Q. What sort of specific duties or areas of
17 responsibility do you currently have?

18 A. I am the supervisor for southern
19 investigations, which is everything below Broad
20 River Bridge, that is Bluffton, Hilton Head.

21 Q. Back in November of 2020, were you called
22 out to a homicide in Bluffton?

23 A. Yes, I was.

24 Q. Where was that location if you recall?

25 A. ■ Kensington Boulevard in Bluffton, South

1 Carolina, which is in Beaufort County.

2 Q. Once you were on the scene, what sort of
3 responsibilities did you take up then?

4 A. I was a staff sergeant in investigations at
5 the time. Once I got on the scene, I met with the
6 other investigators and road officers. I determined
7 a game plan of looking at everything and what we
8 needed to do next and who needed to do what, as far
9 as tasks.

10 Q. Like the quarterback?

11 A. Yes.

12 Q. Did you get a search warrant for the
13 location?

14 A. Yes. I was responsible for getting the
15 search warrant for the location.

16 Q. Tell us a little bit about some of the
17 items you were dealing with in that location.

18 A. In the house itself, looking for DNA, hair,
19 fiber, blood, firearms, ammunition, any kind of
20 ledgers, notes, cellular phones, devices, computers.
21 There is really a large gamut of things we are
22 looking for because at that time we didn't know
23 exactly what they had.

24 Q. Were you able to determine outside the
25 home itself whether or not -- within the home, was

1 there a determination that there was on-scene, on-
2 site surveillance video.

3 A. Yes. The house had its own surveillance
4 system.

5 Q. Were you then able to determine if there
6 was any other surveillance video in the area that
7 might prove useful?

8 A. Typically, when you have any crime scene,
9 we will have officers run around other houses to see
10 if anyone else had any video systems. Also we look
11 for the community itself to see if it has its own
12 surveillance system.

13 Q. Did you determine that there was a
14 surveillance system in the community, specifically
15 at the gate?

16 A. Yes.

17 Q. Can you tell us what we are looking at in
18 State's 15 and 16 in your investigation.

19 A. This will be the security tape video from
20 Westbury Park. It would be the Buck Island entrance
21 and exit.

22 That would be the side road. This has two
23 entrances. One we call the U.S. 278 side. Then
24 there is Buck Island side. This is on the Buck
25 Island side of the gate.

1 Q. There is a dark sedan in that exhibit; is
2 that correct?

3 A. That's correct.

4 Q. Move to State's 16.

5 A. This is the image of the dark sedan as it
6 came through the license plate reader.

7 Q. What are you seeing in terms of a license
8 plate for that vehicle?

9 Q. We could tell it was a Georgia tag. It
10 looks like the last 4 numbers when we had this image
11 was going to be 7595. We couldn't tell just because
12 of the image. It would have been on my phone at
13 that time.

14 Q. Are there Tools or accessibility within the
15 Sheriff's Department that could enhance this image
16 so that you could have a full plate?

17 A. Yes.

18 Q. What is that division and how did that
19 division work on this particular exhibit?

20 A. We call our intel division. We would send
21 these images to the intel unit to see if they can
22 enhance the image, enlarge it. Also, run it through
23 different tag numbers in the state.

24 Q. Was your intel division then able to get a
25 tag number?

1 A. Yes.

2 Q. For the vehicle?

3 A. Yes.

4 A. What did you do with that tag number?

5 A. When we used that tag number, we had asked
6 different taggers in the state and in other agencies
7 in the surrounding states if they had any
8 information or images of that tag itself.

9 We ran the tag to see who it was registered to.
10 So from there we started getting information back on
11 the vehicle itself.

12 Q. This vehicle is registered to who?

13 A. ENA Holdings, which we sometimes know as
14 Enterprise Holdings, the car rental company.

15 Q. There is an address for the person who
16 rented this vehicle?

17 A. Yes. We were able to contact ENA Holdings,
18 and they provided information on who rented the car
19 at the time.

20 Q. Who was the renter of the vehicle?

21 A. It was Quincie Watson, [REDACTED] Leeward Drive in
22 Savannah, Georgia.

23 Q. Armed with that information that you have a
24 full license plate, you know where the car was
25 rented. You have got a name and an address. What

1 did you then do or reach out to anyone about it?

2 A. We reached out to intel. Run this person's
3 name who was registered with the car. We found out
4 that they had a previous address in Jasper County.
5 Obviously, they had the address in Savannah.
6 Georgia.

7 From there we sent a request to those agencies
8 to go out to those addresses, one in Jasper County
9 and another in Savannah to go out and see if they
10 could locate this vehicle.

11 MS. CAMPBELL: Can we just take a break for a
12 moment so I can track down something that I need?

13 THE COURT: Let's take a five-minute break.

14 We will be in recess for five minutes.

15 (Jury exits the courtroom.)

16 (Recess.)

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

19 ***

20 PROCEEDINGS CONTINUED

21 THE COURT: Ready for the jury?

22 MS. CAMPBELL: Well, just a little something has
23 come up while we are on a bit of a break. I guess
24 we should put it on the record.

25 Defense counsel mentioned to me that she

1 intended cross-examination of this witness; that he
2 obtained information that Sarah Barr had been
3 investigated or taken into custody or under
4 investigation for assaulting someone in Walterboro a
5 few days before this happened.

6 We certainly object to that line. It certainly
7 saves us from having to do this in the middle and
8 then sending the jury back out.

9 That's not appropriate. It's not relevant, and
10 certainly going into that -- I mean, you know,
11 honestly it opens up a whole avenue where Sarah Barr
12 is concerned. It's not appropriate. If she wants
13 to ask Sarah. We have the whole situation with
14 Sarah to look forward to as well. We are going to
15 have to put that on the record what is appropriate
16 and not for impeachment with her.

17 It's certainly not appropriate for her to go
18 into that with this officer.

19 MS. CORNWELL: Your Honor, in Investigator
20 Calendine's report, he did ask intel to do an online
21 search for Sarah Barr. The Walterboro police
22 department ran Sarah's name.

23 On November 16, 2020, 12:15 p.m., which is less
24 than 12 hours before this incident happened, she is
25 reported for an assault and battery incident, a

1 convenience store in which she presented a firearm
2 during that incident.

3 I think it is relevant in time and place because
4 it is the day of this alleged incident. I also
5 think it is important that the report says that she
6 pulled a gun because her DNA is found on this
7 firearm that is involved in this case. Once they
8 put their DNA expert up, he is going to testify that
9 her DNA is on the firearm less than 12 hours prior
10 to this incident on the same day of the incident.
11 She is seen with a firearm assaulting somebody else.
12 I believe it's something that I will be able to
13 impeach her with.

14 Also, to cross-examine this officer on the fact
15 that he did run a report for her. I am not asking
16 about -- there were several things that were brought
17 into question involving her name and the things that
18 they did.

19 This thing happened to be on the day of this
20 incident. I think it is relevant and it's
21 probative, and, again, it's my client's right to
22 present a full and complete defense. They are
23 putting up Ms. Barr as a witness against my client.
24 I think that it would be impeachment evidence. I
25 get to impeach her for her credibility, for her

1 motive, for her bias. All of this goes to that.
2 Again, it was the day of and several hours before.
3 There is a police report on it.

4 This officer did get a police report from
5 Walterboro. He was aware that she had this incident
6 happen on the same day involving a firearm.

7 THE COURT: First of all, isn't this character
8 evidence you are trying to introduce against her?

9 MS. CORNWELL: Your Honor, I would argue that it
10 goes to -- they are going to say that my client has
11 set all of this up, my client arranged all of this.

12 I think that this goes to show that the firearm
13 is involved, especially since it has got this young
14 lady's DNA on it.

15 This young lady was not with my client at the
16 time of this incident. That shows that she is the
17 one that brought this firearm. I think it goes to
18 the facts of this case, not character evidence, but
19 can give at least some indication to the jury of
20 where this firearm came from and how it got to this
21 alleged victim's home.

22 THE COURT: And you are trying to impeach her,
23 right?

24 MS. CORNWELL: Yes.

25 THE COURT: Prior bad acts?

1 MS. CORNWELL: I would ask her if she was
2 involved in it. Yes. I think for impeachment
3 purposes, also motive and bias as to why she would
4 try to turn this and testify against my client.

5 I think she can say no, she wasn't involved.
6 And I don't think I can impeach her with extrinsic
7 evidence if she said, no, and I asked her would it
8 refresh her recollection. But I think this officer
9 can certainly testify that he did a background check
10 on her, and during that check, he was given
11 information from the Walterboro Police Department
12 about an incident she was involved in that day with
13 a firearm.

14 Once she gets on the stand, I can bring it up as
15 impeachment evidence for her testimony and her
16 motive for bias and credibility. If she says, no,
17 it wasn't me. I wasn't involved, then I would have
18 to move on from it.

19 I also think it goes to her credibility and the
20 fact that she is not being truthful.

21 THE COURT: Let's talk about it one at a time.
22 If you want to attack her credibility for
23 impeachment -- you can't impeach her that way by
24 attacking her credibility or character when nobody
25 else has challenged her character.

1 MS. CORNWELL: No. Obviously, I am not asking
2 him to testify to the truthfulness of it, but it is
3 part of his investigation. It is what he looked
4 into as part of his investigation into this
5 incident, and as part of his investigation into this
6 incident he ran an off-line search for Sarah Barr,
7 and he found this information.

8 I think -- that is all. I am not going to go
9 into what all the report says other than she was
10 involved on this day in Walterboro around 12:30 with
11 another incident involving a gun. I think that that
12 is incredibly relevant given the fact that she is
13 being painted as this victim, this person who is
14 being forced to do all these things with my client
15 and these other two men that were involved in this
16 car.

17 She is this innocent victim, when really earlier
18 this same day she independently is getting into her
19 own issues, and this officer investigated her and
20 this is what came up in his investigation.

21 THE COURT: Some other law enforcement agency
22 told him?

23 MS. CORNWELL: That he did an intel check, and
24 the intel check showed where Ms. Barr was a suspect
25 in an assault and battery on that same date at 12:30

1 p.m. at a convenience store in Walterboro where she
2 assaulted an employee with a firearm in reference to
3 a past conflict.

4 THE COURT: Solicitor, I will be glad to hear
5 from you.

6 MS. CAMPBELL: Your Honor, what she is asking is
7 608-B is not allowed. The Court, I am sure, is
8 familiar with the specific instances of conduct
9 provision of Rule 608. In no way does what she
10 wants to do fit within what is allowed in the law.
11 We wholly object to it, both through this witness
12 and through ultimately Sarah Barr's own testimony.

13 THE COURT: I agree, and I would deny the
14 defense's request to question the witness along
15 these lines.

16 MS. CORNWELL: Thank you, Your Honor.

17 Note our objection for the record, and this is
18 an area that we feel that we should be able to get
19 into.

20 THE COURT: Sure. What's next?

21 MS. CAMPBELL: We are ready to bring the jury
22 back.

23 THE COURT: All right. Let's bring the jury
24 back.

25 THE BAILIFF: The jury is entering the

1 courtroom, Your Honor.

2 (Jury enters courtroom).

3 THE COURT: Welcome back, ladies and gentlemen.

4 We can now resume the examination of the witness.

5 Ms. Campbell.

6 MS. CAMPBELL: Thank you, Your Honor.

7 ***

8 DIRECT EXAMINATION CONTINUES

9 BY MS. CAMPBELL:

10 Q. When we left off, we were talking about the
11 intel division and the evidence gathering that was
12 being done in terms of the rental car and who had
13 rented it and addresses associated with that person.

14 Is that fair?

15 A. That is fair.

16 Q. I think we left off in Savannah.

17 A. Yes.

18 Q. Now, what do you do in terms of an address
19 in Savannah. Who do you contact?

20 A. We contacted Savannah Metro, Chatham
21 County. We had them go out to these two addresses
22 we had that we had that we had obtained through
23 intel as possible locations for Quincie Watson.

24 Q. I remember hearing one address. What was
25 the other address that intel turned up for Quincie

1 Watson in Savannah?

2 A. [REDACTED] Delesseps Avenue, Savannah, Georgia.

3 Q. You put Savannah P.D. on the search for that
4 location and the vehicle?

5 A. Correct.

6 Q. That night at the crime scene, were you
7 able to take a look at the situation at the house?

8 A. Yes.

9 Q. I will show you what has been marked as
10 State's Exhibits 97 and 99.

11 I will ask you if you can identify these items
12 and if they are a fair and accurate depiction of
13 what you saw on November 16, 2020, at [REDACTED] Kensington
14 Boulevard.

15 A. Yes. This is the back entry mud room to
16 the residence.

17 Q. In both photos?

18 A. Yes.

19 MS. CAMPBELL: At this time the State would
20 introduce State's Exhibits 97 and 99, which are in
21 black and white, Your Honor.

22 MS. CORNWELL: No objection.

23 THE COURT: Admitted without objection.

24 (State's Exhibits 97 and 99 were admitted into
25 evidence).

1 BY MS. CAMPBELL:

2 Q. So in State's 99, can you give us a point
3 of orientation as to what we are looking at here.
4 What is that indication in your investigation there.

5 A. Obviously, the floor and the wall of the
6 mud room itself. Obviously, it's black-and-white,
7 so you can't see the color, but that is blood that
8 is on the ground and on the walls.

9 Q. I see an indentation there. Do you recall
10 what that indentation there a couple of inches off
11 the ground would have been?

12 A. That is for the crime scene unit. I can't
13 tell you exactly what it is. Crime scene came in
14 after the search warrant was obtained.

15 Q. The vehicle that is shown at the gate, did
16 you ever locate that black Nissan again?

17 A. Yes, we did.

18 Q. Where did you locate this?

19 A. When we sent Savannah out to the two
20 addresses, they contacted us and said that they had
21 located a black in color Nissan Altima that matched
22 the description that was backed into the driveway at
23 [REDACTED] Delesseps Avenue in Savannah. So they went
24 around the block to not scare them and kind of be
25 out of sight.

1 They got out of their vehicles, as they
2 approached the residence, the vehicle was gone.
3 They saw a vehicle that resembled it. It was backed
4 into a driveway, but by the time they got there to
5 take pictures and get closer, it was gone by then.

6 Q. At that point it's gone. Do we then ever
7 find the vehicle after that being in Savannah.

8 A. It was not in Savannah at that point. Ms.
9 Watson's mother was able to tell us later on that
10 Ms. Watson was in Wilburn, Georgia at an address of
11 [REDACTED] Kimberly Woods Court in Wilburn, Georgia.

12 Q. Are individuals located in the black Nissan
13 at that location?

14 A. We sent Gwinnett County out that location.
15 Once we had information about where that vehicle
16 might be at, they were able to go to that address,
17 find the vehicle in the cul-de-sac and find the
18 people associated with that vehicle.

19 Q. When the individuals associated with that
20 vehicle are located in Gwinnett County, Georgia, do
21 you send any officers up to Gwinnett County?

22 A. Yes.

23 Q. Who were the officers that you sent up to
24 Gwinnett County?

25 Q. As a result of the search and locating the

1 individuals in Gwinnett County, were individuals
2 arrested associated with that vehicle in this case?

3 A. Once the interviews and the search warrant
4 was done, we did obtain arrest warrants for the
5 individuals, yes.

6 MS. CAMPBELL: That's all, Your Honor.

7 THE COURT: Cross-Examination.

8 MS. CORNWELL: Your Honor, I don't have any
9 questions for this witness at this time, but I would
10 ask that he remain under subpoena if requested for
11 recall.

12 THE COURT: Okay. The witness is going to be
13 made available in case he is needed to be recalled?

14 MS. CAMPBELL: He will.

15 State calls Angie Crumpton.

16 ANGELA CRUMPTON,

17 being first duly sworn testified as follows:

18 * * *

19 DIRECT EXAMINATION

20 BY MS. CAMPBELL:

21 Q. Good afternoon.

22 A. Good afternoon.

23 Q. I see you are with the Sheriff's
24 Department?

25 A. Yes.

1 Q. How long have you been with them?

2 A. The sheriff's office since 2009. In law
3 enforcement since 1998.

4 Q. Did you have a role to play on November 16,
5 2020, at ■ Kensington Boulevard in that crime scene
6 investigation?

7 A. I did. At that time, I was the Master
8 Sergeant in Southern Investigations and supervisor
9 over the crime scene unit.

10 Q. In that capacity, I will show you what has
11 been marked as State's Exhibit 44 and identified by
12 Jamie Green from SLED and ask you if you can
13 identify that particular item of evidence, which he
14 identified for us as the projectile from the laundry
15 room area at ■ Kensington Boulevard.

16 A. Yes. This is the projectile that was
17 collected that evening. It was in the laundry room
18 area on the floor near the washer.

19 Q. That was turned in to evidence?

20 A. Correct.

21 MS. CAMPBELL: At this time, I guess we would
22 move into evidence State's 44, Your Honor.

23 MS. CORNWELL: No objection.

24 THE COURT: Motion is granted. Admitted.

25 (State's Exhibit 44 was entered into evidence.)

1 MS. CAMPBELL: That's all I have.

2 THE COURT: Cross-examination?

3 MS. CORNWELL: No, Your Honor.

4 THE COURT: Thank you. You may step down.

5 You may call your next witness, Solicitor.

6 MS. CAMPBELL: Your Honor, the State calls

7 Kierra Morris.

8 KIERRA MORRIS,

9 being first duly sworn testified as follows:

10 * * *

11 DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q. Good afternoon. You work for the Sheriff's
14 Department?

15 A. Yes, ma'am.

16 Q. How long have you been doing that?

17 A. Since 2008.

18 Q. Do you work in a particular division?

19 A. Yes. I am part of the administration
20 division.

21 Q. Does that sometimes require you to perform
22 work as they might say intel?

23 A. Yes.

24 Q. In November of 2022, were you asked for
25 assistance by the other officers investigating this

1 case?

2 A. Yes.

3 Q. What did you do when asked for assistance?
4 What was your role in this?

5 A. I was asked to help identify a possible
6 vehicle involved.

7 Q. What were you able to do in identifying
8 that vehicle?

9 A. I was able to take a picture of the vehicle
10 that was given to me and run it through a system to
11 come up with a tag number.

12 Q. Once you had the tag number, did you run it
13 through something called ALPR?

14 A. Yes.

15 Q. What is that?

16 A. That is a system that we use that has tag
17 readers in various locations that gives us a picture
18 of the tag and the vehicle as it goes by the reader.

19 Q. Were you able to obtain any matches for
20 that tag on the ALP?

21 A. Yes.

22 Q. The ALPR, are they stationary or are they
23 moved around, or are there different types of ALPR?

24 A. There are different types. Some are
25 stationary; some are mobile.

1 Q. So what information can you provide about
2 the ALPR match?

3 A. I don't understand.

4 Q. I'm sorry. I will move on.

5 What about the FLOCK system?

6 A. That is a similar system. Again, it reads
7 the tags and pictures of the vehicles. It's just a
8 different system, different brand, I guess.

9 Q. Did you obtain a registration back to a
10 particular company or entity for this vehicle?

11 A. Yes.

12 Q. What was that?

13 A. It was registered to EAN Holdings
14 Enterprise.

15 Q. Enterprise Rental Cars?

16 A. Yes.

17 Q. Were you able to then obtain the name of
18 the person who had rented that vehicle?

19 A. Yes.

20 Q. And when the rental date began?

21 A. Yes.

22 Q. And when it should have ended?

23 A. Yes.

24 Q. Did you also then give that information to
25 Master Sergeant Calendine?

1 A. Yes.

2 Q. Were there two addresses that you can
3 recall that were associated with that vehicle
4 renter?

5 A. Yes.

6 Q. Do you recall those off the top of your
7 head, or do you need a copy of your report?

8 A. Yes. I do not recall those addresses off
9 the top of my head.

10 MS. CAMPBELL: Thank you. That's all I have.

11 MS. CORNWELL: I have nothing for this witness,
12 Your Honor. We would ask that she remain under
13 subpoena and subject to recall.

14 THE COURT: You may step down subject to recall.

15 MS. CAMPBELL: Your Honor, at this time, the
16 State would call Eric Dukarski.

17 ERIC DUKARSKI,

18 being first duly sworn testified as follows:

19 * * *

20 DIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q. Mr. Dukarski, are you currently working,
23 and if so, where do you work?

24 A. I currently work at Enterprise Rent-a-car
25 in Beaufort. It's just down the road.

1 Q. How long have you been there?

2 A. That location one year; at Enterprise five
3 years.

4 Q. And do you have a particular role in this
5 area?

6 A. I am the branch manager of that specific
7 location.

8 Q. So Enterprise Rental Car, what sort of
9 rental mechanism is it? On site? Cloud based? Can
10 you explain that to us?

11 A. So people do sign a contract on our
12 tablet. Once they sign the contract, it goes into
13 like a Cloud.

14 Q. Back in the day, did you do everything in
15 person?

16 A. Yeah. There are rare occasions where we
17 have to do a physical copy, but that's very rare.

18 Q. Were you able to when asked obtain a copy
19 of the rental agreement for the 2021 Nissan Altima
20 in this case?

21 A. I believe so, yes, ma'am.

22 Q. Show you what has been marked as State's
23 Exhibit 34. I will ask you to take a moment to
24 review it and tell me if you can recognize State's
25 Exhibit 34.

1 A. Yes, ma'am.

2 Q. What is State's Exhibit 34?

3 A. It looks like a rental agreement for
4 Quincie Watson that he got on November 4, 2020.

5 Q. That rental agreement is the type of
6 agreement that is normally kept in the regular
7 course of Enterprise's business; is that correct?

8 A. Yes, ma'am.

9 MS. CAMPBELL: Your Honor, at this time the
10 State would introduce State's 34 into evidence.

11 MS. CORNWELL: No objection.

12 THE COURT: Motion is granted without objection.
13 (State's Exhibit 34 was admitted into evidence).

14 BY MS. CAMPBELL:

15 Q. Did you bring your own copy with you, or do
16 you need to look at State's 34?

17 A. I have my own copy.

18 Q. All right. Let's go through this together.
19 When was this vehicle rented?

20 A. It looks like it was rented on November 4,
21 2020, at 2:26 p.m.

22 Q. When was this vehicle due back?

23 A. It was due back Thursday, November 5 at
24 2:00 p.m.

25 Q. Was the vehicle returned on the 5th?

1 A. I do not have that information on this
2 contract. It says anticipated return. I did not
3 review if it was actually returned on the 5th or
4 not.

5 Q. So it was rented on the 4th and should have
6 been back on the 5th; correct?

7 A. Correct.

8 Q. Do we have addresses or information for the
9 person who rented that vehicle? What do you have on
10 there?

11 A. I don't think the address is on here.

12 Q. Who rented the vehicle?

13 A. Quincie Watson.

14 Q. Would she have provided an address for you?

15 A. Yeah. That would be in our verification
16 system.

17 Q. Obviously, she would need to give you her
18 identifying information.

19 A. Correct. We normally don't print them on
20 the contract because it's confidential information.

21 Q. Help me out.

22 Describe the vehicle, please, what kind of
23 vehicle it is.

24 A. 2021 Nissan Altima SR, black in color.

25 Q. The license plate that was affixed to this

1 rental vehicle of yours is?

2 A. Georgia license plate [REDACTED].

3 Q. Thank you.

4 That is all I have.

5 THE COURT: Cross-examination.

6 MS. CORNWELL: No questions, Your Honor.

7 THE COURT: Thank you. You may step down.

8 Call your next witness.

9 MS. CAMPBELL: The State would call Peter Suppa.

10 PETER SUPPA,

11 being first duly sworn testified as follows:

12 * * *

13 DIRECT EXAMINATION

14 BY MS. CAMPBELL:

15 Q. Good afternoon. Where are you employed?

16 A. I am a Corporal with the Savannah Police
17 Department, State of Georgia.

18 Q. Savannah Police Department, Corporal. I
19 will take you back to November 17, 2020.

20 A. Yes, ma'am.

21 Q. Do you have a copy of a report that you and
22 your department issued for that particular date in
23 reference to a vehicle?

24 A. Yes, ma'am.

25 Q. I will take you through what you did that

1 day. How did this information come to you for what
2 you should be looking for?

3 A. We received a call from our dispatch from
4 Beaufort County about a possible homicide vehicle
5 that came back into our area.

6 Q. The first page of your report. Tell the
7 jury the vehicle summary that you were looking for -
8 - the information?

9 A. Yes, ma'am. It was for a newer model black
10 Nissan Altima with a Georgia tag of [REDACTED].

11 Q. With that information, what time would you
12 say that you found, if you found, this vehicle in
13 Savannah, Georgia?

14 A. I found the vehicle at about 5:23 in the
15 morning.

16 Q. 5:23 a.m. on the 17th of November?

17 A. Yes, ma'am.

18 Q. Give us the location where you found the
19 vehicle.

20 A. We found the vehicle at [REDACTED] Delesseps
21 Avenue in Savannah, Georgia.

22 Q. So around 5:23 in the morning on the 17th
23 of November, you located the vehicle.

24 Is that fair?

25 A. Yes, ma'am.

1 Q. Then tell us what you did after locating
2 the vehicle.

3 What actions did you take.

4 A. We were trying to make contact with
5 Beaufort, talking about finding the vehicle and
6 possibly having our homicide detectives come out for
7 a warrant. The vehicle took off.

8 Q. It sounds like you were formulating a plan.

9 A. Yes, ma'am.

10 Q. What to do now that you have found it?

11 A. Yes, ma'am.

12 Q. While you were formulating the plan, did
13 anything occur? Did the car remain at that
14 location, or what happened?

15 A. It was at the location for a little bit,
16 but not too long. While we were formulating the
17 plan, it snuck away from us. One of the officers
18 that was supposed to be watching it, wasn't watching
19 it.

20 Q. Then if I am looking at your report
21 correctly, around 5:53 a.m., officers tried to
22 approach, but the vehicle has gone.

23 A. Yes, ma'am. We were going to take a
24 picture of the license plate for the search warrant,
25 and the vehicle left.

1 Q. As of 5:53 in the morning on November 17,
2 this vehicle that you were looking for in a homicide
3 investigation from South Carolina has left [REDACTED]
4 Delesseps?

5 A. Yes, ma'am.

6 MS. CAMPBELL: Thank you. That is all I have.

7 THE COURT: Cross-examination?

8 MS. CORNWELL: No questions, Your Honor.

9 THE COURT: Thank you. You may step down.
10 Call your next witness.

11 MS. CAMPBELL: Your Honor, at this time the
12 State because we have moved very quickly, might need
13 about ten or 15 minutes to determine who exactly is
14 here and who we can put up for you this afternoon.

15 THE COURT: Ten-minute recess, ladies and
16 gentlemen.

17 (Jury exits courtroom).

18 (Recess).

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

21 THE COURT: Let's bring in the jury.

22 (Jury enters courtroom)

23 ***

24 PROCEEDINGS CONTINUED

25 THE COURT: Welcome back, ladies and gentlemen.

1 I believe we are ready to resume the presentation of
2 the evidence by the State.

3 MS. CAMPBELL: Thank you, Your Honor.

4 The State calls Corporal Weich.

5 WILLIAM WEICH,

6 being first duly sworn testified as follows:

7 * * *

8 DIRECT EXAMINATION

9 BY MS. CAMPBELL:

10 Q. Good afternoon.

11 A. Good afternoon.

12 Q. You are currently employed with the
13 Sheriff's Department here there Beaufort County?

14 A. Yes, ma'am.

15 Q. How long have you been there?

16 A. I believe eight-and-a-half years.

17 Q. Back in November of 2020, were you called
18 out to ■ Kensington Boulevard, on November 16 or 17,
19 2020?

20 A. Yes, ma'am, I was.

21 Q. In what role were you called to that
22 location?

23 A. I was requested to respond as an
24 investigator.

25 Q. Once on scene, did you take up any

1 particular responsibility for the sheriff's
2 department at that particular location?

3 A. Sometime after my arrival, I was informed
4 that I would be the lead investigator on this case.

5 Q. I will show you what has been marked as
6 State's Exhibit 33. Can you identify State's
7 Exhibit 33?

8 A. Yes, ma'am. I can.

9 Q. Is that a fair and accurate depiction of
10 the location of the crime in this case?

11 A. Yes, it is.

12 MS. CAMPBELL: At this time the State would
13 move to introduce State's Exhibit 33.

14 MS. CORNWELL: No objection, Your Honor.

15 THE COURT: Motion granted without
16 objection.

17 (State's Exhibit 33 was admitted into
18 evidence.)

19 BY MS. CAMPBELL:

20 Q. Tell us what we see enumerated here in the
21 different locations.

22 A. This is the Buck Island gate into Westbury
23 Park. This would be Buck Island Road right along
24 there.

25 Q. What about this location here at the

1 bottom?

2 A. This is the Highway 278 gate. This is
3 Highway 278 right here. So Hilton Head would be
4 that way. Heading out that way would be Hardeeville
5 or I95.

6 Q. ■ Kensington Boulevard. Where is that
7 located? Right here

8 Q. Where is that located in relation to the
9 Buck Island gate?

10 A. When you enter through that gate, it's the
11 first house on the left that you would encounter.

12 Q. I am going to hand you State's Exhibits 4,
13 5, 6, 7, 8, 10, 11, 12, 13, 14 at this time.

14 I will ask you to look at these State's exhibits
15 and tell us if you can, first of all, identify them.

16 A. Yes, ma'am. I recognize these items.

17 Q. Are they fair and accurate depictions of
18 items or locations at the crime scene in this case?

19 A. Yes, ma'am.

20 MS. CAMPBELL: At this time, Your Honor, the
21 State would introduce into evidence and seek to
22 publish State's Exhibits 4, 5, 6, 7, 8, 10, 11, 12,
23 13, 14.

24 MS. CORNWELL: No objection, Your Honor.

25 THE COURT: Motion is granted without objection.

1 (State's Exhibits 4 - 8 and 10 - 14 were
2 admitted into evidence.)

3 BY MS. CAMPBELL:

4 Q. We will go through each one so you can help
5 us understand what we are looking at, Corporal
6 Weich.

7 State's Exhibit 4. Tell us what we are seeing
8 in State's Exhibit 4.

9 A. That is a photograph that depicts evidence
10 placard number 1.

11 Q. Where is Evidence Placard 1 located within
12 the crime scene?

13 A. That is on the back porch of the residence.
14 If you continued on towards the top of the picture,
15 you would be entering the laundry room of the
16 residence. Standing on a concrete landing.

17 Q. Move to State's Exhibit 5. What are we
18 looking at here?

19 A. Evidence Placard Number 2.

20 Q. Where are we oriented?

21 A. This would be one step down from where
22 Evidence Placard Number 1 was just located.

23 Q. Placard 2, what is it marking for us?

24 A. At the bottom left-hand corner of the
25 yellow placard, you can see what appears to be a

1 bloody shoeprint.

2 Q. State's Exhibit 6. What are we looking at
3 here?

4 A. That is Evidence Placard Number 3.

5 Q. What is Evidence Placard Number 3 marking
6 for us?

7 A. Just to the left side approximately 3
8 inches, you can see a pair of eyeglasses laying on
9 the ground in the sandy soil.

10 Q. Were you able to determine whose eyeglasses
11 those were?

12 A. Yes, ma'am. Those were Timothy Milliken's.

13 Q. Orient us. The steps there that we see in
14 State's Exhibit 6, is that the back porch?

15 A. That is the back porch. That's correct.

16 Q. Taking you to State's Exhibit 7. What are
17 we looking at here?

18 A. Evidence Placard Number 4.

19 Q. What would that be marking? Orient us to
20 the location of the crime scene.

21 A. We are back to where Evidence Placard
22 Number 1 was. We are standing on the concrete
23 driveway. At the very top of the picture, you can
24 see the threshold leading into the laundry room.
25 Number 4 is just identifying more bloody shoeprints.

1 Q. Before I move on to the next item, I want
2 to talk about the bloody shoeprints. By the time
3 you were able to get these photographs, would you be
4 able to have an idea of how many individuals were
5 going in and out of that particular laundry room
6 area to help the victim?

7 A. In and out of that room would only be fire
8 or EMS personnel. They had departed prior to my
9 arrival.

10 Q. In State's Exhibit 8, again, where are we
11 within item home?

12 A. Inside the laundry room there would be an
13 appliance, a washer. As you walk in there, there
14 would be an appliance on your left-hand side.
15 Almost right next to it is another appliance. We
16 are looking down from the front of the appliance to
17 the floor. In front of it is Evidence Placard
18 Number 5.

19 Q. What is Evidence Placard Number 5 marking
20 for us?

21 A. Just to the left of Number 5, You can look
22 directly across from the C portion of the five, to
23 your left you can see an object on that floor.

24 Q. How would you describe that object?

25 A. It appeared from where I was standing -- I

1 did not take this. From where I was standing, it
2 appeared to be consistent with a projectile or a
3 fired bullet.

4 Q. I will take you then to State's Exhibit 10.
5 Again, orient us to where we are within with the
6 crime scene.

7 A. Again, this is inside the laundry room.
8 The door leading out to the steps where -- going
9 back to Evidence Placard Number 1. Those steps
10 would be to your left-hands side. This is the first
11 appliance as you walk into the laundry room that
12 would be on your left-hand side from the back porch.

13 Q. I see damage to the appliance and the
14 carpet roll there.

15 What were you able to determine about that?

16 A. It appeared consistent with that appliance
17 being struck by a fired bullet.

18 Q. By a projectile?

19 A. Correct.

20 Q. Based upon your investigation of the scene
21 and knowledge of the case, the projectile went all
22 the way through Tim's leg; correct?

23 A. Yes, ma'am. It did.

24 Q. It would appear that it went through this
25 appliance, the carpet, and then landed on the

1 ground.

2 MS. CORNWELL: I will be object to the
3 leading.

4 THE COURT: Overruled. Go ahead.

5 MS. CAMPBELL: Thank you.

6 BY MS. CAMPBELL:

7 Q. Would that be your impression as the lead
8 investigator on the case?

9 A. Yes, ma'am. It appears that it traveled
10 through the first appliance there. It struck a
11 portion of that. Directly behind Evidence Placard
12 Number 7 is a rolled-up area rug or a rolled-up
13 carpet. It appeared to have traveled through that
14 and then you struck the next appliance over before
15 coming to a rest where we observed it in the
16 previous image.

17 Q. I think that we observed that a few photos
18 back in State's Exhibit 8 at Evidence Placard 5.

19 A. That would be correct.

20 Q. Next, I will take you to State's Exhibit
21 11. Tell us what we are looking at here and orient
22 us to the crime scene.

23 A. Upstairs in Timothy Milliken's master
24 bedroom. These items were recovered from that room
25 and placed on the bed and photographed. It appears

1 that it is some sort of -- it's three firearms.

2 Q. Timothy Milliken had three firearms in his
3 bedroom.

4 A. It's depicted in this picture, yes, ma'am.

5 Q. Then in State's Exhibit 12, orient us to
6 where we are in the crime scene and what we see in
7 State's Exhibit 12.

8 A. I believe this is inside Timothy's master
9 bedroom again. It's just a blanket chest. As you
10 can see, it's filled with what appears to be
11 ammunition and cases of ammunition and another
12 firearm.

13 Q. State's Exhibit 13. What are we looking at
14 here, and where are we within the crime scene?

15 A. This is again in the master bedroom. The
16 object to the left, I believe that is just a dog
17 chew toy. Possibly a leather carrying case for one
18 of the firearms. I can make that determination from
19 here.

20 The next items you see are going vertical up the
21 picture, those are extended magazines for a firearm.
22 The remaining items would have been -- moving from
23 left to right are magazines for firearms.

24 Q. Thank you.

25 State's Exhibit 14. What are we looking at

1 here?

2 A. That is the victim's, Mr. Milliken's
3 driver's license.

4 Q. I see what appears to be a wallet.

5 A. Yes, ma'am.

6 Q. Contained in this wallet is what?

7 A. Cash. U.S. currency.

8 Q. Meeting with different officers on scene at
9 the crime scene, did you move on from there to a
10 different activity in the investigation on November
11 17?

12 What were you doing in the morning hours?

13 A. I am trying to get my bearings.

14 In the morning hours, I would have returned
15 back to the Hilton Head office.

16 Q. Over the nighttime hours, were suspects
17 developed in the case?

18 A. Yes, ma'am.

19 Q. Were you sent anywhere to talk to those
20 suspects?

21 A. I was.

22 A. Where were you sent.

23 A. To the Gwinnett County Police Department.
24 I believe it's Lawrenceville, Georgia.

25 Q. Were you able to locate any individuals at

1 the Gwinnett County Police Department involved in
2 this case that were suspects?

3 A. I was.

4 Q. Tell us who those suspects were that were
5 located there?

6 A. Jamal Coakley, Malik White, and Devante
7 White.

8 Q. Were you able to talk to Jamal Coakley?

9 A. I was.

10 Q. Did you record your interview with Jamal
11 Coakley?

12 A. It was recorded by the Gwinnett County
13 Police Department, yes, ma'am, in the interview
14 room.

15 Q. Did you have another officer with you
16 during your conversations with Jamal Coakley?

17 A. Yes, I did. It was Investigator Sergeant
18 Seth Reynells.

19 Q. During your conversation with Jamal Coakley
20 -- State's Exhibit's 88. Do you recognize State's
21 Exhibit 88?

22 A. Yes, I do.

23 Q. Is your signature anywhere on that
24 document?

25 A. Yes, ma'am, it is.

1 Q. Is there another signature on the document?

2 A. There is. It's Mr. Coakley's.

3 MS. CAMPBELL: At this time, Your Honor, we
4 would seek to introduce State's Exhibit 88, which is
5 what, Officer?

6 THE WITNESS: This is the Beaufort County
7 Sheriff's Office Consent to Search for DNA evidence
8 form.

9 MS. CORNWELL: No objection.

10 THE COURT: Admitted without objection.

11 (State's Exhibit 88 admitted into evidence.)

12 BY MS. CAMPBELL:

13 Q. Using State's Exhibit 88, can you tell us
14 what time you were meeting with Jamal Coakley and
15 what day you were able to talk to him.

16 A. This was on 11-18-2020 at 11:42 in the
17 morning.

18 Q. Do you know approximately how long you
19 talked with Mr. Coakley?

20 A. Roughly an hour.

21 Q. In that hour that you were speaking with
22 him, you asked him to take his DNA, right?

23 A. Yes, ma'am.

24 Q. He agreed?

25 A. Yes, he did.

1 I read the form to him. While he read
2 along, he acknowledged his understanding.

3 Q. So having agreed to give his DNA, did you
4 then obtain his DNA and how did you do that?

5 A. As the form describes, a buccal swab. So
6 it's a Q-tip that has a plastic tip on the end. You
7 slide the tip down and swab it inside your mouth.
8 It's actually pretty easy.

9 Q. That process -- show you State's Exhibit
10 35. I will ask you if you can identify State's
11 Exhibit 35.

12 A. Yes, ma'am. I can.

13 Q. What is State's Exhibit 35?

14 A. The evidence bag containing the Q-tip, the
15 oral swab recovered from Jamal Coakley.

16 Q. Tell us the location where that was
17 obtained.

18 A. The Gwinnett County Police DEPARTMENT at
19 770 High Hope Road, Lawrenceville, Georgia 30043.

20 Q. The taking of the buccal swab, all of that
21 is on audio and video?

22 A. Yes, ma'am.

23 Q. When you obtained his buccal swab, what did
24 you do you with the buccal swab once you obtained
25 it? Where did it go for safekeeping?

1 A. It was submitted to the Gwinnett County's
2 police department's evidence section.

3 Q. At some point, did you then obtain from
4 them.

5 A. I did. The following morning.

6 Q. Where did you take State's Exhibit 35?

7 Q. To the northern evidence section of the
8 Beaufort County Sheriff's Office.

9 Q. Did you have an opportunity to talk to the
10 defendant, Devante White?

11 A. Yes, I did.

12 Q. Showing you State's Exhibit 84.

13 Can you identify State's Exhibit 84 and what it
14 is.

15 A. It's the Consent to Search for DNA Evidence
16 for.

17 Q. Is your signature on the document?

18 A. Yes, it is.

19 Q. Who else's signature appears on there?

20 A. Investigator Reynells.

21 Q. And?

22 A. Devante White.

23 MS. CAMPBELL: At this time the State would seek
24 to introduce State's Exhibit 84.

25 MS. CORNWELL: No objection.

1 THE COURT: Motion granted without objection.

2 (State's Exhibit 84 was admitted into evidence.)

3 Q. Tell us the date and time reflected on the
4 DNA consent form for the defendant.

5 A. It would be the same day as Jamal's 11-18-
6 2020. The time was indicated as 1515, which would
7 be 3:15.

8 Q. So you talked to Jamal first?

9 A. That's correct.

10 Q. After you talked to Jamal, then you talked
11 to Devante, correct?

12 A. I believe that was the order, yes, ma'am.

13 Q. Show you what has been marked as State's
14 Exhibit 36 and ask you if you can identify that.

15 A. This is an evidence bag containing the
16 buccal swab collected from Deante White.

17 Q. The same procedure used to collect DNA for
18 Jamal Coakley was used for Devante White?

19 A. Yes.

20 Q. Again, where did you put this once you
21 obtained it since you were not in South Carolina.

22 A. With the evidence section of the Gwinnett
23 County Police Department.

24 Q. Did you retrieve it from them?

25 A. I did. The following morning.

1 Q. Then where did you take State's Exhibit 36?

2 A. When traveling back to South Carolina, the
3 northern evidence section of the Beaufort County
4 Sheriff's Office.

5 Q. Show you what has been marked as State's
6 Exhibits 21 and 31 and ask you if you can identify
7 those.

8 A. Yes, I can.

9 Q. Are they fair and accurate depictions of
10 the evidence in this case?

11 A. Yes, they are.

12 MS. CAMPBELL: At this time the State would
13 seek to introduce State's Exhibits 21 and 31.

14 MS. CORNWELL: No objection.

15 THE COURT: Motion granted without
16 objection.

17 (State's Exhibit 21 and 31 were admitted without
18 objection.)

19 BY MS. CAMPBELL:

20 Q. Tell us what we are looking at here in
21 State's Exhibit 31?

22 A. That is Timothy Milliken's black sweatshirt.

23 Q. Where is it located when we see it in this
24 picture?

25 A. In the southern evidence section of the

1 Beaufort County Sheriff's Office.

2 Q. How is the table covered, and what is going
3 on in this photograph?

4 A. It's just brown butcher paper. It's laid
5 out on the table. This is after I removed it from
6 the drying tank.

7 Q. The drying tank is used for what?

8 A. When clothes or other items are recovered
9 from a crime scene, if they are saturated with --
10 all different kinds of things: blood, urine, salt
11 water, mud.

12 They cannot be submitted into evidence if they
13 are still moist or wet as they can possibly
14 contaminate any type of evidence.

15 Q. Where had you obtained State's 31?

16 A. That would have been from MUSC. Medical
17 University of South Carolina, Charleston.

18 Q. State's Exhibit 49 and ask if you can
19 identify that?

20 A. Yes, I can.

21 Q. What is contained within State's Exhibit
22 49?

23 A. Evidence bag containing Timothy Milliken's
24 black sweatshirt.

25 Q. They photograph of the sweatshirt is here,

1 and then the actual sweatshirt is here in State's
2 49.

3 A. Correct.

4 Q. Upon receiving State's Exhibit 49 from
5 MUSC, did you take it to the drying tank then?

6 A. That's correct.

7 Q. Looking at State's Exhibit 31, what are
8 preparing to do with Timothy's sweatshirt at that
9 point? Place it into that evidence bag.

10 Q. What sort of testing are you requesting at
11 that point be done on the sweatshirt and why?

12 A. I requested that the hood portion of the
13 sweatshirt be swabbed for DNA and the lower sleeves
14 of the sweatshirt to be processed for possible DNA
15 evidence as well.

16 Q. The reason you are requesting specifically
17 the hood and the lower portions of the sweatshirt --
18 have you watched any videos or anything like that to
19 make you think that might be a source of evidence in
20 this case?

21 A. Yes, ma'am. In the compilation video we
22 watched with Investigator Calore, the victim is
23 being seen -- he walked up to his driveway towards
24 the rear of the residence. You could clearly see
25 one of the defendants or suspects grasping him by

1 his lower arms.

2 Q. Thank you. State's Exhibit 21.

3 Q. What are we looking at in State's Exhibit
4 21?

5 A. A photograph of the shorts that Devante
6 White was wearing when he was apprehended in
7 Lilburn, Georgia.

8 Q. While we are talking about Lilburn,
9 Georgia, I will show you what has been marked as
10 State's Exhibit 53. Can you identify that?

11 A. Yes, ma'am.

12 Q. Is it a fair and accurate depiction of the
13 locations that concern this crime?

14 A. It is.

15 MS. CAMPBELL: Move to admit 53 into evidence
16 and publish it.

17 MS. CORNWELL: No objection.

18 THE COURT: Motion granted.

19 (State's Exhibit 53 was admitted into evidence.)

20 BY MS. CAMPBELL:

21 Q. ■ Kensington Boulevard is where the
22 incident occurred. The ■ Delesseps Avenue in
23 Savannah, Georgia is where Officer Suppa from the
24 Savannah Police Department observed the vehicle.
25 ■ Kimberly Woods Court Lilburn, Georgia is where

1 the vehicle and the occupants were ultimately
2 located.

3 Q. Lilburn, Georgia. Let's talk about the
4 2021 black Nissan that was rented to Quincie Watson.

5 Who would have been the occupants of that
6 vehicle?

7 A. Quincie Watson, Sarah Barr, Devante White,
8 Malik White, Jamal Coakley.

9 Q. During the investigation, did you obtain
10 from Gwinnett County State's 47 and 48?

11 I will ask you if you can identify those
12 items?

13 A. Yes, I can.

14 Q. What is State's 47?

15 A. 47 is the three live or unfired rounds that
16 were recovered with a pistol.

17 Q. 48?

18 A. Two spent shell casings or fired shell
19 casings that were located with the pistol.

20 Q. State's 46 and ask you -- let me back up
21 one second. On 47 and 48, what did you do with 47
22 and 48, the three live rounds and the two spent
23 rounds?

24 A. When Gwinnett County Police recovered this
25 pistol, they packaged it in this box and sealed it.

1 They had the live rounds and the spent rounds
2 contained within this box. After it was moved to
3 our evidence section, we noted that it violated our
4 policy of having live rounds or spent rounds in the
5 same box as the pistol.

6 So I opened the box and removed those rounds and
7 shell casings and packaged them separately.

8 Q. 46, you received that from Gwinnett County?

9 A. Yes, ma'am.

10 Q. The gun and the spent casings and the live
11 rounds?

12 A. Correct.

13 Q. All of this was put into the Beaufort
14 County Sheriff's Office evidence.

15 A. Yes, it was.

16 MS. CAMPBELL: State would move to introduce 47
17 and 48 at this time.

18 MS. CORNWELL: No objection.

19 THE COURT: Motion granted without objection.

20 (State's Exhibits 47 and 48 were admitted into
21 evidence.)

22 BY MS. CAMPBELL:

23 Q. Show you what has been marked as State's
24 Exhibit 50. Ask you if you can identify that?

25 A. Yes, I can.

1 Q. How can you identify that and what is it?

2 A. An evidence bag containing pulled scalp
3 hair and blood spot which were collected from
4 Timothy Milliken at the time of his autopsy.

5 Q. Where did you receive that from? From
6 MUSC?

7 A. Correct.

8 Q. You took this evidence and you put it in
9 evidence here at the Beaufort County Sheriff's
10 Office.

11 A. That is correct.

12 Q. Just to be clear, did you submit this as
13 well for analysis with the buccal swabs from State's
14 35, and State's 36?

15 A. Yes. The blood spot was used to develop a
16 DNA profile for the victim.

17 Q. Did you do any other buccal swabs in your
18 investigation in this case?

19 A. Not that I recall.

20 MS. CAMPBELL: At this time the State would have
21 no further questions for Corporal Weich.

22 THE COURT: Cross-examination?

23 MS. CORNWELL: I don't have any questions, Your
24 Honor.

25 THE COURT: Thank you. You may step down.

1 Call your next witness.

2 MS. CAMPBELL: State calls officer Wilkinson
3 from the Sheriff's Department.

4 Your Honor, before we begin with this witness,
5 may counsel and I approach.

6 THE COURT: Certainly. If you want to stand up
7 and stretch, ladies and gentlemen, while I speak
8 with the attorneys.

9 (Bench conference.)

10 DAVID WILKINSON,
11 being first duly sworn testified as follows:

12 * * *

13 DIRECT EXAMINATION

14 BY MS. CAMPBELL:

15 Q. You are employed with?

16 A. Beaufort County Sheriff's Office.

17 Q. How long have you been employed with them?

18 A. 25 years.

19 Q. Do you have a recollection in becoming
20 involved in the investigation into the death of
21 Timothy Milliken in November of 2020?

22 A. Yes.

23 Q. How were you involved or what were you
24 asked to perform in your capacity as an officer with
25 the Sheriff's Department.

1 A. I had access to a web-based software that
2 searched sex-for-sale websites. I utilized one of
3 the subjects arrested, their booking photo to
4 attempt to search for any prostitution
5 advertisements.

6 Q. State's Exhibit 51. Can you identify that.

7 A. Yes.

8 Q. What is State's Exhibit 51?

9 A. The first page lists one of the web
10 addresses of prostitution, escort, the web-based
11 address for the advertisement.

12 The second page is a screenshot of the booking
13 photo. Next to it was one of the images found in
14 the search feature.

15 Q. It is a booking photo of who?

16 A. Sarah Barr.

17 Q. The last page?

18 A. The last page is an example of -- it is the
19 ad that was presented. There were multiple of these
20 ads that were all identical.

21 Q. Is that a fair and accurate representation
22 of the evidence that you presented in this case?

23 A. Yes, ma'am, it appears to be.

24 MS. CAMPBELL: State would seek to introduce
25 State's 51 at this time.

1 MS. CORNWELL: Subject to objection.

2 THE COURT: Subject to objection.

3 (State's Exhibit 51 was admitted into evidence.)

4 BY MS. CAMPBELL:

5 Q. At this time if we could pull up state's
6 Exhibit 51. Just take it through -- what is the
7 blue line we are looking at on the first page.

8 A. That is the web page address for one of the
9 advertisements.

10 Q. It says Hilton Head, skip the games.
11 Female escorts, Caucasian. Is that correct?

12 A. Yes, ma'am.

13 Q. Then go to the second page. The photo that
14 is on the left, who is that?

15 A. Sarah Barr. That is her booking photo.

16 Q. The photo on the right, where was that
17 obtained?

18 A. I did an image search utilizing the web-
19 based software. It was harvested from the
20 advertisement.

21 Q. Then Page 3 of State's 51. The information
22 below the three photos that you identified as Sarah
23 Barr, that is giving what sort of identifying
24 information?

25 Let's just take it by accepted payment methods.

1 What is accepted, according to the advertisement
2 advertising Sarah Barr?

3 Using the web-based software, using Sarah Barr's
4 booking photo, you located this information.

5 The dates that you located her, as you said for
6 sale, what are the dates that she was posted for
7 sale in 2020? What were you able to find?

8 A. From the ads that I was able to discover,
9 there were multiple times. Twice on September 7,
10 2020, three times on September 8, 2020, twice on
11 September 9, 2020, and once on September 10, 2020.
12 I was not able to locate any other ads.

13 MS. CAMPBELL: That's all I have, Your Honor.

14 THE COURT: Cross-examination.

15 MS. CORNWELL: No, Your Honor.

16 THE COURT: Thank you. You may step down and be
17 excused.

18 MS. CAMPBELL: Our out-of-state witness will be
19 here in the morning. The other witnesses will be
20 here first thing in the morning.

21 We have one other officer from Hilton Head, we
22 can see if we can get him in and we will be done for
23 the day.

24 THE COURT: Let' take a 10-minute recess.

25 (Jury exits courtroom.)

1 (Recess.)

2 PROCEEDINGS CONTINUED

3 ***

4 THE COURT: Welcome back, ladies and gentlemen,
5 I believe we have our witness.

6 MS. CAMPBELL: We do, Your Honor.

7 The State calls Deputy Doug Seifert.

8 DOUGLAS SEIFERT,

9 being first duly sworn testified as follows:

10 * * *

11 DIRECT EXAMINATION

12 BY MS. CAMPBELL:

13 Q. Good afternoon.

14 A. Good afternoon.

15 Q. I see you work for the Sheriff's

16 Department.

17 A. Yes.

18 Q. How long have you been with the Sheriff's

19 Department?

20 A. Since 2006.

21 Q. In November of 2020 were you with the

22 Sheriff's Department?

23 A. Yes, ma'am.

24 Q. What task were you asked to perform during

25 the investigation of the death of Timothy Milliken?

1 Were you asked to interview anyone, talk to
2 anyone?

3 A. Yes, ma'am.

4 Q. Who were you tasked to interview?

5 A. Sarah Barr.

6 MS. CAMPBELL: Move to admit State's Exhibit 87.

7 MS. CORNWELL: No objection.

8 (State's Exhibit 87 admitted into evidence)

9 BY MS. CAMPBELL:

10 Q. Did you take a buccal swab from Sarah Barr?

11 A. Yes.

12 Q. State's Exhibit 37. Can you identify that?

13 A. Yes, ma'am.

14 Q. How can you identify that?

15 A. I completed the evidence envelope myself.

16 It was on the same day as when I received the actual
17 buccal swab. I turned it into evidence.

18 Q. What is contained inside the envelope?

19 A. DNA buccal swab from Sarah Barr.

20 Q. When you met with Sarah Barr, did you
21 interview her?

22 A. I did.

23 Q. Was that interview recorded?

24 A. Yes, ma'am.

25 Q. Did you have her do a written statement?

1 A. I believe I did, yes, ma'am.

2 Q. In her own handwriting?

3 A. Yes, ma'am.

4 MS. CAMPBELL: Those are all the questions I
5 have, Your Honor.

6 MS. CORNWELL: No questions.

7 THE COURT: Thank you. You may step down.

8 MS. CAMPBELL: That is all for today.

9 THE COURT: Ladies and gentlemen, it appears
10 we're going to conclude things for the day.

11 I will remind you do not talk about the case
12 with anyone or among yourselves. Do not do any
13 research on the case, listen to the TV or the radio
14 or social media.

15 We will see you back at 9:30 in the morning. I
16 would like you to do one thing for me. If you
17 possibly could see if you as a group can elect a
18 foreperson to represent the jury. If you can't, I
19 can do it. I don't want you to get in a fight about
20 it. If you all can't do it, I can.

21 Any problem with being back at 9:30 in the
22 morning?

23 (No indication).

24 THE COURT: Ladies and gentlemen, we will see
25 you in the morning.

1 (Jury exits courtroom).

2 THE COURT: Anything we need to take care of
3 this evening?

4 MS. CAMPBELL: Nothing from the State.

5 MS. CORNWELL: No, Your Honor.

6 THE COURT: See everyone tomorrow morning.

7 (At 5:27 p.m. the trial was continued to the
8 following day without interruption.)

9 ***

10 END OF VOLUME II

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STATE OF SOUTH CAROLINA	IN THE CIRCUIT COURT
	2021-GS-07-00101
COUNTY OF BEAUFORT	2021-GS-07-00111
-----)	
State of South Carolina)	
	)
Plaintiff,	)
vs.	)
	)
Devante L. White,	)
	)
Defendant.	)

TRANSCRIPT OF HEARING
VOLUME III
PAGES 286 - 511

December 14, 2022
Beaufort, South Carolina

B E F O R E:

The Honorable Brooks Goldsmith, Judge Presiding

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

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1 PROCEEDINGS

2 ***

3 WEDNESDAY, DECEMBER 14, 2022

4 BEAUFORT, SOUTH CAROLINA

5 ***

6 (The following proceedings were held in open
7 court. All parties were present along with
8 their attorneys.)

9 THE COURT: Are we ready for the jury?

10 MS. CAMPBELL: The State is ready.

11 MS. CORNWELL: The defense is ready, Your Honor.

12 THE COURT: Let's bring in the jury.

13 THE BAILIFF: The jury's entering the courtroom,
14 Your Honor.

15 (Jury enters the courtroom.)

16 THE BAILIFF: The jury's seated, Your Honor.

17 ***

18 PROCEEDINGS CONTINUED

19 THE COURT: Good morning and welcome, ladies and
20 gentlemen. I believe we're ready to resume with the
21 presentation of evidence by the State. Solicitor?

22 MS. CAMPBELL: Thank you, Your Honor. The State
23 calls Mrs. Snooks.

24 * * *

25 QUINETRE SNOOKS

* * *

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q. Good morning, Mrs. Snooks.

A. Good morning.

Q. Mrs. Snooks, where do you live?

A. In Pineland, South Carolina.

Q. Pineland?

A. Uh-huh.

Q. Okay, is that in Beaufort County or Jasper
County?

A. Jasper.

Q. Jasper County?

A. Uh-huh.

Q. Okay, and how long have you lived there?

A. Since 2013.

Q. All right. Do you work in this area?

A. I work in -- at Beaufort Memorial Hospital.

Q. Okay. And -- and are you a mom?

A. I am.

Q. And how many children do you have?

A. Two.

Q. And can you talk about one of those children

1 with us today, Quincie Watson?

2 A. That's my daughter.

3 Q. That's your daughter?

4 A. Uh-huh.

5 Q. Okay. Back in 2020 was your daughter
6 Quincie Watson involved with a man named Malik
7 White?

8 A. Uh-huh, yes.

9 Q. Did they share any children together?

10 A. They have one now.

11 Q And she's pregnant again?

12 A Right.

13 Q. Was she pregnant in November of 2020?

14 A. She was.

15 Q. Okay, with Malik White's child?

16 A. Yes.

17 Q. Okay. So back in November of 2020, was your
18 daughter Quincie Watson living with you in Jasper
19 County?

20 A. No.

21 Q. Do you know where she was living in November
22 of 2020?

23 A. In Savannah.

24 Q. In Savannah?

25 A. Uh-huh.

1 Q. Do you know -- and it's fine, but do you
2 know where in Savannah she was?

3 A. Where she was living?

4 Q. Uh-huh.

5 A. Yes.

6 Q. And where is that?

7 A. [REDACTED] Delesseps Avenue.

8 Q. [REDACTED] Delesseps Avenue?

9 A. Uh-huh.

10 Q. All right, I'm gonna take you again to the
11 area and time over at your home in Jasper around
12 November 16th and November 17th.

13 Do you recall law enforcement coming to your
14 home, and, if so, you know, was it during the day,
15 or night? Can you tell us about that?

16 A. It was at night, it was 2:00, 3 o'clock in
17 the morning when Jasper County came to my house.

18 Q. Jasper County Sheriff's Office is at your
19 home at 2:00 or 3 o'clock in the morning --

20 A. Uh-huh.

21 Q. -- and that would be on November 17th?

22 A. I don't remember the exact date, but --

23 Q. Okay.

24 A. -- around then, yes.

25 Q. But in that timeframe?

1 A. Yes.

2 Q. All right. Now, do you recall why they were
3 at your home?

4 A. They didn't tell me. They just said that
5 they were looking for my daughter, she may have been
6 involved in something, and that's all he told me
7 about it.

8 Q. Okay, so we're clear, there's no specifics
9 given to you at that time --

10 A. No.

11 Q. -- just that they're looking for Quincie,
12 she may have been involved in something, or they
13 needed to find her?

14 A. Right.

15 Q. Okay, all right. So in that conversation
16 that you're having and the request that's made to
17 you, are you asked to do anything to help them find
18 your daughter?

19 A. I don't remember.

20 Q. Okay.

21 A. Yeah, no, I don't remember.

22 Q. Were they trying -- were you asked to
23 provide a phone number, or any way to possibly reach
24 her?

25 A. Not by Jasper County, no.

1 Q. Okay. At some point during the following
2 day, were you contacted by Beaufort County Sheriff's
3 Office's Investigator Reynells?

4 A. Yes.

5 Q. All right, and was he trying to find
6 Quincie?

7 A. He was.

8 Q. Okay, and was he seeking your help to find
9 her?

10 A. He was.

11 Q. All right. And so during that period of
12 time between the Jasper County Sheriff's Office
13 coming to your home and working with Investigator
14 Reynells to find your daughter --

15 A. Uh-huh.

16 Q. -- did you talk with anyone about what was
17 going on, like your son, or anybody else within
18 family, trying to get ahold of Quincie?

19 A. I did.

20 Q. All right. Can you tell us just a little
21 bit about, you know, what you told your son and --

22 A. I mean I didn't know anything at the --

23 Q. Yeah.

24 A. -- time I called my son, I hadn't spoken to
25 Quincie. I called my son and just asked him if he

1 could call her to find out what she got into, what's
2 going on, and to tell her to call me. He did call
3 me back and say she didn't answer.

4 Q. So you're doing your best --

5 A. Right.

6 Q. -- to help them?

7 A. Uh-huh.

8 Q. And so when you reach out, or try to get
9 your son to reach out to Quincie, to the best of
10 your knowledge you are -- you're doing what's asked
11 of you?

12 A. Right.

13 Q. Continuing in that same vein of help with
14 Investigator Reynells, at some point in that
15 following day were you able to actually reach
16 Quincie and talk to her?

17 A. I was.

18 Q. All right. And when you were able to reach
19 her and talk with her, where was she?

20 A. She was at my mom's house in Atlanta --
21 well, in Lilburn, Georgia.

22 Q. Oh, so Quincie Watson is at your mother's
23 house --

24 A. Uh-huh.

25 Q. -- in Lilburn, Georgia?

1 A. Uh-huh.

2 Q. And where does your mother live in Lilburn?

3 A. [REDACTED] Kimberly Woods Court, SE.

4 Q. At some point after locating Quincie at your
5 mother's, is there a conversation, or a three-way
6 phone call that takes place? Help us understand how
7 Investigator Reynells and your mother and Quincie
8 all fit in together.

9 A. Once my mother called me, I was at work --

10 Q. Okay.

11 A. -- and she said that Quincie was there. I
12 told her, you know, that a Detective was at my job
13 looking for her. He didn't -- I didn't know what
14 was going on, he didn't tell me anything.

15 Q. Uh-huh.

16 A. I said, "Well, you need to talk to him," so
17 I did a three-way call from my job to her -- or, no,
18 to him with her on the line, and he spoke with her.

19 Q. And you're part of that three-way call, and
20 Quincie gave an address to where her location was?

21 A. He already -- he did, he asked -- she didn't
22 give the address, she asked, "Well, are you at your
23 grandma's?" She didn't say anything. He kind of
24 like, you know, so I knew that already, and I said,
25 "Are you there?" And she said, "Yes."

1 Q. And was Quincie informed to stay right
2 there?

3 A. She was.

4 Q. Okay, and to stay right there because law
5 enforcement was on their way?

6 A. Law enforcement's on the way, yeah.

7 Q. And --

8 A. Because she was getting ready to leave,
9 yeah.

10 Q. I'm sorry, I didn't mean to cut you off.

11 A. Oh, no, they were going to leave, so he
12 said, "Stay there."

13 Q. "Stay right there --

14 A. Uh-huh.

15 Q. -- they're on -- that law enforcement's on
16 the way. And she didn't leave, right?

17 A. She didn't leave. Correct.

18 MS. CAMPBELL: That's all, Your Honor.

19 THE COURT: Cross-examination?

20 MS. CORNWELL: Thank you, Your Honor.

21 ***

22 CROSS-EXAMINATION

23 BY MS. CORNWELL:

24 Q. Good morning, Ms. Snooks.

25 A. Good morning.

1 Q. You mentioned that your daughter was
2 involved with Malik White. Do you know him by
3 another name?

4 A. Trilley.

5 Q. And prior to this date, how long had your
6 daughter been involved with Trilley?

7 A. Maybe three or four months, maybe. I'm not
8 sure.

9 Q. It's okay.

10 And you told law enforcement that you were kind
11 of estranged from your daughter at that time. You
12 hadn't spoken to her in several weeks, correct?

13 A. Right.

14 Q. Is that because of her relationship with
15 Trilley?

16 A. No.

17 Q. You had also indicated that she was
18 currently driving a rental car --

19 A. Uh-huh.

20 Q. -- and that was because she had let Malik
21 drive her vehicle and it was totaled in a wreck
22 while he --

23 A. Uh-huh.

24 Q. -- while he was driving it?

25 A. Uh-huh.

1 Q. And when you called your son to see if he
2 could get in contact with Ms. Watson, that was
3 shortly after Jasper County came and --

4 A. Correct.

5 Q. -- spoke to you?

6 A. Uh-huh.

7 Q. But he was not able to get in touch with her
8 at that time?

9 A. Right.

10 Q. Or at least that's what he told you?

11 A. Right.

12 Q. And, certainly, you did everything that you
13 could to get Quincie in contact with law
14 enforcement, and law enforcement can contact
15 Quincie?

16 A. Correct.

17 MS. CAMPBELL: Your Honor, I believe those are
18 the all the questions I have. Thank you, Ms.
19 Snooks.

20 THE COURT: Anything else?

21 MS. CAMPBELL: Nothing else, Your Honor.

22 THE COURT: Thank you, ma'am, you may step down.

23 WITNESS: Thank you.

24 THE COURT: You may call your next witness.

25 MS. CAMPBELL: Thank you, Your Honor, the State

1 calls Officer Sabrina Lopez from Gwinnett County.

2 * * *

3 SABRINA LOPEZ

4 * * *

5 being first duly sworn, testified as follows:

6 BY MS. CAMPBELL:

7 Q. Good morning.

8 A. Good morning.

9 Q. I understand you're with the Gwinnett County
10 Police Department?

11 A. That would be correct, yes.

12 Q. Okay, and your role at the Gwinnett County
13 Police Department, and how long have you been there?

14 A. I've been with Gwinnett County for about
15 four years now, a little over four years.

16 Q. And what do you -- what is your
17 responsibility there?

18 A. I'm a Crime Scene Specialist with Gwinnett
19 County Police Department.

20 Q. Specialized training in crime scene
21 investigations, what does that involve?

22 A. So our day-to-day responsibilities consist
23 of responding to crime scenes, processing them and
24 related evidence, looking for fingerprints, other
25 biological substances, testing drugs, writing

1 reports, going to court, we do a lot.

2 Q. Thank you. Back in November of 2020, did
3 you have an occasion to be called to a case
4 involving a Nissan Altima that you were tasked with
5 securing and searching?

6 A. Yes, ma'am.

7 Q. All right, and can you tell us, you issued a
8 report in this case?

9 A. Yes, ma'am.

10 Q. All right. And can you tell -- give us the
11 year -- the -- excuse me, the specific description
12 of the Altima and the tag number that was on that
13 Altima?

14 A. So it was a black Nissan Altima, and it was
15 a Georgia tag [REDACTED].

16 Q. All right, and in the process of working as
17 the crime scene investigator on this vehicle, I'm
18 going to show you State's Exhibits 17, 18, 19, 20,
19 23, 24, 25, 26, 27 and 28.

20 And then I will ask you first of all, to just
21 take a moment and look at those, and tell us if you
22 can identify what's depicted in those State's
23 Exhibits.

24 A. These are all pictures taken during the
25 course of processing the vehicle and removing the

1 evidence.

2 Q. And so would they be a fair and accurate
3 depiction of the processing of the crime scene of
4 that particular vehicle?

5 A. Yes, ma'am.

6 (Court Reporter marks State's Exhibit Number 17,
7 Photograph, as attached hereto.)

8 (Court Reporter marks State's Exhibit Number 18,
9 Photograph, as attached hereto.)

10 (Court Reporter marks State's Exhibit Number 19,
11 Photograph, as attached hereto.)

12 (Court Reporter marks State's Exhibit Number 20,
13 Photograph, as attached hereto.)

14 (Court Reporter marks State's Exhibit Number 23,
15 Photograph, as attached hereto.)

16 (Court Reporter marks State's Exhibit Number 24,
17 Photograph, as attached hereto.)

18 (Court Reporter marks State's Exhibit Number 25,
19 Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit Number 26,
21 Photograph, as attached hereto.)

22 (Court Reporter marks State's Exhibit Number 27,
23 Photograph, as attached hereto.)

24 (Court Reporter marks State's Exhibit Number 28,
25 Photograph, as attached hereto.)

1 MS. CAMPBELL: All right, at this time the State
2 would seek to introduce State's Exhibits 17, 18, 19,
3 20, 23, 24, 25, 26, 27 and 28.

4 MS. CORNWELL: Without objection, Your Honor.

5 THE COURT: The motion's granted without
6 objection.

7 (State's Exhibits 17 - 20 and 23 - 28 admitted
8 into evidence.)

9 MS. CAMPBELL: Thank you, Your Honor. If we
10 could pull up, first of all, State's 17.

11 BY MS. CAMPBELL:

12 Q. All right, can you tell us what we're seeing
13 here?

14 A. This is the license plate from the Nissan
15 Altima.

16 Q. All right, and then 18?

17 A. This is the back of the Nissan Altima.

18 Q. And it looks like a warehouse in the
19 background, is that --

20 A. So that's the garage bay at our
21 headquarters, where we kept the vehicle.

22 Q. All right, thank you. All right, and then
23 can we move then to 19?

24 A. This is --

25 Q. All right, so what are we seeing here then

1 in State's Exhibit 19?

2 A. This is the trunk of the vehicle with the
3 trunk lid open.

4 Q. And items from this trunk you would have
5 collected, correct?

6 A. Collected and went through those.

7 Q. Thank you. All right, State's 20, what are
8 we seeing here?

9 A. That is the driver's license that we found
10 for Devante White.

11 Q. And that driver's license for Devante White
12 was collected and found within the vehicle?

13 A. Yes, ma'am, I believe so.

14 Q. All right. Let's move onto State's 23.
15 Okay, so what are we looking at in 23?

16 A. So within the trunk, in the previous
17 pictures, there was this black and pink Paparazzi
18 bag. When we went through the bag, that's when we
19 found the revolver.

20 Q. All right, thank you. State's 24?

21 A. That's another angle of the same revolver.

22 Q. And State's 25? All right, and so I've seen
23 numbers on this particular State's exhibit. Can you
24 tell us what we're looking at?

25 A. Some identifying marks on the handgun, it

1 lets us know that it's a .357 and a .38 Special.

2 Q. Thank you. And when you are processing and
3 securing this handgun in State's 26, what are we
4 gonna look at here and why are we looking at that.

5 A. This is a picture of the inside of the
6 revolver, and that shows you that there was the live
7 cartridges, fired bullets and fired cartridge cases
8 that were located in the revolver.

9 Q. Okay, and I see two -- three live rounds,
10 and then two fired casings --

11 A. Yes.

12 Q. -- is that correct?

13 A. The fired ones are the ones with the marks
14 in the middle.

15 Q. With the indentation?

16 A. Yes, ma'am.

17 Q. Okay. And then if we could move onto
18 State's 27.

19 All right, and so then what did you do then with
20 the gun, and the three live rounds and the two
21 casings?

22 A. So then we removed those and got an overall
23 picture of them, just to show their relations to the
24 handgun.

25 Q. All right. And then, lastly, State's

1 Exhibit 28? And the two -- there's two envelopes in
2 there, and what would that have been?

3 A. Rounds were packaged separately from the
4 handgun. We didn't want them rolling around and
5 getting scratched in the process ruining possible
6 identifying marks, and so we packaged them in
7 separate envelopes.

8 Q. And all of that was turned into your
9 Evidence Division, correct?

10 A. We secured it all on the crime scene, and
11 then eventually released it to the Beaufort County
12 Investigators.

13 (Court Reporter marks State's Exhibit Number 47,
14 as attached hereto.)

15 (Court Reporter marks State's Exhibit Number 48,
16 as attached hereto.)

17 BY MS. CAMPBELL:

18 Q. And those Investigators are bringing these
19 items back here to South Carolina. I'm going to
20 show you State's 47 and 48, and if you could just
21 take a look at the description of the evidence on
22 those items, and let us know what the descriptors
23 are.

24 A. This first envelope says three live rounds
25 recovered with the pistol, and this one says two

1 spent shell casings recovered with the pistol.

2 Q. Thank you.

3 MS. CAMPBELL: Your Honor, at this time, again,
4 based on the testimony of Officer White and this
5 witness, the State would move 47 and 48 into
6 evidence.

7 MS. CORNWELL: No objection, Your Honor.

8 THE COURT: The motion's granted without
9 objection.

10 MS. CAMPBELL: Thank you.

11 (State's Exhibits 47 - 48 admitted into
12 evidence.)

13 BY MS. CAMPBELL:

14 Q. All right. I'm gonna show you what's been
15 marked as State's Exhibit 46, and ask you, if you
16 can just take a look at that. You can certainly
17 open it, you can take a look at it.

18 A. All right.

19 Q. Great, and what exactly is State's 46, and
20 can you identify that?

21 A. So this is the gun box containing the gun
22 that was collected from the vehicle.

23 (Court Reporter marks State's Exhibit 46, as
24 attached hereto.)

25 MS. CAMPBELL: Your Honor, again, on the same

1 argument, we've had Lopez and Green testify about
2 the gun. At this time the State would move State's
3 46 into evidence.

4 MS. CORNWELL: Without objection, Your Honor.

5 THE COURT: The motion's granted without
6 objection.

7 (State's Exhibit 46 was admitted into evidence.)

8 BY MS. CAMPBELL:

9 Q. All right, okay, so just -- again, we saw
10 the photograph of the contents of the trunk. In
11 your crime scene investigation, you would make a
12 list or notation of items of clothing, or things
13 like that, that are removed from that vehicle; is
14 that right?

15 A. That would be correct, yes.

16 Q. So did you make a notation that you located
17 any shoes for Devante White?

18 A. Originally, I had received clothing earlier
19 from an officer that were items that had been
20 collected from each person on their arrest. I did
21 not collect any shoes for Devante -- well, no shoes
22 were brought to me for Devante White that whole
23 time.

24 Q. So no shoes for Devante White. Did you
25 collect or receive shoes for Malik White?

1 A. Yes, ma'am.

2 Q. And did you collect or receive shoes for
3 Jamal Coakley?

4 A. Yes, ma'am.

5 Q. That's all I have, thank you.

6 THE COURT: Cross-examination?

7 MS. CORNWELL: No, Your Honor.

8 THE COURT: Thank you, ma'am, you may step down.
9 And you may call your next witness.

10 MS. CAMPBELL: Thank you, Your Honor. The State
11 calls Gwinnett County Officer CJ Lymber.

12 * * *

13 CJ LYMBER

14 * * *

15 being first duly sworn, testified as follows:

16 BY MS. CAMPBELL:

17 Q. Good morning. You are currently with the
18 Gwinnett County Police Department?

19 A. Yes, ma'am.

20 Q. All right, and how long have you been there?

21 A. Approximately, 17 years.

22 Q. And back in November 17th, 18th, 2020, were
23 you called out to suspects of a homicide in South
24 Carolina?

25 A. I was.

1 Q. All right. And is there -- as a part of the
2 investigation and the apprehension of the suspects,
3 were you involved in evidence handling in this case?

4 A. Yes, ma'am.

5 Q. All right, I'm gonna show you what's been
6 marked as State's Exhibit 35 and 36, and ask you if
7 you can identify those items for us?

8 A. This is evidence packaging, the description
9 is buccal swabs taken from the mouth of Jamal
10 Coakley, and the second one which is labeled State's
11 Exhibit 36 is buccal swabs taken from the mouth of
12 Devante White.

13 Q. All right, thank you. So these items, did
14 you yourself collect these?

15 A. I was --

16 Q. Or did Beaufort County collect them?

17 A. So in conjunction --

18 Q. Uh-huh.

19 A. -- with Beaufort County that's -- they
20 collected them with the assistance of me, since they
21 were in the jurisdiction of Gwinnett County.

22 Q. And when you assisted them, did you then
23 take these items and secure them?

24 A. I did.

25 Q. All right. And after securing them is there

1 a name for the manner in which you secure them, or
2 the way they are handled?

3 A. They're -- with evidence in a case, it is
4 always taken to the Gwinnett Police Evidence Unit,
5 which is contained inside the main headquarters
6 building. It's locked up, or it is also given to
7 the Crime Scene Specialists, and then they lock it
8 up in lockers that are similar to the Evidence
9 lockers.

10 Q. Is there something called a safe evidence
11 system?

12 A. Safe evidence system is the computerized
13 system that keeps track of all evidence that's
14 logged in.

15 Q. At some point, did these items then come to
16 this Investigator with the Beaufort County Sheriff's
17 Office, were they turned over to him?

18 A. Yes, ma'am.

19 Q. All right.

20 (Court Reporter marks State's Exhibit Number 35,
21 as attached hereto.)

22 (Court Reporter marks State's Exhibit Number 36,
23 as attached hereto.)

24 MS. CAMPBELL: Your Honor, at this time the
25 State moves State's Exhibit 35 and 36 into evidence.

1 MS. CORNWELL: I think they're already in, but
2 without objection, Your Honor.

3 THE COURT: Admitted without objection.

4 (State's Exhibits 35 - 36 admitted into
5 evidence.)

6 MS. CAMPBELL: And that would be all that I have
7 for this Officer.

8 THE COURT: Cross-examination?

9 ***

10 CROSS-EXAMINATION

11 BY MS. CORNWELL:

12 Q. Officer Lymer, when you were assisting the
13 Beaufort County Sheriff's Office, did you also
14 assist in testing the black colored Nissan Altima
15 for blood?

16 A. Testing in what specific term would you say?

17 Q. It was like you indicated in your report
18 that possible blood was located near the floorboard,
19 you photographed each area, and you did a
20 presumptive test for the presence of blood.

21 A. So I believe that was the Crime Scene
22 Specialist. Me, personally, when something is
23 tested, it's usually tested by the Crime Scene
24 Specialist, because we're not trained in that. They
25 also utilize different chemicals that we're not

1 trained in, so we leave the -- I guess you could say
2 the subject matter to the experts.

3 Q. Uh-huh. And to your knowledge, was any
4 blood found in the vehicle?

5 A. You would have to ask Crime Scene Specialist
6 Sabrina Lopez, if there was. I believe there was a
7 firearm that was located in that vehicle.

8 MS. CORNWELL: Your Honor, may I approach
9 briefly?

10 THE COURT: Sure.

11 MS. CORNWELL: Oh, the witness, Your Honor.

12 THE COURT: Oh, the witness, yeah. Sorry.

13 BY MS. CORNWELL:

14 Q. I'm just gonna show you -- can you tell me
15 is that your -- it's got your name on it, but I'm
16 not -- I think you'all do things a little bit
17 differently than what I'm used to.

18 A. Yes, so this is a Crime Scene Investigations
19 report. She did this to document everything, since
20 I was the lead detective, that's why my name is on
21 it. I was the lead detective assisting Beaufort
22 County --

23 Q. Okay.

24 A. -- with their investigation.

25 Q. So would you have reviewed all of those

1 results as the lead crime scene detective?

2 A. Yes, so they'll tell -- tell us the
3 assumption, but Beaufort County being the lead, we
4 would just pass it off to them.

5 Q. Okay, and based on that, you're aware that
6 the car tested negative for blood?

7 A. If I'm reading the report correctly, there's
8 possible blood on the front side of the door on the
9 same day of this photograph.

10 MS. CAMPBELL: Your Honor, I would object to him
11 reading the report, it's hearsay, it's not an
12 identified report.

13 THE COURT: I sustain the objection.

14 MS. CAMPBELL: Thank you, Your Honor.

15 BY MS. CORNWELL:

16 Q. Thank you, Investigator Lymber. I believe
17 that's all, excuse me, I believe that's all the
18 questions I have.

19 A. Yes, ma'am.

20 MS. CORNWELL: That's all we have.

21 THE COURT: Thank you, you may step down.

22 WITNESS: Thank you, Your Honor.

23 THE COURT: Call your next witness.

24 MS. CAMPBELL: Your Honor, the next witness is
25 Jamal Coakley. I got a message from his attorney

1 that they are here. If I could just go out and make
2 sure of that, before I actually call him up.

3 THE COURT: All right.

4 MS. CORNWELL: Your Honor, if we could actually
5 take a brief five-minute break, there's a matter I'd
6 like to take up with the Court before this witness
7 takes the stand.

8 THE COURT: Ladies and gentlemen, let's take a
9 five-minute recess. I ask you to retire to the jury
10 room, and remind you it's too early to begin
11 discussing the case.

12 (Jury exits the courtroom.)

13 THE BAILIFF: The jury's clear, Your Honor.

14 MS. CORNWELL: Your Honor, as we are aware of
15 the Court's ruling regarding the phone records, and
16 we just ask that nothing be mentioned regarding the
17 phone records based on the Court's prior rulings.

18 MS. CAMPBELL: Yes, Mr. Coakley was not involved
19 in any way with the cell phone situation, so he
20 would not have ever provided information about
21 trafficking. I will make sure with his attorney
22 right now that we are clear on that. And that when
23 he refers to what was taking place, he refers to it
24 as prostitution and not trafficking.

25 THE COURT: All right, we'll be at east for a

1 moment, while you speak with the attorney.

2 MS. CAMPBELL: Thank you, Your Honor.

3 (RECESS)

4 THE COURT: Are we ready for the jury?

5 MS. CAMPBELL: Yes, Your Honor, and just for the
6 record all three defense attorneys I have relayed
7 the information that the defense requested may be
8 relayed.

9 Mr. Coakley is here; he's prepared to take the
10 stand. My conversation just now with the Detention
11 Center, they can only bring one at a time, so they
12 are bringing one of them over. The attorney wants
13 to speak with him before they take the stand, so we
14 are making sure everyone's lined up and ready to go.

15 THE COURT: So I guess they're gonna let us know
16 when --

17 MS. CAMPBELL: Yeah --

18 THE COURT: -- they're ready?

19 MS. CAMPBELL: I believe Sarah Barr should be
20 over on her way now. All right?

21 THE COURT: We'll be at ease until we hear from
22 someone.

23 MS. CAMPBELL: No, we're ready to go with
24 Coakley now.

25 THE COURT: Oh, Coakley is ready?

1 MS. CAMPBELL: Yeah, he's ready. He's not in
2 custody.

3 MS. CORNWELL: For Mr. Coakley's rap sheet all I
4 have is failure to stop for a blue light in 2019,
5 and carrying a concealed weapon in 2019.

6 THE COURT: Well, let's bring the jury in.

7 THE BAILIFF: The jury's entering the courtroom,
8 Your Honor.

9 (Jury enters the courtroom.)

10 THE BAILIFF: The jury's seated, Your Honor.

11 THE COURT: Welcome back, ladies and gentlemen.
12 I believe we are ready to present another witness?

13 MS. CAMPBELL: We are. The State calls Jamal
14 Coakley.

15 * * *

16 JAMAL COAKLEY

17 * * *

18 being first duly sworn, testified as follows:

19 ***

20 DIRECT EXAMINATION

21 BY MS. CAMPBELL:

22 Q. Good morning, Jamal.

23 A. Good morning.

24 Q. Jamal, do you know Devante White?

25 A. Yes, ma'am.

1 Q. And how long have you known Devante White?

2 A. Probably eight to nine months prior to this
3 here.

4 Q. All right. So eight or nine months prior to
5 November, 2020 you came to know Devante White?

6 A. Yes, ma'am.

7 Q. All right. I'd like you to look around this
8 courtroom and tell me if you see Devante White in
9 this courtroom?

10 A. Yes, ma'am.

11 Q. All right, and where do you see him?

12 A. Sitting right there.

13 Q. And can you tell me what sort of -- kind of
14 shirt he's wearing?

15 A. A white-collared shirt? Is there a mask
16 around his chin?

17 Q. Yes, ma'am.

18 MS. CAMPBELL: Let the record reflect that Mr.
19 Coakley has identified the Defendant.

20 THE COURT: The record should reflect that, yes.

21 MS. CAMPBELL: Thank you, Your Honor.

22 BY MS. CAMPBELL:

23 Q. Is it okay if I call you Jamal instead of
24 Mr. Coakley?

25 A. Yeah.

1 Q. All right. Jamal, you were indicted in this
2 case with murder, attempted armed robbery,
3 kidnapping and possession of a weapon during the
4 commission of a violent crime?

5 A. Yes, ma'am.

6 Q. Yes? Okay. Were you court appointed an
7 attorney to --

8 A. Yes, ma'am.

9 Q. -- help you?

10 A. Yes, ma'am.

11 Q. And who is that attorney?

12 A. It's Ms. Gibbes.

13 Q. Is she in the courtroom with you today?

14 A. Yes, ma'am.

15 Q. All right. Jamal, you pled guilty to
16 attempted armed robbery of Timothy Milliken, didn't
17 you?

18 A. Yes, ma'am.

19 Q. All right, and how long ago, do you
20 remember, did you plead guilty to that?

21 A. It was a few months ago.

22 Q. Okay. Are your other indictments still
23 pending right now against you here in Beaufort
24 County?

25 A. No, ma'am. Yes, ma'am, yes, ma'am.

1 Q. Okay. So the State's not dismissed anything
2 against you, right?

3 A. No, ma'am.

4 Q. All right. And have you been sentenced on
5 what you did plead guilty to, the attempted armed
6 robbery of Timothy Milliken?

7 A. No, ma'am, not yet.

8 Q. And have I or the State of South Carolina
9 made promises to you about your testimony?

10 A. No, ma'am.

11 Q. In November 2020 did you meet with this
12 Investigator White and one of his other fellas at
13 the Sheriff's Department, Investigator Reynells?

14 Did you meet up with them in Gwinnett County?

15 A. Yes, ma'am.

16 Q. All right. And were you in custody when you
17 met with them?

18 A. Yes, ma'am.

19 Q. Did you make a statement when you first met
20 with them?

21 A. Yes, ma'am.

22 Q. Okay. And have you met with me since you
23 met with them?

24 A. Yes, ma'am.

25 Q. All right. All right, Jamal, let's walk

1 through this. On November 16th, 2020, let's do this
2 in terms of daylight hours and nighttime hours.

3 During the daylight hours on November 16th, 2020,
4 tell us where you were, and then who you were with?

5 A. It was me, Malik White, Devante White and
6 Malik's girl, and we were in Savannah and Malik's
7 girl house.

8 Q. Okay. You, Devante and Malik, and Malik's
9 girlfriend, do you remember her name?

10 A. Quincie.

11 Q. Quincie. You'all are all at Quincie's
12 house --

13 A. Yeah.

14 Q. -- in Savannah?

15 A. Yeah.

16 Q. All right. And had you ever been to
17 Quincie's house before November 16th, 2020?

18 A. Yes, ma'am.

19 Q. All right. So let's move then to the
20 nighttime hours of November 16th, 2020. When it got
21 dark were you still at Quincie's house?

22 A. Yes, ma'am.

23 Q. All right. Did you ever leave Quincie's
24 house?

25 A. Yes.

1 Q. And who did you leave with and how did you
2 leave?

3 A. We left -- it was me, Devante, Malik, and we
4 left in Quincie's car, a car she was renting.

5 Q. Okay. And do you remember anything about
6 that car, color, or anything like that?

7 A. Yeah, I don't know what kind of car it was,
8 but I knew it was black.

9 Q. Okay. All right, so at the time that you
10 leave Quincie's house in Savannah, have you been
11 told, or do you know where you're going?

12 A. Well, like I said, well, my understanding he
13 -- I was told that we had to go pick someone up and
14 drop them off, and then I was gonna be dropped off
15 as well.

16 Q. Okay, so you're along for the ride at this
17 point?

18 A. Yes.

19 Q. All right, and where do you live?

20 A. I live in Dale.

21 Q. In Dale?

22 A. Yeah, Dale.

23 Q. And that's here in South Carolina near
24 Beaufort, right?

25 A. Now I don't, but --

1 Q. I know, but --

2 A. -- I used to live --

3 Q. -- then you lived --

4 A. Yes, ma'am.

5 Q. -- in Dale?

6 A. Yes, ma'am.

7 Q. Okay. All right, and so where do you wind
8 up going then?

9 A. We ended up -- well, we went to go pick up
10 Sarah, Sarah Barr, went to go pick her up, and then
11 we ended up going to the victim's house.

12 Q. To -- okay, to the victim's house. Do you
13 know where Sarah lived, or where you went to pick
14 her up from Savannah? Was it a short ride, or a
15 long ride?

16 A. Not, it was -- it was probably about 30
17 minutes from where we was at, 30, 45 minutes,
18 something like that.

19 Q. And when you picked her up, and you came
20 down to this area, as you put it, to the victim's
21 home, do you remember who was driving?

22 A. Yes, Devante White was driving.

23 Q. Devante White was driving --

24 A. Uh-huh.

25 Q. -- okay. So let's talk a little bit about

1 what happened when you got to the victim's home.

2 Can you -- do you remember driving up to the -- to a
3 gate when you were in the car? Do you remember
4 that?

5 A. Yeah.

6 Q. Tell us about that.

7 A. We drove up to the gate, and there was a
8 passcode on the gate, so I guess at that time
9 Devante and Sarah were trying to contact the guy for
10 him to come out.

11 Q. Telling him to come on out?

12 A. Uh-huh.

13 Q. Okay, but could they get the passcode to
14 work where you were at that gate?

15 A. No, that -- at that time, no.

16 Q. So with the passcode not working, what
17 happened? Did you go somewhere else?

18 A. Yes, we pulled off -- I'm not sure where we
19 pulled off of, but we pulled off.

20 Q. And that's fine. So you left that gate and
21 you went somewhere else, and you -- when you say
22 pulled off, does that mean pulled off the side of
23 the road?

24 A. Yeah. Well, we rode -- I'd say we probably
25 rode like a mile and a half, and we pulled off the

1 side of the road, yes, ma'am.

2 Q. When you pulled off the side of the road,
3 who's driving the car?

4 A. Devante's still driving at the time.

5 Q. Where is Sarah in the car?

6 A. In the passenger seat.

7 Q. In the front?

8 A. Yes, ma'am.

9 Q. And where are you in the car?

10 A. At this time I'm still in the backseat.

11 Q. All right. Are you behind Devante or Sarah?

12 A. I believe I was behind Devante.

13 Q. And so that puts Malik where?

14 A. Malik was in the backseat with me.

15 Q. Behind Sarah, as best you can remember?

16 A. Yeah.

17 Q. All right, so when you'all are pulled off
18 the road, tell us what happened.

19 A. Devante said --

20 COURT REPORTER: I'm sorry, Devante said what?

21 BY WITNESS:

22 A. He had another friend talking, so we went
23 out through the back, and that's when he was telling
24 me he wanted to grab the guy, that we wanted to pull
25 up to him at his house to rob him. And so when I

1 told him I wasn't gonna do it, he got a little
2 frustrated. That's when he came back out with the
3 firearm, and he pulled -- was holding a gun on me.
4 And I stood against it, but now he has the firearm
5 in his hand telling me to do it, so --

6 Q. All right, so he's got the gun, giving you
7 the gun. Does he put you anywhere in the car now?

8 A. Yeah, at this point he's telling me to get
9 in the trunk.

10 Q. Get in the trunk?

11 A. Yeah.

12 Q. All right, and did you?

13 A. Yes, ma'am.

14 Q. All right.

15 Did anybody else get in the trunk with you?

16 A. Yes, Malik went in the trunk with me.

17 Q. When you were in the trunk with Malik White,
18 do you have a mask on?

19 A. Yes, ma'am. After Devante handed me the
20 gun, he went back to the car and came out with a
21 mask, and he handed it to me and told me to get in
22 the trunk.

23 Q. To put the mask on?

24 A. Uh-huh.

25 Q. Did Malik have a mask on?

1 A. Yes, ma'am.

2 Q. So let's talk about what happens after he
3 puts you and Malik in the trunk. I assume he closes
4 the trunk, and then what do you hear? Tell the jury
5 what you heard or could have seen when you're in the
6 trunk.

7 A. Well, at this point, we're in the trunk, and
8 I told Malik, I'm like, "Dude, this don't feel
9 right." And he was just like, "Man, everything will
10 be all right, everything will be all right." So we
11 got -- we rode -- I'm not sure where we rode at,
12 because I was in the trunk, but we finally rode back
13 up to the gate, and that's when the light came on,
14 as if the door was open, and I heard a voice I
15 hadn't heard before, so somebody got in the car.
16 And that is when -- I mean at that time I didn't
17 know who it was that got in the car. So once he got
18 in, Sarah told him to -- there was something in the
19 trunk, and when he popped the trunk that's when we
20 jumped out.

21 Q. Okay, so let me understand this, let me just
22 walk you back through that.

23 A. Uh-huh.

24 Q. You said that a light came on in the trunk,
25 and you heard someone getting in the car?

1 A. Yes, ma'am.

2 Q. Okay. And then at some point after that,
3 there was something said about popping the trunk?

4 A. Yeah.

5 Q. All right. Did you hear anybody else
6 talking about Sarah Barr planning to spend the night
7 there?

8 A. Well, see that's what -- well, I didn't know
9 why she was spending the night. All I know is she
10 was being dropped off. I wasn't sure if she was
11 staying the night, or -- well, it was nighttime
12 already, so probably when we were dropping her off
13 she was spending the night, yeah.

14 Q. All right. And so when the trunk pops, what
15 do you do?

16 A. I jump out with the firearm in my hand.

17 Q. And what do you hear?

18 A. Devante grabbing him saying, "You're under
19 arrest."

20 Q. And what did Tim say?

21 A. "For what?"

22 Q. And what did Devante say?

23 A. "Prostitution."

24 Q. And at that moment how are you feeling,
25 Jamal?

1 A. Well, at that point I mean I was nervous,
2 but it really hit me once I seen the -- once I'd
3 seen his face, and I'd seen it was an older guy,
4 that's when -- that's when it really -- it really
5 hit me. I was more angry instead at that point,
6 because of what was happening. It was like I felt
7 bad for him, I'm in a situation that I can't help.

8 Q. And you -- but you continued following
9 orders, right?

10 A. Yes, ma'am.

11 Q. Okay. And those orders, what happened next?

12 A. That's when we took him through the
13 backyard. Devante tried to get in his back door,
14 but he wouldn't let him. I never went -- I don't
15 know, the way he was moving he was moving fast.
16 Before all that he wanted me to do it --

17 Q. He wanted you to shoot Tim?

18 A. Yeah.

19 Q. How do you know he wanted you to shoot Tim?

20 A. Because he told me.

21 Q. What did he say?

22 A. He told me, shoot him. Shoot him. I'm like
23 no.

24 Q. Uh-huh.

25 A. So I refused.

1 Q. So you refused to shoot Tim?

2 A. Yeah.

3 Q. And then what happened to the gun?

4 A. Well, I told him I wasn't gonna do it, and
5 that's when he was like, "Give it to me," so he
6 snatched it from me pointed it, and that's when he
7 did it himself.

8 Q. So did you see the gun fire on the back
9 porch before it fired and killed Tim?

10 A. Yes.

11 Q. Tell us about that.

12 A. Devante was pointing the gun, and the gun
13 went off, and we started ducking, then that's when
14 he was like, "I didn't even do that."

15 Q. So he hits him in the head with the gun and
16 it fires?

17 A. Yeah.

18 Q. And Tim is fighting back?

19 A. Yes, ma'am.

20 Q. What happens that causes Tim to take his
21 keys out and unlock the back door? What do you hear
22 or see happening?

23 A. When Devante was telling him to open the
24 door, he was telling him all kind of stuff, how he
25 was gonna kill his kid, kill his dog and all types

1 of -- he was saying all types of stuff trying to get
2 him to open the door.

3 Q. And did he then open the door after that?

4 A. Yeah, he was opening -- it wasn't fast -- it
5 wasn't fast enough, because Devante said open the
6 door.

7 Q. I want to talk about the zip-ties.

8 A. All right.

9 Q. All right? Do you know where the zip-ties
10 came from, and did you see what was going on with
11 that?

12 A. No, I don't know where the zip-ties came
13 from, but I know he was trying to zip-tie his hands
14 then.

15 Q. I'd like to pull up, if we could, State's
16 Exhibit 38, and I would like for you to walk this
17 jury through it, so they can see that you know who
18 these people are, and are accurately giving your
19 testimony. Do you recognize that area, Jamal?

20 A. (Reviews photograph.) Yes, ma'am.

21 Q. Where is that?

22 A. That looks like the front yard of where we
23 were.

24 Q. All right, Tim's home?

25 A. Yes, ma'am.

1 (Video being played for the jury.)

2 MS. CAMPBELL: Stop it right there.

3 BY MS. CAMPBELL:

4 Q. And, Jamal, is that when -- is that what
5 happened when you popped out of the trunk?

6 A. Yes, ma'am.

7 Q. All right, and who was with you in that car
8 in Tim's driveway? Who are the people there?

9 A. Me and Malik White, Devante White and Sarah
10 Barr.

11 Q. All right.

12 MS. CAMPBELL: Continue.

13 (Video being played for the jury.)

14 BY MS. CAMPBELL:

15 Q. Who's coming down the driveway, and what's
16 happening to Tim?

17 A. Tim is being grabbed by Devante White.
18 That's me on the side of Devante.

19 Q. And are you pointing a gun at him?

20 A. Yes, ma'am.

21 Q. All right. Who's --

22 A. And that's --

23 Q. -- following --

24 A. That's Sarah up in the front and me and
25 Malik in the back.

1 MS. CAMPBELL: Let's stop it right there.

2 (Court Reporter marks State's Exhibit Number
3 101, Photograph, as attached hereto.)

4 (Court Reporter marks State's Exhibit Number
5 102, Photograph, as attached hereto.)

6 (Court Reporter marks State's Exhibit Number
7 103, Photograph, as attached hereto.)

8 (Court Reporter marks State's Exhibit Number
9 104, Photograph, as attached hereto.)

10 (Court Reporter marks State's Exhibit Number
11 105, Photograph, as attached hereto.)

12 (Court Reporter marks State's Exhibit Number
13 106, Photograph, as attached hereto.)

14 (Court Reporter marks State's Exhibit Number
15 107, Photograph, as attached hereto.)

16 (Court Reporter marks State's Exhibit Number
17 108, Photograph, as attached hereto.)

18 (Court Reporter marks State's Exhibit Number
19 109, Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit Number
21 110, Photograph, as attached hereto.)

22 (Court Reporter marks State's Exhibit Number
23 110A, Photograph, as attached hereto.)

24 BY MS. CAMPBELL:

25 Q. Keeping that in mind, I'm going to hand you

1 what's been marked as State's Exhibits 101, 102,
2 103, 104, 105, 106, 107, 108, 109, 110 and 110A.
3 Now, Jamal, I'm gonna hand these State's exhibits to
4 you, and I'm going to ask you to take a moment and
5 look at each one of those. Don't tell me right now,
6 just tell me if you can identify what is in those
7 exhibits? That's the only question right now. Tell
8 me what you see. Can you identify those exhibits I
9 just called out to you?

10 A. These are the crime scene pictures.

11 Q. Pictures of the crime scene? Okay. And do
12 they fairly and accurately show who was there in
13 Tim's home, in the driveway, in the car?

14 A. Uh-huh.

15 MS. CAMPBELL: Your Honor, at this time the
16 State seeks to introduce those State's exhibits just
17 enumerated.

18 MS. CORNWELL: No objection, Your Honor.

19 THE COURT: The motion's granted without
20 objection.

21 MS. CAMPBELL: Thank you, Your Honor. If we
22 could move State's Exhibit 101, please.

23 BY MS. CAMPBELL:

24 Q. All right, and if you have difficulty with
25 the distance and seeing this, I can hand you the

1 actual exhibits, Jamal, okay?

2 A. Uh-huh.

3 Q. All right. In State's Exhibit 101 can you
4 tell me who you see in that exhibit, and what is
5 going on?

6 A. Me and Devante are grabbing Timothy from the
7 back, and at the bottom you can see the corner of my
8 hand.

9 Q. All right. State's Exhibit 102, who do we
10 see and what are they doing?

11 A. So same thing, Devante's grabbing Timothy,
12 and you see on this side of him I'm behind him, and
13 then it looks like by the car, I don't know if
14 that's Sarah or -- but it looks like Sarah by the
15 car.

16 Q. And, Jamal, what is in your right hand in
17 State's Exhibit 102?

18 A. The gun that Devante gave me.

19 Q. Okay.

20 COURT REPORTER: I'm sorry, say that again?

21 BY WITNESS:

22 A. The firearm that Devante gave me.

23 Q. State's 103, do you recognize --

24 A. Yeah, now that I'm thinking about it, it
25 looks like either me and Malik or Devante and Malik.

1 I can't really tell in the photo.

2 Q. Do you want me to bring this up a little bit
3 closer?

4 A. Uh-huh.

5 Q. All right.

6 A. Yeah, it looks like --

7 Q. It's fine.

8 A. Yeah. I'm not sure. It looks like -- it
9 could be me and -- I'm not sure.

10 Q. That's fine. All right, so let's see, I
11 think you can probably see a little bit better in
12 State's 104. Who is by the yellow car?

13 A. Yeah, that's me by the yellow car.

14 Q. All right. And where -- your arm is raised
15 up?

16 A. Yeah.

17 Q. All right.

18 A. Uh-huh.

19 Q. And then that's got the gun in it, right?

20 A. Yes, ma'am.

21 Q. This arm, the right arm?

22 A. Yes, ma'am.

23 Q. Who is then right after you? Who is that
24 person coming up the driveway?

25 A. That's Sarah.

1 Q. And then who's following Sarah up the
2 driveway?

3 A. Malik White.

4 Q. All right, and, again, State's 105 and 106
5 may be a little bit difficult for you to see, so I'm
6 gonna hand you these.

7 Let's start with 105. What area of his home can
8 we see in 105?

9 A. The backyard.

10 Q. The backyard, and is that the back porch?

11 A. Yes, ma'am.

12 Q. All right, and who, at that point, is on the
13 back porch?

14 A. At that time it was just Devante and
15 Timothy. The rest of us are standing towards the
16 bottom.

17 Q. All right. And when you say the rest of us,
18 who are the rest of us?

19 A. Me, Sarah and Malik.

20 Q. All right. And then the next one, 106, is
21 that the same individuals?

22 A. Yes, ma'am.

23 Q. All right. State's 107, who is at the
24 backdoor of Tim's house?

25 A. Devante White.

1 Q. And who is coming in Tim's door?

2 A. Devante.

3 Q. All right. And in State's 108, who do we
4 see in State's 108, Jamal?

5 A. That's the victim and Devante.

6 Q. And are they at the back door?

7 A. Yes, ma'am.

8 Q. All right. State's 109, who is there,
9 Jamal?

10 A. That's Devante, and that's Timothy when he
11 was trying to -- that was the point where he was
12 trying to close the door.

13 Q. Okay. And then in State's 110, who do you
14 recognize and see in State's 110?

15 A. That's when Devante shot him.

16 Q. Okay. And in State's 110A, what's happening
17 there?

18 A. Devante fired the gun.

19 Q. All right, thank you. All right, so after
20 Devante shot Tim, what did you and Sarah and Malik
21 and Devante do?

22 A. We run back to the car.

23 Q. And where did you go once you all got back
24 in the car?

25 A. We went to Malik's grandmother's house.

1 Q. Okay, and do you know where that is?

2 A. Yes.

3 Q. And that's in Dale?

4 A. Yes, ma'am.

5 Q. Okay, is it near your home?

6 A. Yes, ma'am.

7 Q. Okay. Have you known Malik a long time?

8 A. Yeah, I'd say a long time.

9 Q. Okay. And once you got back to the Dale
10 area, what happened?

11 A. Me and Devante we got into a little heated
12 argument about what happened.

13 Q. You were arguing about what happened, okay.
14 What were you upset about?

15 A. I was upset about what I was involved in,
16 and not only that, but just what happened. Like not
17 only am I involved in it, but we just took a
18 person's life, you know.

19 Q. If I were to say to you this whole
20 situation, and when you're getting in the trunk,
21 have you ever heard the word, do a lick, or the
22 phrase, do a lick, before?

23 A. Yeah.

24 Q. All right. Did you hear the phrase do a
25 lick that night in reference to Tim Milliken?

1 A. No, I haven't.

2 Q. All right, so when you got put in the trunk,
3 you were just supposed to jump out? You weren't
4 given the inside story?

5 A. All I -- well, all I was told once -- well,
6 I didn't know anything about it, until we got there.
7 Then I was just told just to put the gun on him, you
8 know.

9 Q. I just want to clarify that for you.

10 A. Yeah, just to make sure he don't do nothing.

11 Q. Okay.

12 All right, so once you're in Dale, do you stay
13 in that black Nissan?

14 A. Yeah.

15 Q. All right.

16 A. Yes.

17 Q. Do you then go somewhere else?

18 A. Yeah, we then drove back to Savannah to
19 Malik's girl's house.

20 Q. Okay.

21 A. Quincie's house.

22 Q. Do you remember -- again, if you remember,
23 how long you were at Quincie's house before you left
24 to go to Quincie's house again?

25 A. Not that long, probably -- I don't know, I

1 can't even remember. I'd say probably about a hour,
2 if that. .

3 Q. Did something happen that caused everybody
4 to hurry up and leave --

5 A. Yeah.

6 Q. -- Quincie's house? Tell us about that.

7 A. Malik went in to see Quincie, then he came
8 out and said that the police were at her grandma's
9 house looking for the car. That's when they
10 gathered all their stuff up and went to Atlanta.

11 Q. Okay, so you're still in it, you're still in
12 the car running with them, and you'all are going to
13 Atlanta?

14 A. Yeah.

15 Q. And the police were looking for the car?

16 A. Yeah.

17 Q. All right. Now, when you get to Atlanta, do
18 you even know where you are when you -- when the car
19 stops?

20 A. No. I know we was in Gwinnett County, I
21 believe, but I'm not -- I'm not sure where we -- oh,
22 yeah, we were at Quincie's grandmother's house.

23 Q. Yeah, but I mean did you know that was
24 Quincie's grandma's house when you pulled up there?

25 A. At the time I didn't know. Once the

1 grandmother got out of the -- I mean got out of the
2 house and came to see who was in the car, that's
3 when I knew.

4 Q. Okay, so the grandmother came out to check
5 out who's sitting in front of her house?

6 A. Yeah.

7 Q. Right. All right, so as you're sitting
8 there in front of grandma's house, does something
9 happen with any of the items inside the car?

10 A. Yeah, Devante got a bag and started putting
11 all the stuff in, and then he threw down the drain
12 -- not the drain, the sewer.

13 Q. Okay. Now, let's be honest, did you tell
14 anybody about Devante throwing stuff down that sewer
15 until, you know, like much later, like a year or so
16 later?

17 A. Yeah.

18 Q. Okay. So you didn't let law enforcement
19 know about the drain stuff, throwing down the drain
20 until you were pleading guilty to your charge; is
21 that right?

22 A. Yes, ma'am.

23 Q. Okay, so a long time went by when we didn't
24 know about the stuff down the drain, right?

25 A. Yes, ma'am.

1 Q. Okay. Again, you're being honest, so what
2 did you do when law enforcement pulled up in front
3 of grandma's house?

4 A. It got out of the car and ran.

5 Q. You ran?

6 A. Yes, ma'am.

7 Q. Who ran -- did anybody else run?

8 A. Yeah, we all ran, me, Malik and Devante ran.

9 Q. You --

10 A. Sarah was the only one there.

11 Q. Okay.

12 A. What she did, I didn't see her.

13 Q. Okay. So you're running. Do you eventually
14 stop, or --

15 A. Yeah. Yes, ma'am.

16 Q. -- get taken into custody?

17 A. Yes, ma'am, I stopped in my tracks.

18 Q. Hold on one second. I want to just make
19 sure I'm clear on, as you called him, the victim,
20 Tim. Tim never had a gun did he that night?

21 A. No, ma'am.

22 Q. And did he ever do anything acting like he
23 was gonna hurt Devante?

24 A. No, ma'am.

25 Q. No aggression, nothing?

1 A. No.

2 Q. He just tried to keep y'all from getting in
3 his house?

4 A. That's all.

5 MS. CAMPBELL: That's all, thank you, Your
6 Honor.

7 THE COURT: Cross-examination.

8 MS. CORNWELL: Thank you, Your Honor.

9 ***

10 CROSS-EXAMINATION

11 BY MS. CORNWELL:

12 Q. How you doing, Mr. Coakley?

13 A. I'm all right.

14 Q. So you also are known to your group of
15 friends by the nickname Honcho; is that correct?

16 A. Yeah, I mean -- yeah, yes, ma'am.

17 Q. Honcho -- I mean you're the honcho?

18 A. No. No, ma'am.

19 Q. What's the reason they call you Honcho then?

20 A. I don't know, Malik gave me that name, a lot
21 of them.

22 Q. You've heard the term head honcho though?

23 A. Yeah, I've heard that before.

24 Q. And you indicated that you knew my client
25 about eight or nine months prior to this happening?

1 A. 'Right.

2 Q. You also indicated that you've known Malik
3 for a long time, right?

4 A. Right.

5 Q. And what do you call Malik?

6 A. Well, at that time I call him Trip.

7 Q. You also knew Sarah Barr for about seven
8 months prior to this, right?

9 A. No, incorrect.

10 Q. Isn't Sarah Barr best friends with one of
11 your girls?

12 A. No.

13 Q. The Solicitor just went through the charges
14 that you are facing and what you've pled to.

15 A. Yes, ma'am.

16 Q. And the charges you are facing you are
17 looking at 30 years to life, correct?

18 A. Yes, ma'am.

19 Q. But now that you've given this statement and
20 testified, the charge that you're facing carries a
21 minimum of zero and probation up to 20 years; is
22 that correct?

23 A. Yes, ma'am.

24 Q. And while the Solicitor made a reference and
25 made a point to say, "But those other indictments

1 that you haven't pled to, they're still pending."
2 Your understanding is, as long as you testify the
3 way that they want you to, those charges are being
4 dismissed, correct?

5 A. Well, I'm not sure. Well, I -- I'm not
6 sure. I never was told that they were gonna be
7 dismissing that.

8 Q. You haven't told people that as long as you
9 testify, you're probably getting probation?

10 A. No, I haven't.

11 Q. You do know that all of your calls at the
12 jail are recorded, correct?

13 A. Okay.

14 Q. Does it refresh your recollection to realize
15 that, the thing that you told several girls and your
16 grandma is, you're probably gonna get probation?

17 A. No, I haven't.

18 MS. CORNWELL: Your Honor.

19 BY MS. CORNWELL:

20 Q. You don't remember telling a young woman
21 that you were going to give a statement --

22 MS. CAMPBELL: Your Honor, I'm going to object.
23 She needs to lay a foundation. I have no idea what
24 she's talking about. He's not in jail. I mean --
25 well, we need to be heard on this I think.

1 BY MS. CORNWELL:

2 Q. You testified that you were in custody when
3 you spoke to law enforcement, correct?

4 A. Yes, ma'am, but that was before I even got
5 charged.

6 Q. I know, and you remained in custody --

7 MS. CAMPBELL: Your Honor, I have --

8 THE COURT: You still need --

9 MS. CAMPBELL: -- an objection.

10 THE COURT: All right, ladies and gentlemen,
11 let's take a short recess, and I'll ask you to step
12 in the jury room, and remind you it's too early to
13 begin discussing the case.

14 (Jury exits the courtroom.)

15 THE BAILIFF: The jury's clear, Your Honor.

16 THE COURT: All right, Solicitor?

17 MS. CAMPBELL: May it please the Court?

18 THE COURT: Yes.

19 MS. CAMPBELL: The objection under Rule 613,
20 prior statements of witnesses under Section B, we
21 have no information about time and place, or who the
22 statement was made to, and that, you know, that has
23 to be the foundation for him to be made aware of
24 what the statement is, where it was made and who it
25 was made to. He can either admit that it was made,

1 or if he denies that it was made, then we move to
2 the next step, but we've not even gotten that far
3 yet.

4 MS. CORNWELL: Your Honor, I think we've
5 indicated that he is speaking to a female. Now he's
6 given notice that all jail calls are recorded. I am
7 simply asking him if he recalls ever saying that to
8 anyone. It's our position that he said it to
9 multiple people on multiple occasions. He's saying,
10 "No," I'm simply referring to one thing as
11 impeachment, to show that he has made those
12 statements and also for his motive and bias in
13 testifying.

14 THE COURT: Well, doesn't the rule require you
15 to ask the witness, or tell the witness the time,
16 date, place, circumstances that he allegedly made
17 the statement, and ask him -- tell him what the
18 statement was, and then ask him if it's true or not;
19 isn't that right?

20 MS. CORNWELL: I can certainly follow-up with
21 those questions, Your Honor.

22 MS. CAMPBELL: Your Honor, and also my
23 understanding is, that his attorney had -- would
24 like a moment to speak with him as well about the
25 jail phone calls, and I'm must relaying that

1 information to the Court, and then we can take that
2 up when we finish this, or now, that's in your
3 discretion; but I would add he has to know who he
4 made the statement to, a female is insufficient.
5 Also he was in jail not just in Gwinnett County, but
6 in Beaufort County. We don't even know which jail
7 she's talking about.

8 MS. CORNWELL: I'm happy to go down that road to
9 further clarify. I was trying to keep as much of
10 the in-custody part out of it. I'm happy to travel
11 as far down that road as they want me to, about him
12 being in custody, how long he was in custody, where
13 he was in custody, during what period of time this
14 was.

15 THE COURT: All right. Let me ask you this, do
16 you have an objection to him talking to his
17 attorney, who's apparently at the back of the room?

18 MS. CORNWELL: Your Honor, I mean I don't
19 believe that he's allowed to discuss his testimony
20 now that he's taken the stand and been sworn;
21 however, if he would like to discuss his rights with
22 his attorney, he probably has the right to do that.

23 THE COURT: All right, well, let's hear what his
24 attorney has to say.

25 MS. GIBBES: And, Judge, I will say this is --

1 we have not -- he has not heard any jail calls, we
2 have not discussed any jail calls. These were not
3 jail calls that were provided in discovery, so I
4 just -- I just want to discuss with him, not his
5 testimony, obviously, just to talk about what a jail
6 call is, and this is the first he's heard of any
7 jail call.

8 MS. CAMPBELL: And, again, because the State is
9 not in possession of any jail calls for Mr. Coakley,
10 and is unaware of any jail calls until right now.

11 THE COURT: Okay.

12 MS. CORNWELL: I have no problem with his
13 attorney talking to him about it.

14 THE COURT: Say that one more time?

15 MS. CORNWELL: I have no problem with his
16 attorney talking to him about what a jail call is
17 and --

18 THE COURT: All right, we'll let him -- do you
19 want to talk to him in a conference room?

20 MS. GIBBES: Yes, that'd be great, wherever is
21 appropriate.

22 THE COURT: Okay, you can step down and follow
23 your attorney to --

24 MS. GIBBES: Thank you.

25 THE COURT: -- a more private place. Subject to

1 that rule --

2 MS. GIBBES: Yes, Your Honor.

3 THE COURT: -- that's what you're discussing
4 with him?

5 MS. GIBBES: Yes.

6 THE COURT: Well, do we need to take a five-
7 minute recess while we're doing all this? Is this a
8 good time?

9 MS. CAMPBELL: That'd be fine.

10 THE COURT: All right.

11 MS. CORNWELL: Yes, Your Honor.

12 THE COURT: We'll be in recess for five minutes.

13 (RECESS)

14 THE BAILIFF: All rise, this Court is back in
15 session.

16 ***

17 PROCEEDINGS CONTINUED

18 THE COURT: Please keep your seats, ladies and
19 gentlemen. Before we bring the jury in and renew
20 examination of a witness, I may not have a chance
21 for me to ask this question before the next witness
22 comes in. Do we have witnesses who are going to
23 testify who are in custody?

24 MS. CAMPBELL: We do. The next two witnesses
25 are in custody, they are in the Beaufort County

1 Detention Center; it is Sarah Barr and Malik White.

2 THE COURT: Okay, are they in detention, or are
3 they serving?

4 MS. CAMPBELL: Both of them had their bond
5 revoked, and have pled guilty, and they are awaiting
6 sentencing in the Detention Center.

7 THE COURT: All right any issue with -- about
8 them wearing what they're wearing and --

9 MS. CAMPBELL: No.

10 THE COURT: -- testifying?

11 MS. CAMPBELL: None.

12 THE COURT: Okay. We all ready for the jury
13 then?

14 MS. CAMPBELL: No, Your Honor, I just -- I don't
15 think we've resolved our issue. Again, for the
16 State there's been no specific time and place, or
17 who the statement was made to. Jamal was in jail in
18 both Georgia and in Beaufort County. There's been
19 no specificity as to which location. It's
20 misleading and mischaracterizing the chain of events
21 for this jury because Jamal Coakley never talked to
22 me under a proffer agreement, or anything of that
23 nature when he was in custody.

24 So he's talking to the State and he has not been
25 in custody in jail to talk about, oh, I'm gonna get

1 probation, after meeting with the State. And so,
2 again, that's very misleading and has
3 mischaracterized the chain of events here for this
4 jury.

5 THE COURT: Well --

6 MS. CORNWELL: Your Honor, I'm happy to travel
7 down the roadway of foundation for time and place,
8 or as much of the description of who as best I can.
9 And so I can go through all the foundation purposes
10 prior to that. Ms. Campbell can redirect him, if
11 she would like, on any -- when she spoke to him
12 versus what law enforcement said, or what is, you
13 know, he was told by other people, or promised by
14 other people.

15 I haven't indicated that Ms. Campbell,
16 specifically, is the one that promised him that, I
17 just asked him that, you know, if he gave a
18 statement, he felt he was given probation, I haven't
19 specifically --

20 THE COURT: But you didn't --

21 MS. CORNWELL: -- that Ms. Campbell offered
22 that.

23 THE COURT: You've already asked him if he has
24 been promised anything, he said no, right?

25 MS. CORNWELL: That's what he said.

1 THE COURT: Right.

2 MS. CORNWELL: And --

3 THE COURT: But now you're switching tracks and
4 asking him, if he told someone else that he --

5 MS. CORNWELL: Correct.

6 THE COURT: -- thought he would?

7 MS. CORNWELL: Correct.

8 THE COURT: Okay, I'll allow it as long as you
9 go -- as long as you give him time, place, date and
10 who allegedly he made a statement to, and then once
11 he says -- answers the question, you have the right
12 though, of course, if you have any evidence to
13 present it to impeach him --

14 MS. CORNWELL: Thank you, Your Honor.

15 THE COURT: -- when it's your turn.

16 MS. CORNWELL: Yes, sir.

17 THE COURT: Okay.

18 MS. CORNWELL: Thank you.

19 THE COURT: Let's bring the jury in.

20 THE BAILIFF: The jury's entering the courtroom,
21 Your Honor.

22 (Jury enters the courtroom.)

23 THE BAILIFF: The jury's seated, Your Honor.

24 THE COURT: Welcome back, ladies and gentlemen.
25 Did I understand that the jury has selected a

1 Foreperson, and it would be Juror number one?

2 FOREPERSON: Yes, sir.

3 THE COURT: Thank you for serving. And we will
4 resume cross-examination of the witness.

5 MS. CORNWELL: Thank you, Your Honor.

6 THE COURT: Ms. Cornwell?

7 ***

8 CROSS-EXAMINATION CONTINUES

9 BY MS. CORNWELL:

10 Q. Mr. Coakley --

11 A. Yes, ma'am.

12 Q. -- during this break you had an opportunity
13 to speak with your attorney.

14 A. Yes, ma'am.

15 Q. Do you -- after that conversation do you
16 recall having conversations with other people about
17 possibly getting probation?

18 MS. CAMPBELL: Objection, again, she's not
19 laying the proper foundation, Your Honor.

20 THE COURT: I --

21 MS. CORNWELL: I'm just asking him --

22 MS. CAMPBELL: Well --

23 MS. CORNWELL: -- if it's refreshed his
24 recollection before he goes down this, in case he
25 changes his answer, Your Honor.

1 THE COURT: I'm going to sustain the objection.
2 Ask him what he said, if he said anything on any
3 certain date --

4 MS. CORNWELL: Okay.

5 THE COURT: -- to a certain individual.

6 BY MS. CORNWELL:

7 Q. Mr. Coakley, you were in custody at the
8 Beaufort County Detention Center on February 13th of
9 2021, correct?

10 A. Correct.

11 Q. And during that time, you had access to
12 phone privileges, correct?

13 A. Yes, ma'am.

14 Q. And on February 13th of 2021 do you recall
15 speaking to a woman, that's identified as your
16 girlfriend, where your conversation revolved around
17 redoing Christmas and Thanksgiving, since you missed
18 it with her --

19 A. Yes, ma'am.

20 Q. -- she was at work? And do you remember the
21 phone --

22 A. Yes.

23 Q. -- call right now?

24 A. Yes, ma'am, I remember.

25 Q. And during that phone call, do you recall

1 telling her that you were gonna give a statement and
2 get out on bond, and as long as you stayed out of
3 trouble you'd get probation probably?

4 A. I don't remember for sure, but it is
5 possible I told her. I told her a lot of stuff to
6 keep her hopes up, because she thought I was never
7 coming home.

8 Q. Okay, so is it your testimony that
9 discussions of probation were just to keep their
10 hopes up, not because that's what you actually
11 believed?

12 A. No.

13 Q. How many times did you meet with the
14 Solicitor prior to coming and giving your testimony
15 today?

16 A. Around three times.

17 Q. Three times?

18 A. Yeah.

19 Q. And prior to meeting with the Solicitor, you
20 also gave a statement to law enforcement, correct?

21 A. Correct.

22 Q. And what you told this jury today is that
23 you'all had to drive 30 to 45 minutes away from
24 Savannah to pick up Sarah?

25 A. Yeah, about -- well, I can't remember the

1 real amount of time, but if I had to guess I'd say
2 it was somewhere in between there. It wasn't -- it
3 wasn't like right around the corner, it was a little
4 bit.

5 Q. And while all four of you'all were in the
6 car you said Devante was driving?

7 A. Yeah.

8 Q. Devante was driving the entire time?

9 A. Yeah.

10 Q. And Sarah was in the front seat?

11 A. The passenger seat, yeah.

12 Q. The whole time?

13 A. The whole time before -- before the
14 incident, yeah.

15 Q. Okay. And you and Malik were in the
16 backseat the whole time prior to the incident?

17 A. Correct.

18 Q. From Savannah to Sarah's house who was in
19 the front seat?

20 A. Malik, I believe. Yeah, probably Malik.

21 Q. And your testimony is you were never in the
22 front seat?

23 A. No, I was in the back.

24 Q. And it's your testimony today that all four
25 of you'all were in the car, when you'all drove up to

1 the gate and were trying to enter the passcode?

2 A. Yeah.

3 Q. Okay. And that my client and Sarah were
4 trying to call Mr. Milliken, because they were
5 putting in the wrong password -- passcode, and they
6 were trying to get in touch with him?

7 A. Yeah, to get him.

8 Q. And that was after -- and then after that is
9 when they rode off and pulled over to the side of
10 the road?

11 A. Yeah.

12 Q. And it's your testimony that Devante White
13 is the one that had a gun and handed you a gun?

14 A. Correct.

15 Q. So you never had possession of that gun,
16 prior to standing on the side of that road and being
17 handed it to by Devante White?

18 A. No.

19 Q. And Devante didn't hand you that gun,
20 according to your testimony, until after you told
21 him you didn't want to get in the trunk and
22 participate?

23 A. Right.

24 Q. So you'all got into an argument, and you
25 didn't want to do what he said, and your testimony

1 today is so based on that he gave you a loaded gun?

2 A. Right.

3 Q. And while you're holding the loaded gun --

4 A. We -- it wasn't -- it wasn't really an
5 argument, it was -- at that time it was just me, you
6 know, it was just peer pressure. He was basically
7 peer pressuring me to do something, it wasn't an
8 argument.

9 The argument didn't happen until after. That's
10 when I was going -- being loud on the top of my
11 voice, going back and forth with him.

12 Q. But you agree that you're holding a loaded
13 gun, and then you get in the car, and then Devante
14 apparently hands you a mask?

15 A. In the trunk, yeah.

16 Q. And you said Malik got in the car too --

17 A. In the trunk with me, yeah.

18 Q. -- and already had a mask on?

19 A. Yeah.

20 Q. And y'all weren't wearing masks in the car
21 prior to that, correct?

22 A. No.

23 Q. You also indicated that when the trunk
24 popped open, you were told you had to jump out with
25 the gun?

1 A. Right.

2 Q. And that when you did that, you weren't
3 scared, but you felt bad for Mr. Milliken?

4 A. Right.

5 Q. And it's your testimony that my client's the
6 one that told you to hold a gun on him?

7 A. Right.

8 Q. And it's your testimony that my client is
9 the one that was hitting Mr. Milliken?

10 A. Right.

11 Q. You never hit Mr. Milliken?

12 A. I hit him.

13 Q. You hit him?

14 A. Yeah, I hit him.

15 Q. How many times did you hit him?

16 A. A few, probably like three or four times.
17 That's the amount of time he was holding onto the
18 rail, and I was telling him to let go of the rail,
19 so he let go, and that's when Devante first fired
20 the gun.

21 Q. All right, so it's your testimony that you
22 decided to start hitting and kicking the victim, so
23 that he wouldn't get shot?

24 A. I didn't kick him, but I was swinging, yeah,
25 so he could let go of the rail. Because Devante was

1 telling him to let go of the rail, and he wouldn't.
2 You can see like the frustration, so I was just
3 trying to make him let go of the rail, so he
4 wouldn't get to that point, where he had to get
5 shot.

6 Q. And then just to make sure, I'm gonna show
7 you part of what's already been moved into evidence
8 as State's 38. And you said Malik got in the car
9 too?

10 A. In the trunk with me, yeah.

11 Q. And already had a mask on?

12 A. Yeah.

13 Q. And you'all weren't wearing masks in the car
14 prior to that, correct?

15 A. No.

16 Q. You also indicated that when the trunk
17 popped open, you were told you had to jump out with
18 the gun?

19 A. Right.

20 Q. And that when you did that, you weren't
21 scared, but you felt bad for Mr. Milliken?

22 A. Right.

23 Q. And it's your testimony that my client's the
24 one that told you to hold a gun on him?

25 A. Right.

1 Q. And it's your testimony that my client is
2 the one that was hitting Mr. Milliken?

3 A. Right.

4 Q. You never hit Mr. Milliken?

5 A. I hit him.

6 Q. You hit him?

7 A. Yeah, I hit him.

8 Q. How many times did you hit him?

9 A. A few, probably like three or four times.
10 That's around the time he was holding onto the rail,
11 and I was trying to get him to let go of the rail,
12 so he wouldn't get shot, that's when Devante first
13 fired the gun.

14 Q. Okay, so it's your testimony that you
15 decided to start hitting and kicking the victim so
16 that he wouldn't get shot?

17 A. I didn't kick him, but I was swinging, yeah,
18 so he could let go of the rail, because Devante was
19 telling him to let go of the rail and he wouldn't.
20 You could see like the frustration, so I was just
21 trying to, you know, make him let go of the rail, so
22 he wouldn't get to that point where he had to get
23 shot.

24 Q. And then just to make sure, I'm gonna show
25 you part of what's already been moved into evidence

1 as State's 38.

2 (Video being played for the jury.)

3 BY MS. CORNWELL:

4 Q. So that was you trying to protect the
5 victim?

6 A. Yeah, that was me.

7 Q. Okay. And your testimony today is that
8 after all this occurred you'all went to Dale, to
9 Malik's grandmother's house?

10 A. Right.

11 Q. But that's not what you told law
12 enforcement, is it?

13 A. No, not at that time I didn't.

14 Q. And that's not what you told the Solicitor
15 the first time you met with her, is it?

16 A. No, it isn't.

17 Q. And, in fact, you've had to meet with the
18 Solicitor, like you said, several times since giving
19 your first statement, correct?

20 A. Right.

21 Q. And in between all of this time you've had
22 what's called your discovery, your Rule 5?

23 A. Right.

24 Q. So you knew all the statements that other
25 people had given in this case?

1 A. Yes, ma'am.

2 Q. And you've been able to see the video in
3 this case?

4 A. Yes, ma'am.

5 Q. And you knew what the law enforcement report
6 said --

7 A. Yes, ma'am.

8 Q. -- prior to giving any statements to the
9 Solicitor?

10 A. Yes, ma'am.

11 Q. And the Solicitor prepared you for your
12 testimony, didn't she?

13 A. Well, yeah.

14 Q. She went through what she need you to say on
15 the stand?

16 A. What's that?

17 Q. She didn't prepare you for how I was going
18 to cross-examine you?

19 A. No.

20 Q. Okay. So let's talk about the statement
21 that you gave to law enforcement down in Gwinnett
22 County.

23 A. All right.

24 Q. And this was the statement that you gave to
25 Investigator White, when he came down and met with

1 you and --

2 A. him --

3 Q. -- Investigator Reynells?.

4 A. Yes, ma'am.

5 Q. You told him at first that you didn't have
6 anything to do with what they were coming down and
7 asking about?

8 A. Right.

9 Q. And you said that you had gotten picked up
10 that morning, that you weren't in the car whenever
11 they were talking to you about what that was, and
12 didn't know how it happened, correct?

13 A. Correct.

14 Q. And law enforcement kept after you, and you
15 finally decided you would give them a story.

16 A. No, no, no, wait, when they first came and
17 spoke with me, I was -- when they first started
18 asking me, I was kind of, you know, iffy, but then I
19 told them for real what happened.

20 Q. And you told them that you felt sorry for
21 the victim, that he looked like an innocent person,
22 and that you didn't go -- want to go along with any
23 of it?

24 A. Uh-huh.

25 Q. And that you didn't do anything to hurt the

1 victim or harm him, that you wanted to help him?

2 A. Right.

3 Q. You said the only person that touched him or
4 did anything to him was my client?

5 A. Yeah. Yeah, I said that.

6 Q. And you also tried your best to cover for
7 your best friend, Trilley, because you wouldn't even
8 say anything about him, he didn't do anything.

9 A. I know.

10 COURT REPORTER: Say that again? I'm sorry.

11 BY WITNESS:

12 A. Trilley.

13 Q. Is he a friend?

14 A. No.

15 Q. You didn't tell law enforcement that you'all
16 were close, that you trusted him, that's why you
17 were doing what he said?

18 A. No, he didn't -- your client was the one who
19 was telling me to do stuff. Malik he was just -- he
20 just had the attitude like he didn't care. He was
21 going along with it and he didn't -- he had the
22 attitude that he didn't care, like it is what it is.

23 Q. Do you remember telling law enforcement that
24 Malik's the one that told you to go ahead and get in
25 the trunk and everything would be okay?

1 A. Yeah, he did say that. When we got in the
2 trunk I told him, "Man, this don't feel right."
3 He's like, "Man, everything will be all right," he
4 did say that.

5 Q. And you believed that because you and Malik
6 were close?

7 A. I mean at that point, regardless of I
8 believed him or not, I had no other choice, because
9 I was already in the trunk with it being closed, and
10 I couldn't open it from the inside.

11 Q. And you also told law enforcement that you
12 weren't scared?

13 A. Yeah, that's what I told them.

14 Q. You told them, when they asked you if my
15 client threatened you, you said, "No."

16 A. I did at first.

17 Q. And you said that you went directly from
18 that place back to Savannah?

19 A. Yeah.

20 Q. The after you spoke to law enforcement and
21 you were taken into custody, that's when you got all
22 your discovery Rule 5 paperwork, correct?

23 A. Yeah. Yes, ma'am.

24 Q. And at some point your attorney talked to
25 you about corroborating with the State and giving a

1 statement to the Solicitor?

2 A. No, ma'am, I told her. I told her I wanted
3 to give a statement. I was willing to, because I
4 knew I couldn't testify if anything happened to me,
5 so --

6 Q. And the first statement that you gave to the
7 Solicitor, again, you didn't really take any
8 responsibility for anything. You were pretty much
9 an innocent person in this, that didn't know what
10 was happening, got handed a gun, put in the trunk
11 and you just went along with it, but you didn't hurt
12 anybody?

13 A. Far from it. I mean I am -- I do hold some
14 responsibility for my actions, because even though I
15 did it against my will, I still did it, so, you
16 know, it's not like, you know, I'm a puppet, he put
17 my arms together and made me do it, even though, you
18 know, I was scared, I did it, so I do hold -- I do
19 hold accountability to that; but as far as me
20 wanting to be there and wanting to do that, no,
21 there ain't no sense in doing that.

22 And I really would have walked off, but the only
23 reason why I didn't was because the gun was there,
24 and I knew from the look on his face and the
25 attitude that was present, if I would have kept

1 saying it, I know I would have got shot.

2 Q. And you're the only one that holding the
3 loaded gun, so how are you gonna get shot, if you're
4 holding the loaded gun?

5 A. Because once I really gave it to him -- at
6 first when we -- when I wasn't agreeing, and I'm
7 like, "No, I'm not doing it, I'm not doing it," he
8 had the gun in his hand still.

9 Q. And then he gave you the loaded gun, so
10 you're holding the loaded gun, but you still decide
11 to get in the trunk? You could have walked down the
12 road and walked off at that point, couldn't you?

13 A. Yeah, I could have, but then he probably
14 would have chased me down and I would have had to
15 turn around and shot him, and then I would have been
16 sitting in that seat -- in that spot waiting on
17 trial.

18 Q. So it's your position that even though
19 you're the one with a loaded gun, you were afraid
20 that you were gonna get shot, and that's why you did
21 this?

22 A. Or before I had the gun, I was afraid I was
23 gonna get shot. Once I had the gun, I felt like,
24 okay, since I have the gun, maybe nobody will get
25 shot, since I have possession of the gun. But then

1 when he was asking for it, and I'm telling him,
2 "No," well, the gun, he took it from me since I
3 wouldn't hand it to him.

4 Q. It's your testimony that it was Sarah --
5 Sarah's the one that told the person to pop the
6 trunk?

7 A. Right.

8 Q. And that's when you jumped out?

9 A. Yeah, I heard her telling him to get her bag
10 out of the trunk.

11 Q. And you told law enforcement that Malik
12 never had the gun, never took the gun from you, it
13 was my client that took the gun from you?

14 A. Yeah, that's what I said.

15 Q. Because you were trying to protect Malik and
16 keep him out of it?

17 A. No. No, I was not. I wasn't trying to keep
18 Malik out of it. Everything happened so fast, all I
19 know is someone took the gun. I didn't even -- it
20 didn't even cross my mind that Malik was the one who
21 took the gun from me and gave it to him.

22 Q. And once you were shown the video, that's
23 when you remembered?

24 A. Yeah, I remembered it.

25 Q. And you were talking about the zip-ties, but

1 you don't know where they came from?

2 A. No, I'd seen them, but I don't know where
3 they came from, no.

4 Q. You kept saying you didn't know how the plan
5 came about, you weren't a part of any plan, and you
6 never heard about anybody talking about robbing
7 anybody or taking anything?

8 A. I was told someone was being dropped off.

9 Q. You also told law enforcement that you
10 didn't have a phone at this time, correct?

11 A. Right. Well, I had a phone, but it wasn't
12 on us that night, yeah.

13 Q. And it's your position that you didn't know
14 Sarah Barr before this night?

15 A. No, I'd never seen her.

16 Q. When you met with the Solicitor the second
17 time --

18 A. Yes, ma'am.

19 Q. -- what was different in your statement?

20 A. Well, I can't remember. I'm not gonna lie,
21 I'm not gonna say I lied on my statement, but I did,
22 you know, I did block the truth out a little bit,
23 only because I was afraid of my safety.

24 But then once I had time to break it down in my
25 cell, it didn't really matter about my safety

1 anymore, like what's going to happen to me is gonna
2 happen, so it didn't really matter once I, you know,
3 at first, you know, at first I was afraid of letting
4 the whole truth out, because, you know, I didn't
5 want to put myself in harm's way.

6 Q. You gave a sob story about being afraid of
7 my client?

8 A. It's not a sob story.

9 Q. You told law enforcement you weren't afraid
10 of my client.

11 A. It's -- I'm not afraid of him, but when it
12 comes to getting his way -- if he don't get his way,
13 he gets violent. Watch out, that's just how it is.
14 Because I'm not afraid of him, because if no gun's
15 involved, I'm not afraid, but I know he don't have
16 anything to shoot nobody.

17 Q. And you admit that the story you gave
18 police, the first statement that you gave the
19 Solicitor until the next time you talked to the
20 Solicitor, up until what you said today,
21 everything's been different each time?

22 A. No.

23 Q. And what you're saying today isn't what you
24 said to law enforcement or the Solicitor the first
25 time you talked?

1 A. No, that's not what I'm saying.

2 Q. And you never told law enforcement about
3 going to Dale?

4 A. Yes, 'cause it probably slipped my mind.

5 Q. And in the first statement to the Solicitor,
6 you never told her about going to Dale?

7 A. I told you we'd only been there for five
8 minutes, we just -- we were going to Savannah, we
9 were just passing, so we stopped there so Malik
10 could do whatever he had to do in his house real
11 fast and we left. It wasn't even -- we probably
12 weren't even there three minutes, three or four
13 minutes.

14 Q. Okay. You were specifically asked, "Did you
15 stop anywhere between the victim's house and
16 Savannah?"

17 A. We had stopped by --

18 Q. And each time you said no.

19 A. It slipped my mind, because we weren't there
20 long, it was, you know, it was like stopping at a
21 gas station, or not even a gas station, we weren't
22 even there long, seconds.

23 Q. And your statement today is based on
24 everything that you've seen in this case up to this
25 point in talking to the Solicitor? So seeing any

1 other statements seen in the incident reports, seen
2 in the videos, that's what your statement today is
3 based on?

4 A. No, it's not.

5 Q. Mr. Coakley, Honcho --

6 A. I don't go by that no more.

7 Q. No?

8 A. Malik and me I mean we don't see eye-to-eye,
9 so it's just --

10 Q. And you and Malik don't see eye-to-eye --

11 A. Uh-uh.

12 Q. -- because he's testifying in this case too,
13 right?

14 A. No, 'cause he helped your client rob. I
15 told him I didn't want to rob. He kept bringing him
16 around, kept bringing him around. I just had a
17 feeling. I even had a dream about it, and I had a
18 feeling that something was gonna happen, that he was
19 gonna take both of our lives.

20 Q. So you had a feeling something was gonna
21 happen before you ever got in the car?

22 A. No, prior, like weeks before it even
23 happened, I just knew that if I kept hanging around
24 him, something was gonna happen. I knew like -- I
25 didn't think -- I thought I would either be killed,

1 or something along that line. I didn't think about
2 me too much.

3 Q. So at least before you felt like that, but
4 you're still hanging out with them, riding in cars,
5 going around?

6 A. Yeah.

7 Q. Okay.

8 A. Because they weren't --

9 Q. You weren't --

10 A. At that point it was like with Malik
11 because I was telling him, "Hey, we can't keep this
12 dude around." "No, he's good, man, he's good, he's
13 just like that, he's good, he's good." "No, you're
14 not listening to what I'm saying."

15 So that's when me and Malik bumped heads, and
16 like this case, that really just split us apart.

17 Q. So you had love for Malik, but you just told
18 me a little bit ago y'all weren't close?

19 A. We wasn't.

20 Q. But he's the one giving you nicknames, and
21 you're at his girlfriend's house, you're all hanging
22 out together, you're --

23 A. Me and Malik started hanging -- I'd say
24 really hanging in 2017. We stopped, then we started
25 hanging out again, and we ended up falling out about

1 a female. Then we made up, and we got back
2 together.

3 We're not as close as we once was, but we, you
4 know, we're back hanging out, talking to him. Then
5 he brought your client around.

6 Q. In 2017 is when you started having this
7 contact with law enforcement too, correct?

8 A. Yeah, I guess it was 2017, yeah.

9 Q. And then again in 2019?

10 A. Yeah, uh-huh.

11 Q. And that's when you were hanging out with
12 Trilley, Trilley gave you the name Honcho?

13 A. No. Before those cases I was hanging around
14 with him, the first case --

15 MS. CAMPBELL: Your Honor, if I could, just
16 generally talking and asking the witness, and
17 talking about catching the case, I'd like the
18 defense counsel to be specific about the actual
19 charge that she's talking about please. Thank you.

20 THE COURT: Sustained.

21 BY MS. CORNWELL:

22 Q. You had involvement with law enforcement,
23 but you got convictions in -- it looks like you pled
24 in 2019 to failure to stop for a blue light?

25 A. Yeah, correct.

1 Q. But that charge was from 2017?

2 A. I mean I don't really know, I can't tell
3 you. It was a while ago, I don't know.

4 Q. And you also have a conviction for unlawful
5 carrying of a weapon?

6 A. Correct.

7 Q. And you had indicated 2017 is about when you
8 started hanging out with Trilley?

9 A. Yeah, it was around that point. I wasn't
10 with him when that happened.

11 Q. And nobody said you were, but,
12 coincidentally, about the same time you were hanging
13 out with Trilley is when you started picking up
14 charges, correct?

15 A. Yeah, correct.

16 Q. What you told this jury today is the story
17 that paints you in a very good light, but let's talk
18 about what really happened. What really happened
19 is, you were hanging out in Savannah with Malik and
20 Quincie --

21 MS. CAMPBELL: Your Honor, I'm gonna object.
22 It's improper for her to start testifying on her
23 own, and set up these facts. She needs to ask him,
24 you know, follow the rules, in terms of what she's
25 doing, and this is improper.

1 MS. CORNWELL: Your Honor, it's cross-
2 examination, if she'd let me finish my question,
3 she'd see that I have a question and I'm asking him
4 to answer it.

5 THE COURT: You need to ask him a question
6 though.

7 BY MS. CORNWELL:

8 Q. That day you were hanging out with Malik and
9 Quincie and Devante at Quincie's house, correct?

10 A. Correct.

11 Q. And Malik and Devante were playing video
12 games that day, correct?

13 A. Incorrect.

14 Q. During the day they weren't playing video
15 games?

16 A. Malik had one controller, so they couldn't
17 have been playing a game together. They might have
18 both been playing a game, but it wasn't together.
19 There was only one control, and only one person can
20 play at a time.

21 Q. Yeah, but they were both sitting there --

22 A. Oh --

23 Q. -- playing a game?

24 A. I said that yes.

25 Q. And it's your position that you thought that

1 you were getting in the car for them to drop you
2 off; is that correct?

3 A. Correct.

4 Q. But isn't it true that you and Malik had
5 talked about going and picking up Sarah and taking
6 her to the victim's house, and trying to get money
7 from the victim?

8 A. Incorrect. If anybody had that conversation
9 it was your client and Malik, because I don't know
10 Sarah, so -- it wasn't me, and I didn't even know
11 the victim at that time -- pick up a random girl,
12 take her to a random house to get money.

13 Q. So you're saying that Malike wasn't driving
14 and didn't drive you'all to Sarah's house?

15 A. I don't think so. I don't -- this was a
16 long time ago, I can't point out details of who was
17 driving, who comes from Savannah. I don't really
18 know detail-to-detail. I just know we all were in
19 the car, and I know me and Malik were in the
20 backseat for sure once we got to Sarah's.

21 Q. Just a second ago, you were confident it was
22 my client driving, now it might have been Malik
23 driving?

24 A. Your client -- during the crime scene your
25 client was driving, from Sarah's to the crime scene

1 to after the crime scene your client was driving,
2 yes. That's one thing I know for sure, for sure
3 now. Before -- after that when we got to Atlanta, I
4 can't really think of those small details, because I
5 don't remember.

6 Q. So you can't remember the details, but what
7 you do remember for certain is what happened from
8 Sarah's house to the victim's house?

9 A. Yeah. Because I didn't really talk to Malik
10 in the backseat. We were having a -- we were
11 talking about whatever we were talking about. We
12 were just talking about all kinds of random stuff.

13 Q. And it's your position that you didn't have
14 a gun when you got in that car?

15 A. I hadn't.

16 Q. So if other people have testified that you
17 had the gun the whole time, they're lying, not you?

18 A. They are.

19 Q. Isn't it true that you were the one that
20 came up with this plan, and you were the one that
21 put the gun on Devante and told him what to do, and
22 that's why when Sarah said to pop the trunk, you
23 jumped out with the gun, and my client did what he
24 did because you told him to at gunpoint?

25 A. Yeah. I mean at that point, yes. And on

1 the crime scene as reported, no.

2 Q. And the way that you protected the victim
3 was by repeatedly hitting him?

4 A. Well, I mean, yeah, I know that sounds
5 crazy, but I was trying to get his hands off the
6 rail without, you know, without him having to get
7 shot.

8 Q. Uh-huh. Because you were wanting my client
9 to shoot him, and that's why the gun went to my
10 client, and that's why you went around and started
11 beating him, and you were telling my client to shoot
12 him; isn't that what actually happened?

13 A. No, it's not. Your client told me to shoot
14 him. Once I told him I wasn't gonna shoot him, he
15 got mad and asked for the gun, and that's when Malik
16 gave -- took the gun from me and gave it to him.
17 And then see once he got the gun he didn't shoot him
18 right away, he still was just trying --

19 Q. And it's your testimony that in State's 110,
20 that you were shown where the victim is inside the
21 laundry room, far away from my client and he
22 approached with it?

23 A. Like I said.

24 Q. This is when my client allegedly shot Mr.
25 Milliken?

1 A. Right.

2 Q. And you claim that you hung around a few
3 seconds afterwards for what reason?

4 A. What, after it happened?

5 Q. Yeah.

6 A. I wanted to go along with it, because I
7 didn't think I -- I wasn't - I wasn't able to go
8 home and be around my grandparents comfortably,
9 because of what just happened. So I knew, you know,
10 so when they said they were going to Atlanta, and
11 then my aunt said maybe I can go out there and be
12 with her and talk to her about it, you know, ask her
13 what I should do, that was my plan.

14 Q. So you were mad at these people, you didn't
15 like them anymore. They had just gotten you
16 involved in this situation you didn't want to be
17 involved in, but instead of staying in Dale, where
18 you lived, you chose to get back in the car with
19 them, go back to Savannah, and then go to Atlanta
20 with them?

21 A. That's right.

22 Q. This heated argument that you say you and my
23 client got in, that was because my client made you
24 leave, and you didn't get to take any of the victim's
25 stuff, correct?

1 A. No, ma'am. No, ma'am. We got to arguing
2 because of him shooting Mr. Milliken, that's why we
3 got into the argument.

4 Q. But you testified earlier that my client
5 said he didn't mean to shoot.

6 A. He's even telling -- he wasn't listening, he
7 wasn't listening, you can tell. You can tell what
8 was eating him, because he kept asking me, if we
9 though he was wrong, you know, if we thought he was
10 wrong. He kept asking me.

11 Q. But in your earlier testimony you agreed
12 that my client told you'all he didn't mean to shoot.

13 A. Yeah, he didn't mean to shoot. When he
14 decided to give me he didn't mean for the gun to go
15 off. When he shot him he was in the laundry room,
16 and he meant to do that.

17 Q. Okay. And, again, your testimony is that he
18 intentionally shot him while the victim was already
19 in the laundry room in what's shown in 110A?

20 A. Correct.

21 MS. CORNWELL: Your Honor, I believe that's all
22 the questions I have.

23 THE COURT: Redirect?

24 MS. CAMPBELL: Nothing further.

25 THE COURT: All right, thank you, sir, you may

1 step down. Your next witness?

2 MS. CAMPBELL: Yes, Your Honor, the next witness
3 will probably also be maybe an hour, hour and a half
4 witness.

5 I can go ahead and get started with her, if you
6 would like to do that, or take a break, or check in
7 with the jury? She's going to be, generally, again,
8 an hour and a half, maybe even two.

9 THE COURT: Madam Foreperson, what does the jury
10 wish to do?

11 MADAM FOREPERSON: Your Honor, I know if it can
12 go two hours -- well -- take lunch and come back?

13 THE COURT: I'm sorry, I couldn't hear you.

14 MADAM FOREPERSON: Go to lunch and come back?
15 Does that sound --

16 THE COURT: We can do that. All right, recess
17 until ten minutes until 2:00 -- ten minutes until
18 1:00, excuse me.

19 (Jury exits the courtroom.)

20 THE BAILIFF: The jury's cleared, Your Honor.

21 THE COURT: We're in recess.

22 (Luncheon recess)

23 THE COURT: Ready for the jury?

24 MS. CAMPBELL: Yes, Your Honor, we have Sarah
25 Barr here in custody and her attorney is back there

1 with her, so we should let them know we're gonna
2 start --

3 THE COURT: All right.

4 MS. CAMPBELL: -- and make sure --

5 THE COURT: Is the defense ready for the jury?

6 MS. CORNWELL: We are, Your Honor.

7 MS. CAMPBELL: Excuse me, Your Honor, she's on
8 her way in. And are we bringing her across here to
9 the stand?

10 THE COURT: I don't know you --

11 MS. CAMPBELL: Thank you, Your Honor.

12 THE COURT: That's between you and security.

13 MS. CAMPBELL: I'm waiting on word from my
14 investigator, that she's arrived. It's not that far
15 a walk, and she was here earlier.

16 THE COURT: Okay. Well, let's bring the jury
17 in.

18 MS. CAMPBELL: All right, thank you.

19 THE BAILIFF: The jury's entering the courtroom,
20 Your Honor.

21 (Jury enters the courtroom.)

22 THE BAILIFF: The jury is seated, Your Honor.

23 THE COURT: Welcome back, ladies and gentlemen.
24 Solicitor, you may call your next witness.

25 MS. CAMPBELL: Thank you, Your Honor, the State

1 calls Sarah Barr.

2 * * *

3 SARAH BARR

4 * * *

5 being first duly sworn, testified as follows:

6 ***

7 DIRECT EXAMINATION

8 BY MS. CAMPBELL:

9 Q. Good afternoon, Sarah.

10 A. Good afternoon.

11 MS. CAMPBELL: I don't know if it's the
12 Detention Center protocol, could you pull her mask
13 down all of her face; would that be all right?

14 THE COURT: It would be, no one else has a mask
15 on.

16 MS. CAMPBELL: All right.

17

18 BY MS. CAMPBELL:

19 Q. Would you like to? Thank you, Sarah. Okay.
20 Sarah, you were indicted in this case with murder,
21 attempted armed robbery, kidnapping; is that right?

22 A. Yes, ma'am.

23 Q. And you were court appointed an attorney; is
24 that right?

25 A. Yes, ma'am.

1 Q. All right. Do you see that attorney in the
2 courtroom?

3 A. Yes, ma'am.

4 Q. And where is he?

5 A. Over here.

6 Q. Okay. You pled guilty to attempted armed
7 robbery; is that right?

8 A. Yes, ma'am.

9 Q. Okay. And your murder and kidnapping
10 indictments are still pending; are they not?

11 A. Yes, ma'am.

12 Q. All right, and have you been sentenced yet
13 on your guilty plea to the attempted armed robbery
14 of Timothy Milliken?

15 A. No, ma'am.

16 Q. Sarah, do you have a child?

17 A. Yes, ma'am.

18 Q. What is your child's name?

19 A. Jaylen.

20 Q. Jaylen. And how old is Jaylen today?

21 A. He's three.

22 COURT REPORTER: Could you spell Jamie?

23 BY WITNESS:

24 A. J-A-Y-L-E-N.

25 Q. Sarah, back in 2020, who were you living

1 with?

2 A. My grandma.

3 Q. And what is her name?

4 A. Emma.

5 Q. Emma?

6 A. Yes.

7 Q. And did Jaylen live with you and your
8 grandmother then?

9 A. Yes, ma'am.

10 Q. All right. So is grandma taking care of
11 Jaylen now?

12 A. Yes, ma'am.

13 Q. All right, okay. Back in November of 2020,
14 do you remember meeting with Investigator Seifert at
15 the Dorchester County Sheriff's Office?

16 A. Yes, ma'am.

17 Q. And do you remember making a statement when
18 you met with him?

19 A. Yes, ma'am.

20 Q. And did you tell Investigator Seifert the
21 whole truth then?

22 A. No, ma'am.

23 Q. And have you met with me since you have been
24 arrested and in custody?

25 A. Yes, ma'am.

1 Q. When you met with me for the first time, did
2 you tell me the whole truth then?

3 A. No, ma'am.

4 Q. You met with me several times, did you not?

5 A. Yes, ma'am.

6 Q. And it is your intention to tell the truth,
7 the whole truth today?

8 A. Yes, ma'am.

9 Q. All right. Do you know Devante White?

10 A. Yes, ma'am.

11 Q. Do you see Devante White in this courtroom?

12 A. Yes, ma'am.

13 Q. All right. I'd like you to point to him,
14 and tell us sort of what shirt he's wearing.

15 A. A collared shirt.

16 Q. A collared shirt?

17 A. Uh-huh. Maroon and white.

18 Q. At the defense table?

19 A. Yes, ma'am.

20 MS. CAMPBELL: I'd like the record to reflect
21 that she has identified the Defendant.

22 THE COURT: The record shall show so reflect.

23 MS. CAMPBELL: Thank you, Your Honor.

24 BY MS. CAMPBELL:

25 Q. All right, Sarah, I've got to take you back

1 to how and when you first met Devante White. And
2 I'm going to take you back to, I believe, around
3 September of 2020.

4 A. Yes, ma'am.

5 Q. All right. Tell the jury how you came to
6 meet Devante White.

7 A. He was a pimp.

8 MS. CORNWELL: Objection, Your Honor.

9 THE COURT: Overruled. Go ahead.

10 MS. CAMPBELL: Okay.

11 BY MS. CAMPBELL:

12 Q. I'm gonna show you what's been marked as
13 State's Exhibit 78, 79 and 80. I want you to just
14 take a look at those, Sarah, and first of all tell
15 me, after you've looked at them, if you can identify
16 what is in those State's Exhibits?

17 A. Yes, ma'am.

18 Q. You can?

19 A. Yes, ma'am.

20 Q. And are they a fair and accurate depiction
21 of what you can identify in those exhibits?

22 A. Yes, ma'am.

23 Q. All right.

24 (Court Reporter marks State's Exhibit Number 78,
25 Photograph, as attached hereto.)

1 (Court Reporter marks State's Exhibit Number 79,
2 Photograph, as attached hereto.)

3 (Court Reporter marks State's Exhibit Number 80,
4 as attached hereto.)

5 MS. CAMPBELL: At this time, Your Honor, I'd
6 like to introduce into evidence State's 78, 79 and
7 80.

8 MS. CORNWELL: Your Honor, again, we would
9 object, subject to our previous objections for
10 relevancy, 403.

11 THE COURT: Okay, the Court notes the objection,
12 and overrules the objection.

13 (State's Exhibits 78 - 80 were admitted into
14 evidence.)

15 MS. CAMPBELL: Thank you. If we could pull up
16 State's Exhibit 78, please? No, you can't do it?
17 All right, well, what I'm going to do, we're having
18 some technical issues, I'm gonna just publish this
19 to the jury.

20 BY MS. CAMPBELL:

21 Q. Sarah, State's Exhibit 78, can you tell the
22 jury what State's Exhibit 78 is?

23 A. That's Shell Pointe Apartments.

24 Q. Shell Pointe Apartments? Okay. And State's
25 Exhibit Number 79?

1 A. Shell Pointe Apartments.

2 Q. And then State's Exhibit 80?

3 A. Shell Pointe Apartments.

4 Q. What -- who was at the Shell Pointe
5 Apartments with you in September, 2020?

6 A. Devante, my a couple other friends, and his
7 Uncle PI.

8 Q. His Uncle PI, okay. And when you were at
9 the Shell Pointe Apartments, did anyone there take
10 photographs of you, and I'm gonna show you what's
11 been marked as State's Exhibit 51, for prostitution
12 ads?

13 A. Yes, ma'am.

14 Q. Okay. When you were at the Shell Pointe
15 Apartments, I'm gonna say early September, 2020, do
16 you recall what you were required to do, in terms of
17 an out call and in call?

18 A. Yes, ma'am.

19 Q. What --

20 MS. CORNWELL: Your Honor, I'm gonna have an
21 ongoing objection to this line of questioning.

22 THE COURT: Objection noted.

23 BY MS. CORNWELL:

24 Q. On an in call, what were you required to do?

25 A. Have sex with a man inside the apartment.

1 Q. Did you go on any out calls while you were
2 working out of the Shell Pointe Apartments?

3 A. Yes, ma'am.

4 Q. How many did you go on?

5 A. Just one.

6 Q. All right. And do you recall, and let the
7 jury know where you were taken on that one out call?

8 A. Now known as Mr. Tim's house.

9 Q. Now known as Mr. Tim's house. So in
10 September, 2020, who took you to Mr. Tim's house?

11 A. PI.

12 Q. PI. And what is PI's relation to Devante?
13 That's his uncle I think you said?

14 A. That's his uncle.

15 Q. Okay. And did you stay at Mr. Tim's house
16 for any period of time then in September, 2020?

17 A. Like a hour.

18 Q. And then where did PI take you after --

19 A. Back --

20 Q. -- leaving --

21 A. Back to Shell Pointe Apartments.

22 Q. Okay, how many days, if you can recall, were
23 you at the Shell Pointe Apartments in this
24 situation?

25 A. About a week.

1 Q. Okay. When you were there, other than the
2 situation of having to do the in calls, and then the
3 one out call, did you have any relationship with
4 Devante of anything more than just him being there,
5 and being part of this operation?

6 A. Yes, ma'am.

7 Q. Okay. Tell the jury what kind of
8 relationship you had with him. It's okay.

9 A. We was having sex.

10 Q. Okay, that's fine, thank you, Sarah. All
11 right, so after September, 2020, do you go anywhere,
12 other than back home to your grandmother's?

13 A. To Walterboro.

14 Q. Okay, and do you hear from Devante White
15 again, at some point, after September, 2020?

16 A. Multiple times.

17 Q. All right. Did you hear from him in
18 November, 2020?

19 A. Yes, we texted frequently.

20 Q. All right. Do you recall being in a
21 situation, where you were going to be picked up and
22 taken somewhere by Devante White on November 16th,
23 2020?

24 A. Yes, ma'am.

25 Q. Where were you going to be taken? What was

1 your understanding about what was happening?

2 A. We was going to rob a rich white man.

3 Q. What would you have gotten, Sarah, for
4 robbing the rich white man?

5 A. Some money.

6 Q. Some money. Okay. When you were picked up,
7 were there other people in the car besides Devante
8 White?

9 A. Yes, ma'am.

10 Q. All right. Did you know the other people in
11 the car before that day?

12 A. No, ma'am.

13 Q. Okay. Did you talk about what was going to
14 happen once you got to Tim's house with the other
15 people in the car?

16 A. Not really.

17 Q. All right. Did you have any concern that
18 Tim might know you, or recognize you, and how was
19 that going to be handled, Sarah?

20 A. Devante reassured me that he wouldn't have
21 his phone.

22 MS. CORNWELL: Your Honor, I'm going to object,
23 we need to approach.

24 THE COURT: All right.

25 (Bench conference.)

1 BY MS. CAMPBELL:

2 Q. Okay, now, let's go back to November 16th,
3 2020, you've been picked up in Summerville at your
4 grandmother's; is that right?

5 A. Yes, ma'am.

6 Q. All right. And you've come down to Tim
7 Milliken's home down here at Westbury Park; is that
8 right?

9 A. Yes, ma'am.

10 Q. And the people in the car with you are who?

11 A. Devante, Malik and Jamal.

12 Q. All right. Now, you said you did not know
13 Jamal or Malik before that, correct?

14 A. Yes, ma'am.

15 Q. All right. Did you hear them called by any
16 street names or nicknames, or anything like that,
17 while you were with them in the car?

18 A. Yes, ma'am.

19 Q. And what were those names?

20 A. Trilley and Honcho.

21 Q. And what was Devante called by?

22 A. Honcho.

23 Q. Okay. And so when you get to the gate at
24 Tim's house, what happens at the gate? Do you stay
25 at the gate, or do you drive off? Tell us about

1 that.

2 A. We drive off.

3 Q. You drive off. Why do you drive off?

4 What's happening at the gate that causes you, the
5 four of you, to have to leave the gate?

6 A. Because Mr. Tim comes walking towards the
7 car.

8 Q. All right, and when Tim comes walking
9 towards the car, why are you leaving?

10 A. Because there's multiple people in the car.

11 Q. And with multiple people in the car, what
12 does that mean?

13 A. It looked sketchy, I don't know.

14 Q. It looked sketchy, okay. So was there some
15 concern that he wouldn't get in the car?

16 A. Yes, ma'am.

17 Q. Okay. So do you go down the road somewhere?

18 A. Yes, ma'am.

19 Q. All right. Do you remember how far you
20 went, or what you saw around you when the car
21 stopped?

22 A. Just woods, we didn't go far.

23 Q. And I know it's really hard to remember
24 where people were seated and all around that time,
25 Sarah, but do you remember if anybody got out of the

1 car when you had stopped down the road?

2 A. Yes, ma'am.

3 Q. All right. Do you remember who got out?

4 A. Jamal, Devante and Malik.

5 Q. All right. And when they got out of the
6 car, who, if anyone, got back into the car?

7 A. Devante.

8 Q. All right. Did you have any idea where
9 Jamal and Malik were? I mean --

10 A. I mean, yeah.

11 Q. Go ahead.

12 A. It's not hard, you know, they didn't just
13 disappear.

14 Q. Right, okay. So did anyone ever actually
15 say to you that they were in the trunk, or you just
16 assumed that?

17 A. It was just was obvious.

18 Q. Okay. All right, so when you got back to
19 the gate, what happened then?

20 A. Then Mr. Tim came out and got in the car.

21 Q. All right. Did you or -- did you talk with
22 Tim when he got in the car?

23 A. Not -- a little bit, yeah.

24 Q. Do you remember what you said to Tim, or
25 what the conversation was about?

1 A. Not word-for-word, no, ma'am.

2 Q. Did you have the understanding that Tim
3 thought you were staying over for a while?

4 A. Yes, ma'am.

5 Q. Okay. Did y'all stay at that gate, or did
6 you go to a different gate?

7 A. We left that gate and went to another gate.

8 Q. All right, and when you got to the other
9 gate, and I know you don't know a lot about this
10 area, but when you went around to the other gate,
11 how did you get into that gate?

12 A. Mr. Tim put in a code.

13 Q. He put in his passcode, okay. All right,
14 now, so you're inside the gate and then where do you
15 wind up?

16 A. In his driveway.

17 Q. In his driveway, okay.

18 MS. CAMPBELL: If we could pull up State's 30,
19 please? Did we have any chance to do that? Okay,
20 thank you.

21 BY MS. CAMPBELL:

22 Q. Now, Sarah, we're gonna walk through this,
23 so you can help us understand who you know to be
24 where in this video at Tim's home.

25 (Video being played for the jury.)

1 MS. CAMPBELL: Okay, if we can stop it right
2 here, please.

3 BY MS. CAMPBELL:

4 Q. All right, I see the car pulling in the
5 driveway. At this point, Sarah, where are you
6 seated in the car?

7 A. On the passenger side.

8 Q. And who is next to you?

9 A. Devante.

10 Q. Okay.

11 MS. CAMPBELL: All right, continue.

12 (Video being played for the jury.)

13 MS. CAMPBELL: Let's stop it right there.

14 BY MS. CAMPBELL:

15 Q. Who popped out of the trunk, Sarah?

16 A. Jamal and Malik.

17 Q. All right, and what did Jamal have in his
18 hand when he popped out of the trunk?

19 A. A gun.

20 Q. All right, and where was he pointing that
21 gun?

22 A. At Mr. Tim.

23 Q. And what did Devante do when they popped out
24 of the trunk?

25 A. Told him to put his hands behind his back.

1 Q. He grabbed Tim?

2 A. Yes, ma'am.

3 Q. Okay, so when that happens, what do you do?

4 A. Just go with what was going on.

5 Q. Going with what was going on?

6 A. Yeah.

7 Q. And do you know what a lick means?

8 A. Yes, ma'am.

9 Q. Gonna do a lick?

10 A. Yes, ma'am.

11 Q. Okay, what does that mean?

12 A. That means going to get some money like --

13 Q. From who?

14 A. Mr. Tim.

15 Q. Okay.

16 A. I mean anybody, whoever just the lick is
17 for, I don't --

18 Q. Whoever the target of the lick might be?

19 A. Yes, ma'am.

20 Q. Okay.

21 MS. CAMPBELL: All right, so continue, please.

22 (Video being played for the jury.)

23 BY MS. CAMPBELL:

24 Q. Now, who's coming down the driveway here?

25 A. Devante and Mr. Tim and Jamal.

1 Q. Okay. And who's that now coming down the
2 driveway?

3 A. Me.

4 Q. All right, and who's following you?

5 A. Malik.

6 Q. Okay.

7 MS. CAMPBELL: Stop it right there.

8 BY MS. CAMPBELL:

9 Q. Sarah, I want to talk to you about the zip-
10 ties. Did you do anything to assist Devante with
11 the zip-ties on the back porch?

12 A. Yeah, he dropped them, so I picked them up.

13 Q. Okay, I think I heard you say that Devante
14 dropped the zip-ties, and you picked them up?

15 A. Yes, ma'am.

16 Q. What did you do when you picked them up?

17 A. Threw them back at him.

18 Q. Okay. And was Devante able to get the zip-
19 ties around Tim's hands?

20 A. No, ma'am.

21 Q. Why was that? What was happening on that
22 back porch? What was Mr. Tim doing?

23 A. Resisting.

24 Q. Resisting who?

25 A. Devante.

1 Q. Okay. And what was Devante's reaction to
2 the resistance?

3 A. He got angry.

4 Q. And did you see Devante hit Tim in the head
5 and the gun fire?

6 A. Yes, ma'am.

7 MS. CORNWELL: Your Honor, object to leading.

8 BY MS. CAMPBELL:

9 Q. Did that --

10 THE COURT: I'll sustain it.

11 BY MS. CAMPBELL:

12 Q. How did you feel? How did that make you
13 feel with the gun going off?

14 A. Like scared.

15 Q. Okay. Then you don't run away at that
16 point? Do you stay at the back porch?

17 A. Yes, ma'am.

18 Q. All right. At some point do you hear or see
19 the gun being fired again?

20 A. I hear it.

21 Q. You hear the gun being fired again?

22 A. Yes, ma'am.

23 Q. And what was going through your mind? What
24 did you hear? What did you think was going on when
25 you heard that second shot go off?

1 A. I thought he shot a hole in the washing
2 machine.

3 Q. Why would you think he shot a hole in the
4 washing machine?

5 A. Because it sounded like water flooding.

6 Q. I'm sorry, it sounded like water --

7 A. Like water flooding.

8 Q. Okay. All right, thank you, Sarah, hold on
9 one second. Sarah, when you left Tim's home, do you
10 know where you went after that?

11 A. I know now, I didn't know then.

12 Q. Right, okay. How about this, did you wind
13 up in Savannah at some point?

14 A. Yes, ma'am.

15 Q. Okay. Did you -- who was with you in
16 Savannah then that night or into the next morning?

17 A. Devante, Malik, Jamal and Quincie and her
18 daughter.

19 Q. Had you ever met Quincie before that night?

20 A. No, ma'am.

21 Q. At some point did you and Devante and Jamal
22 and Malik and Quincie and the baby leave Quincie's
23 house?

24 A. Yes, ma'am.

25 Q. Okay, do you know why you had to leave?

1 A. Because the police were at her mom's house.

2 Q. Okay, and how did you leave Quincie's house?

3 Did you get in a car or --

4 A. Got in the car.

5 Q. And then was that the same car that was at

6 Mr. Tim's house?

7 A. Yes, ma'am.

8 Q. All right, and where did you go?

9 A. To Atlanta.

10 Q. Somewhere around Atlanta?

11 A. Yes, ma'am.

12 Q. So when you got there and the car finally
13 stopped, can you describe where it stopped? Like a
14 house or a road or --

15 A. The first stop was at an apartment.

16 Q. Okay.

17 A. Then we left there and went to a bunch of
18 houses.

19 Q. And when you were at the bunch of houses,
20 did anybody get out of the car and go into any
21 house?

22 A. Quincie.

23 Q. Okay. Did that -- did Quincie ever come
24 back out of the house she went into?

25 A. Yes, ma'am.

1 Q. Okay, and when she came back out what
2 happened?

3 A. She was just telling us that the police had
4 called her parents, they're looking for people
5 involving, you know, a murder.

6 Q. Did the police actually come to where you
7 were at that time?

8 A. Yes, ma'am.

9 Q. And when they came what happened to the
10 people in the car?

11 A. They took off running.

12 Q. Did you run?

13 A. No, ma'am.

14 Q. And did you talk to the police that day?

15 A. Yes, ma'am.

16 Q. Were you arrested that day?

17 A. No, ma'am.

18 Q. Did you come back to South Carolina?

19 A. Yes, ma'am.

20 Q. And then you were arrested, what, a couple
21 of days after that?

22 A. Yes, ma'am.

23 Q. Okay. Hold on one second. All right, just
24 to finish up, Sarah, from what you saw when you were
25 at Tim's home, was Tim acting threatening or

1 aggressive to Devante?

2 A. Yeah.

3 Q. Because he was trying to resist him breaking
4 into his home?

5 A. Yes, ma'am.

6 Q. And he was fighting back against that?

7 A. Yes, ma'am.

8 Q. Did Tim, you know, try to have a gun, or
9 point a gun, or something like that at Devante?

10 A. No, ma'am.

11 Q. All right. And he was not in any way
12 verbally, you know, calling out, threatening, saying
13 anything to Devante?

14 A. Not that I heard.

15 Q. Okay. Thank you.

16 THE COURT: Cross-examination.

17 ***

18 CROSS-EXAMINATION

19 BY MS. CORNWELL:

20 Q. How are you doing, Ms. Barr?

21 A. Hi.

22 Q. Ms. Barr, on November 16th of 2020 you were
23 17-years-old?

24 A. Yes, ma'am.

25 Q. When is your birthday?

1 A. On [REDACTED]/03.

2 Q. On Halloween?

3 A. Yes, ma'am.

4 Q. So the entire time that you've known my
5 client, that you were with this individual, PI, you
6 were 16-years-old or older?

7 A. Yes, ma'am.

8 Q. And you've indicated you thought PI, the
9 person you know as PI, was my client's uncle?

10 A. Yeah.

11 Q. Is that because you heard PI called Unc?

12 A. Yes, ma'am.

13 Q. But you don't know specifically of any
14 family relationship?

15 A. No, ma'am.

16 Q. It's just based on the fact that he would
17 call him Unc?

18 A. Yes, ma'am.

19 Q. And you're aware that my client never took
20 you on this out call, never did anything like that,
21 right?

22 A. Yes, ma'am.

23 Q. In fact -- and then you indicated that the
24 people that would be at those apartments, I think
25 you had mentioned, Leni, Layla?

1 A. Yes, Leni.

2 Q. That's Honcho's girl, right?

3 A. No, ma'am.

4 Q. That's not Honcho's girl?

5 A. No, ma'am, he doesn't know her.

6 Q. And the other people that would be around,
7 that was Trilley and Honcho that were also around?

8 A. No, ma'am.

9 Q. We talked about your indictments and what
10 you pled guilty to and what's pending. When do you
11 believe you're supposed to get sentenced on that?

12 A. After everything's over.

13 Q. And what is your understanding of what your
14 sentence is gonna be?

15 A. I have no understanding at all.

16 Q. Have you talked to your attorney about what
17 type of sentence you could expect?

18 A. Yes, ma'am.

19 Q. And you've talked with other people about
20 kind of what you've indicated you can expect by your
21 cooperation, correct? You've talked to your grandma
22 and --

23 A. No, it's just my hope, what I hope.

24 Q. And you think that's gonna be time served
25 with probation?

1 A. I hope so.

2 Q. And you indicated that two other indictments
3 are pending, but it's your understanding by testify
4 here today, you're not gonna be tried for murder,
5 are you?

6 A. I was never told that, they're still there.

7 Q. You think you're gonna be tried for murder
8 on this case?

9 A. I could be, I was never told no.

10 Q. Has your attorney indicated to you that
11 you're gonna be tried for that?

12 A. We haven't talked about it.

13 Q. But it's your hope today that by testifying
14 that you're gonna get time served and probation on
15 this case?

16 A. No, I was never promised anything.

17 Q. But that's your hope?

18 A. Yeah, that's what I hope. Yes, ma'am.

19 Q. And before you agreed to testify, you were
20 facing 30 years to life?

21 A. Yes, ma'am.

22 Q. So -- and you realize that the attempted
23 armed robbery that you pled to, you would possibly
24 get probation, and the maximum you could get would
25 be 20 years?

1 A. 20 years.

2 Q. You indicated that you were living with your
3 grandma in 2020, that's because your mom and
4 stepfather had kicked you out of the house, because
5 of the guy that you were hanging out with was the
6 crowd, isn't it?

7 A. No, I've lived with my grandma since I was
8 18-months-old.

9 Q. And you're aware that law enforcement talked
10 to your stepfather and your sister about your living
11 arrangements?

12 A. Yeah, I would -- I stayed there, but I was
13 not -- I've been with my grandmother since I was 18-
14 months-old.

15 Q. And your grandmother's always lived in
16 Summerville?

17 A. Yes, ma'am.

18 Q. But you were going to --

19 A. St. George --

20 Q. -- high school in Walterboro at one point,
21 correct?

22 A. I was in foster care, yes, ma'am.

23 Q. And during this time you were actually at
24 Palmetto Behavioral School?

25 A. Behavioral Health, yes, ma'am.

1 Q. And that was because of ongoing behavioral
2 issues you were having?

3 A. With my stepfather, yes, ma'am.

4 Q. You've indicated that you met with the
5 Solicitor several times in preparation for your
6 testimony?

7 A. Yes, ma'am.

8 Q. Have gone over your statement several times?

9 A. Yes, ma'am.

10 Q. And you haven't given the same statement
11 each time, have you?

12 A. No, ma'am.

13 Q. So you've lied about every time you've
14 talked to her about the --

15 A. Not the last time.

16 Q. But each time you've talked to her was
17 supposed to be the last time, right? And you were
18 supposed to have been completely honest with her,
19 correct?

20 A. Yes, ma'am.

21 Q. And every time you've talked to her, and
22 every time you talked to law enforcement, you told
23 them you were being 100 percent truthful each time?

24 A. Yes, ma'am.

25 Q. And then they would present you with

1 something else that they found, and you would change
2 your story to meet that, and that's where your story
3 kept changing, correct?

4 A. Yes, ma'am.

5 Q. So, for instance, when you spoke to law
6 enforcement, you told them that you had known my
7 client for seven or eight months, right?

8 A. Yes, ma'am.

9 Q. But that wasn't true?

10 A. No, ma'am. No, ma'am.

11 Q. You've known Trilley for seven or eight
12 months?

13 A. I don't know Trilley and Honcho.

14 Q. You've been to the apartments in Bluffton
15 with them before?

16 A. No, ma'am, I've never even been to Beaufort
17 until I knew Devante.

18 Q. Devante had never taken you to Beaufort.

19 A. Him and his uncle did take me to Beaufort.

20 Q. That's not what you said. So now you're
21 changing your statement again, because before you
22 just said PI was the only one that took you there,
23 Devante never took you on out calls.

24 A. No, Devante -- no, not on out calls, I'm
25 saying who brought me to Beaufort, was Devante and PI

1 for the very first time from Walterboro. They came
2 and picked me and my friends up and took me to
3 Beaufort, that's the first time I've ever been to
4 Beaufort.

5 Q. And when you met with PI, when you were
6 shown the apartments and stuff, your friend Laylay
7 told you what she was doing. You voluntarily went
8 there?

9 A. Yes, ma'am.

10 Q. And you voluntarily stayed?

11 A. Yes, ma'am.

12 Q. And you could have come and gone as you
13 pleased?

14 A. Yeah, if they would have took me home, yeah.

15 Q. And you made money off of that?

16 A. Yes, ma'am.

17 Q. So you were talking about doing licks was to
18 get money from people. So when you were --

19 A. I wasn't talking about doing licks.

20 Q. When you were asked what doing a lick was,
21 you said that's to get money from somebody, correct?

22 A. I mean it could be multiple things, but in
23 this case it was.

24 Q. So going and having sex and getting money
25 from a man --

1 A. That's not a lick, that's a play.

2 Q. So when you first spoke with law enforcement
3 and let's talk about that. When law enforcement
4 approached you in Georgia, they didn't arrest you?

5 A. No, ma'am.

6 Q. They didn't even talk to you down there, did
7 they?

8 A. Yes, ma'am.

9 Q. Did they take you to a police station?

10 A. No, they came to Quincie's grandmother's
11 house.

12 Q. And did they give you your Miranda rights,
13 or anything?

14 A. No, ma'am.

15 Q. Did you give them any sort of written
16 statement or a recorded statement?

17 A. It was recorded.

18 Q. It was? Do you know the officer who
19 recorded that statement for you?

20 A. No, ma'am, it was a Gwinnett County
21 Detective.

22 Q. And then you said you came back to
23 Summerville, and couple days later is when you were
24 arrested by the Beaufort County Sheriff's Office?

25 A. The night I came back, the next morning I

1 was arrested.

2 Q. Yeah, but you didn't immediately go back to
3 Summerville?

4 A. No, I was stuck in Georgia.

5 Q. And you stayed in Georgia for a day or so.
6 You went to Jasper or somewhere --

7 A. No, ma'am.

8 Q. -- or the Ridgeland area?

9 A. No, ma'am, that's not true.

10 Q. How did you get back from Savannah to
11 Summerville? What route did you take?

12 A. My sister bought me an Uber from Quincie's
13 house to my grandmother's house.

14 Q. And that was several days later, correct?

15 A. Yes, ma'am, I was stuck in Georgia.

16 Q. When you spoke with law enforcement that
17 first time, you told them that my client picked you
18 up, and you'all were going to sell weed?

19 A. Yes, ma'am.

20 Q. That you made several stops, including a
21 stop in an apartment in Beaufort, where you'all
22 picked up two males?

23 A. Yes, ma'am.

24 Q. And that was Trilley and Honcho?

25 A. Yes, ma'am.

1 Q. And you indicated that they were wearing
2 masks when they got in --

3 A. Yes, ma'am.

4 Q. -- you couldn't see them? Did they have ski
5 masks on?

6 A. Yes, ma'am.

7 Q. But that wasn't true?

8 A. No, ma'am.

9 Q. You also indicated that when you'all went to
10 the gate and Tim came out, that they were talking
11 about selling the person weed?

12 A. Yes, ma'am.

13 Q. That you didn't know what was happening, you
14 just thought you were there to purchase weed,
15 correct?

16 A. No, I never --

17 Q. Or sell weed.

18 A. Yeah. Yes, ma'am.

19 Q. And, in fact, that's basically the same
20 thing that you told the Solicitor the first time,
21 isn't it?

22 A. Yes, ma'am.

23 Q. Let me get into these exhibits. Once you
24 hired your attorney, you were given information
25 about your case, right?

1 A. Yes, ma'am.

2 Q. And you were able to go through that
3 information with your attorney, correct?

4 A. Yes, ma'am.

5 Q. And that would include incident reports,
6 statements that other people had given, and all
7 that, correct?

8 A. Yes, ma'am.

9 Q. And that's why your story kept changing,
10 correct?

11 A. No, I just started telling the truth.

12 Q. When was the first time you met with the
13 Solicitor and gave her a statement?

14 A. I don't remember, it was this year.

15 Q. And that wasn't the truth?

16 A. Not the first time when I met her.

17 Q. And they talked to you again and you changed
18 your story, but that wasn't the truth?

19 A. No, ma'am.

20 Q. And they talked to you again, and now we
21 finally got to where you've got to testify at trial,
22 and so now this story is the true story?

23 A. Yes, ma'am.

24 Q. Let's talk about the car ride. When the
25 black Altima pulled up to your grandma's house to

1 pick you up, who was driving?

2 A. Trilley.

3 Q. And Honcho was in the front seat?

4 A. No, ma'am.

5 Q. Who was in the front seat?

6 A. Devante.

7 Q. Honcho was in the backseat?

8 A. Yes, ma'am.

9 Q. And you got in the backseat with Honcho?

10 A. Yes, ma'am.

11 Q. And when you got in the backseat, Honcho had
12 a gun on him, didn't he?

13 A. Yes, ma'am.

14 Q. Honcho had that gun at the time you got in
15 that car, correct?

16 A. Yes, ma'am.

17 Q. And Honcho was sitting behind --

18 A. Devante.

19 Q. -- Devante? And so when you'all left your
20 house, Malik was the one driving down to Kingston?

21 A. Yes, ma'am.

22 Q. And so when you'all pulled up for the first
23 time to the gate and Tim's coming out, is Malik in
24 the seat and you'all had to run away and pull over
25 on the side road then, right?

1 A. Yes, ma'am.

2 Q. Okay. And when you'all pulled over on the
3 side of the road, that's when you said the three
4 boys got out of the car, correct?

5 A. Yes, ma'am.

6 Q. And you heard arguing in the back, correct?

7 A. Yes, ma'am.

8 Q. Did you hear what was being said?

9 A. No, ma'am.

10 Q. And when Honcho got out of the car, he still
11 had that loaded gun with him, correct?

12 A. Yes, ma'am.

13 Q. You never, at any point in time, saw my
14 client take that gun and give it to Honcho, correct?

15 A. No, ma'am.

16 Q. And you never saw my client give Honcho a
17 mask?

18 A. No, ma'am.

19 Q. And when the argument was over and they got
20 back in the car, it was just my client that got in
21 the car in the driver's seat?

22 A. Yes, ma'am.

23 Q. And you were in the passenger seat at that
24 time?

25 A. Yes, ma'am.

1 Q. You talked about PI taking you to Mr. Tim's
2 house before?

3 A. Yes, ma'am.

4 Q. Out of the four people in that car, the only
5 person that had been in Mr. Tim's house before was
6 you, correct?

7 A. No. I mean -- yeah, I don't know, uh-huh.

8 Q. And the last time that you were at Mr.
9 Tim's, he took nude photos of you, correct?

10 A. I don't remember.

11 Q. Has your attorney shown you a photo that was
12 taken of you with your hand over your face?

13 A. No, ma'am.

14 Q. Do you remember Mr. Tim having cameras
15 inside his house?

16 A. No, ma'am.

17 Q. Do you remember him taking photos of you?

18 A. No, ma'am.

19 Q. Would it surprise you to know that prior to
20 this Mr. Tim had sent out a picture -- a naked
21 picture of you to other people in the community?

22 MS. CAMPBELL: Objection, Your Honor, there's no
23 foundation for that, and absolutely no evidence of
24 it.

25 MS. CORNWELL: Yes, we have the photo.

1 MS. CAMPBELL: No, that --

2 THE COURT: I'll sustain the objection.

3 MS. CAMPBELL: Thank you, Your Honor.

4 BY MS. CORNWELL:

5 Q. You would admit that you've had nude photos
6 taken of you before?

7 A. Yes, ma'am.

8 Q. And it's possible that those photos have
9 been put out for public view, correct?

10 A. Yes, ma'am.

11 Q. Did you ever willingly consent to Mr. Tim
12 taking nude photos of you?

13 A. No, ma'am.

14 MS. CAMPBELL: Your Honor, asked and answered.
15 You know, number one, she says she doesn't remember,
16 and then she says no. I mean I think we need to
17 move on.

18 THE COURT: Overruled, it's already been done,
19 go ahead.

20 BY MS. CORNWELL:

21 Q. So when you get to Mr. Tim's house with my
22 client driving the car, you get out of the car, and
23 you tell them to hop in the trunk, correct?

24 A. No, ma'am.

25 Q. You didn't tell Devante to pop the trunk so

1 that Mr. Tim could get your stuff out?

2 A. No, the trunk was already popped.

3 Q. And then once the truck was popped, that's
4 when Honcho and Trilley jumped out of the trunk, and
5 Honcho pointed the gun at Mr. Timm?

6 A. Yes, ma'am.

7 Q. And you'all go to the back of the house,
8 correct?

9 A. Yes, ma'am.

10 Q. And at that point, Mr. Tim wants to go
11 inside his home, he just doesn't want you'all to
12 come inside his home, correct?

13 A. Yes, ma'am.

14 Q. So Mr. Tim wanted to get back in the house,
15 he just didn't want you'all to come?

16 A. Yes, ma'am.

17 Q. And while Mr. Tim is trying to get in his
18 house and not let you'all in, Honcho has the gun?

19 A. Yes, ma'am.

20 Q. And Honcho is yelling about -- to my client
21 about, "Get in the house, get in the house?"

22 A. Honcho did not have the gun too long when
23 they got to the back.

24 Q. You saw Honcho hitting -- trying to hit Mr.
25 Tim, correct?

1 A. Yes, ma'am.

2 Q. He hit him multiple times, didn't he, or
3 tried to hit him multiple times, didn't he?

4 A. Yes, ma'am.

5 Q. And you did not see when the gun went off --

6 A. Yes, ma'am.

7 Q. -- you just heard it?

8 A. I heard it. I mean I'd seen it.

9 Q. When the gun went off the first time where
10 were you?

11 A. I was same place I was the whole time.

12 Q. And that's when -- during that time when
13 Honcho is repeatedly striking Mr. Tim, correct, or
14 trying to?

15 A. I don't remember.

16 Q. And Trilley is back with my client, correct?

17 A. Trilley was looking around.

18 Q. Did you see how the gun got from Honcho to
19 my client?

20 A. No, ma'am.

21 Q. And after that second shot when you'll ran
22 and got back in the car, correct?

23 A. Yes, ma'am.

24 Q. Nobody ever went inside that house?

25 A. No, ma'am.

1 Q. But Honcho was the last to get in the car,
2 he kind of stayed back for a second, right?

3 A. I don't remember.

4 Q. When you'all left Mr. Tim's, where'd you go?

5 A. To Trilley's grandmother's house.

6 Q. And you'all stayed there for a while?

7 A. I can't remember that.

8 Q. What did Trilley do when you'all got -- and
9 you said Trilley's grandma house, where is that? Is
10 that in Dale?

11 A. Yes, ma'am.

12 Q. What'd Trilley do when you'all got to his
13 grandma's house?

14 A. Nothing, we all sat in the car at the
15 grandma's house.

16 Q. Do you recall telling the Solicitor that
17 Trilley went inside of his grandma's house, called a
18 girl --

19 A. That was a different location.

20 Q. Well --

21 A. I don't know where we was at then. We was
22 in Dale, but I don't know whose house, or where we
23 was at.

24 Q. Oh, so you'all made multiple stops in Dale?

25 A. Yes, ma'am.

1 Q. Okay. So for the duration how long would
2 you say you were in Dale?

3 A. Maybe a hour, a little bit more.

4 Q. And what was Honcho doing while you'all were
5 in Dale?

6 A. He was silent. He kept -- him and Devante
7 was -- like he was mad at Devante.

8 Q. At some point did Honcho walk off and go
9 somewhere else?

10 A. Yes, ma'am.

11 Q. And then he came back?

12 A. Yeah, we went and got him.

13 Q. And then he got back in the car?

14 A. Yes, ma'am.

15 Q. All right. You said you don't know where
16 you were when Trilley called another girl?

17 A. No, ma'am.

18 Q. Do you know who the other girl was?

19 A. No, ma'am.

20 Q. Do you know what he did with that other
21 girl?

22 A. I can only guess, but not for sure.

23 Q. What do you think they were doing?

24 A. Having sex.

25 Q. And this was shortly after this incident

1 happened, or immediately after this incident
2 happened?

3 A. Yes, ma'am.

4 Q. And my client stayed in the car the whole
5 time you were in Dale, right?

6 A. When me and him was outside we were talking,
7 but -- yeah.

8 Q. But he never went in anybody's house, never
9 went away from the car?

10 A. No, ma'am.

11 Q. And then you'all went to Savannah?

12 A. Yes, ma'am.

13 Q. And then after Savannah is when you'all went
14 to Atlanta?

15 A. Yes, ma'am.

16 Q. And during that time do you recall hearing
17 my client say that he didn't mean to shoot him?

18 A. I don't remember hearing it.

19 Q. Was he upset about what happened?

20 A. I think we all was.

21 Q. At no point did you ever see my client
22 threaten Honcho, correct?

23 A. No, ma'am.

24 Q. And at no point did you ever see my client
25 threaten Trilley?

1 A. No, ma'am.

2 Q. And the only time you saw my client with a
3 firearm was after Honcho had given it to Malik, or
4 given it to him, correct?

5 A. Yes, ma'am.

6 Q. To your knowledge, that was Jamal's gun?

7 A. Yes, ma'am.

8 Q. Did you ever touch that gun?

9 A. No, ma'am.

10 Q. You never had any reason to handle that gun?

11 A. No, ma'am.

12 Q. Never pointed it anybody or held it on
13 anybody?

14 A. No, ma'am.

15 Q. Can you explain why your DNA's on the gun
16 then?

17 A. I have no idea.

18 MS. CORNWELL: Your Honor, I believe that's all
19 the questions I have.

20 THE COURT: Redirect?

21 MS. CAMPBELL: That's all, Your Honor.

22 THE COURT: All right. Thank you, ma'am, you
23 can step down.

24 MS. CAMPBELL: Your Honor, we'll need to take
25 about a ten-minute break for the next witness.

1 THE COURT: Ladies and gentlemen, we have
2 another witness, and, apparently, it's gonna take
3 about ten minutes for that witness to be transported
4 here. Let's take a ten-minute recess. I'll remind
5 you it's too early to begin discussing the case.

6 (Jury exits the courtroom.)

7 THE BAILIFF: The jury's cleared, Your Honor.

8 THE COURT: Do we need to take a break, or do
9 you want to go ahead and put on the record the
10 sidebar?

11 MS. CAMPBELL: I think we have -- we can put
12 that -- it's up to Your Honor, but we do -- we did
13 want to put the sidebar on the record, and then,
14 additionally, we need just for clarification
15 purposes with Malik White's attorney.

16 I wanted to address that as well, in terms of
17 his prison, where. The defense attorney has
18 requested that he be put in his street clothes. The
19 State objects to that, because it would create an
20 illusion, and that is not reality of where he is.
21 And so we certainly think he should be in his
22 Beaufort County Detention Center clothing, it's the
23 truth of the matter. I would never want to put
24 something in that doesn't represent the truth, but
25 if his attorney needs to address the Court, I'm

1 happy for her to do that.

2 THE COURT: Well, let me see what defense
3 counsel says.

4 MS. GIBBES: Your Honor, thank you. I actually
5 represent --

6 THE COURT: Look --

7 MS. CORNWELL: I'll let you talk.

8 THE COURT: I know, I know, you're also a
9 defense counsel.

10 MS. GIBBES: Yes. Yes, Your Honor.

11 THE COURT: Ms. Cornwell?

12 MS. CORNWELL: I have no objection, Your Honor.

13 THE COURT: Okay, now, go ahead, I'll be glad to
14 hear from you.

15 MS. GIBBES: Your Honor, it's not street
16 clothes, so to speak, it's not the clothes he was
17 arrested in. It's the clothes that we've actually
18 provided for him for court, dress pants and a dress
19 shirt, and a sweater, Your Honor. He has not been
20 sentenced in this case. His sentencing is held in
21 abeyance, and also there's been media coverage on
22 this case, and I'm very concerned about how my
23 client presents himself in court in front of a jury.
24 And I think it would be prejudicial to him, even
25 sentencing before this Court later on, if he is

1 presented in jail attire.

2 Your Honor, the only reason he's in the jail is
3 because his bond had been revoked; otherwise, he
4 would have come in dressed like Jamal Coakley in his
5 business clothing.

6 THE COURT: Well, let me ask you this, unless I
7 missed it, there aren't any cameras in the
8 courtroom, are there?

9 MS. GIBBES: No, Your Honor, but it appeared in
10 the media yesterday, so I don't know what the
11 media's gonna write today, but they did write some
12 information yesterday that actually wasn't entirely
13 truthful.

14 THE COURT: I'll deny your request, so let him
15 appear in the garb he's in now.

16 MS. GIBBES: Thank you, Your Honor.

17 MS. CAMPBELL: Thank you, Your Honor.

18 THE COURT: Now, Ms. Cornwell, you had an
19 objection that we heard at a side bar relating to
20 phone calls. It's your motion, I don't want to tell
21 you what your motion was.

22 MS. CORNWELL: Thank you, Your Honor. I
23 objected to, you know, the State's questioning of
24 Ms. Barr, regarding a phone conversation about
25 picking her up to do a lick, and that line of

1 questioning. My objection was based on the fact
2 that Your Honor has suppressed the cell phone
3 records and search of my client's phone.

4 It was my understanding, based on the statements
5 that the State had provided to me up to that point,
6 of what Ms. Barr had already stated was her
7 recollection of this case, and none of those
8 included any phone call about, you know, any lick or
9 robbery or anything of that nature. And the only
10 reason that the State knew to ask her those
11 questions, impeach her on those questions on her
12 previous statements, was to show her the records,
13 and go through those text messages. And so my
14 objection was that because the cell phone records
15 had been suppressed, that any information the State
16 gathered as a result of those phone records, would
17 prove as a part of that unlawful search, and,
18 therefore, should not be allowed to be used in the
19 direct examination of that witness. Again, I have
20 the proffered statement that they gave me on June
21 9th, and that was the date that the EU report came
22 out, and that was the day that they approached Ms.
23 Barr.

24 I have an addendum to her proffered statement,
25 so it is clear to me that they were unaware of any

1 of these conversations, or calls, or anything of
2 that nature until the unlawful search was done, and,
3 therefore, any information that they were trying to
4 procure in front of the jury, based on those
5 conversations, while they wanted to say it was an
6 independent recollection of the witness, certainly,
7 they did not know to question her on that, ask her
8 about that, or have her independently recall any of
9 that, until they had the records that were
10 suppressed.

11 So that was the basis of my objection, and I
12 think we actually -- I believe she moved on fairly
13 quickly after that, so there was no need to continue
14 objecting further; but for purposes of the record,
15 that was the basis for the original objection.

16 THE COURT: There really was not much asked
17 after the objection was made, was it? I can't
18 remember what it was.

19 MS. CORNWELL: There was not, Your Honor, she
20 moved on very quickly, and I appreciated that.

21 THE COURT: Solicitor?

22 MS. CAMPBELL: Your Honor, I would just say that
23 the questions that the State asked on direct were
24 appropriate. They were -- there was nothing
25 objectionable to them. It was very brief, just

1 about when the contact was made, again, between
2 September and November, how that contact was made.
3 It was indicated it was a phone call and reaching
4 out in that manner.

5 And, again, I'm not gonna go down the rabbit
6 hole of the whole cell phone text messages and
7 Facebook, because, clearly, it's been suppressed,
8 but we did have independent Verizon records of text
9 messages, so there is an independent source in
10 reference to the conversations between Devante White
11 and certainly Tim; but I would say that, if
12 anything, the cell phone extraction that the
13 Beaufort County Device Extraction Unit did,
14 refreshed her recollection.

15 But honestly, we did not delve into it in such a
16 manner that I think would violate anything in your
17 ruling. Thank you, Your Honor.

18 THE COURT: Yeah, and that's my recollection is,
19 the argument that was made at the sidebar and the
20 Court, I overruled the objection, and asked that we
21 go ahead and proceed with the testimony, based on
22 the sidebar ruling. And giving the defense counsel
23 the opportunity to put it on the record at a later
24 date, so --

25 MS. CORNWELL: Thank you, Your Honor.

1 THE COURT: Anything else during the break?

2 MS. CAMPBELL: Nothing else from the State
3 before the break, and I would inquire as to whether
4 or not Mr. Malik White is here, and leave that to
5 Your Honor when you would like to resume.

6 THE COURT: Let's take a break we just said.

7 MS. CAMPBELL: Thank you.

8 (RECESS)

9 THE BAILIFF: The jury's entering the courtroom,
10 Your Honor.

11 (Jury enters the courtroom.)

12 THE BAILIFF: The jury is seated, Your Honor.

13 ***

14 PROCEEDINGS CONTINUED

15 THE COURT: Welcome back, ladies and gentlemen,
16 I believe the Solicitor's ready to call another
17 witness.

18 MS. CAMPBELL: Thank you, Your Honor, the State
19 calls Malik White.

20 * * *

21 MALIK WHITE

22 * * *

23 being first duly sworn, testified as follows:

24 ***

25 DIRECT EXAMINATION

1 BY MS. CAMPBELL:

2 Q. Good afternoon, Mr. White. I'm gonna ask
3 that you remove your face covering. You can take it
4 all the way off, if you like, while you are
5 testifying. Thank you. Would it be all right with
6 you, if I call you Malik?

7 A. Yes, ma'am.

8 Q. Okay. Malik, do you know Devante White?

9 A. Yes, ma'am.

10 Q. And how do you know Devante White?

11 A. I know Devante through his cousin, so like
12 we're from the same area.

13 Q. Because you call each other cousins growing
14 up in the same area?

15 A. Yeah.

16 Q. And so I hear growing up, so have you known
17 him for a long time?

18 A. Yeah, like on and off like -- I've seen him
19 around when I was young, but we didn't really start
20 hanging around until like 2020.

21 Q. Do you see Devante White in this courtroom?
22 I want you to take a look around and let me know if
23 you see him.

24 A. Yes, ma'am.

25 Q. Okay. I'm gonna need you to point him out

1 and tell me what he's wearing.

2 A. He's wearing that white shirt.

3 Q. At the defense table?

4 A. Yes, ma'am.

5 Q. Okay.

6 MS. CAMPBELL: I'd like the record to reflect
7 that he has identified the Defendant.

8 THE COURT: The record should so reflect.

9 MS. CAMPBELL: thank you. Thank you so much,

10 BY MS. CAMPBELL:

11 Q. Malik, you were indicted with murder and
12 attempted armed robbery and kidnapping in this case,
13 correct?

14 A. Yes, ma'am.

15 Q. All right. And you were court appointed an
16 attorney?

17 A. Yes, ma'am.

18 Q. All right. Do you see that attorney in the
19 courtroom today?

20 A. Yes, ma'am.

21 Q. Okay. You do see her?

22 A. Yes, ma'am.

23 Q. All right. Now, Malik, you pled guilty to
24 attempted armed robbery back in September of 2022;
25 is that correct?

1 A. Yes, ma'am.

2 Q. All right. And your other indictments for
3 murder and kidnapping, they're still pending?

4 A. Yes, ma'am.

5 Q. Okay. And have you been sentenced yet on
6 the attempted armed robbery?

7 A. No.

8 Q. All right. Now, do you know Jamal Coakley?

9 A. Yes, ma'am.

10 Q. And how do you know Jamal Coakley?

11 A. We grew up together.

12 Q. All right. Are you related to him in any
13 way?

14 A. He's my cousin.

15 Q. Your cousin, okay. Do you know Sarah Barr?

16 A. No.

17 Q. When did you -- if you -- I know you said
18 you don't know her, so on November 16th, 2020 --

19 A. That's the first time I met her.

20 Q. -- did you come to know Sarah Barr?

21 A. That's the first time I met her.

22 Q. Okay, I'm sorry, I needed to make that more
23 clear. All right, is that the first time you met
24 Sarah?

25 A. Yes, ma'am.

1 Q. All right. On November 16th of 2020, do you
2 recall where you were, let's talk about the daylight
3 hours of the day, and who you were with?

4 A. Already that day I was home with my
5 girlfriend, Devante and Jamal, and my daughter.

6 Q. All right, so in that home, your
7 girlfriend's home, where is that?

8 A. Savannah.

9 Q. Do you know the address?

10 A. [REDACTED] Delesseps Avenue.

11 Q. Okay. And do you sometimes call Devante by
12 a nickname?

13 A. Not really, I mean --

14 Q. Not really?

15 A. -- I call him Devante, but --

16 Q. That's fine. What about Jamal, do you have
17 a nickname that you call him?

18 A. Honcho.

19 Q. Honcho? And does anybody call you by a
20 nickname?

21 A. Everyone calls me Trilley.

22 Q. Trilley, okay. In the daylight hours while
23 you're hanging out in Savannah at your girlfriend's
24 house with Devante and Malik -- excuse me, and
25 Jamal, did you leave that location?

1 A. Yes, ma'am.

2 Q. Okay. Where did you go when you left there?

3 A. At what time of day?

4 Q. Just in the daylight hours. Did you have a
5 destination in mind when you left there on November
6 16th of 2020?

7 A. Earlier that day I think I went with my
8 girlfriend to go do laundry.

9 Q. Okay.

10 A. So --

11 Q. Did you leave with Devante and Jamal in the
12 black Nissan at any point?

13 A. Yes, ma'am.

14 Q. All right. And that black Nissan, do you
15 know how Quincie came to have that black Nissan?

16 A. It was -- she got a rental.

17 Q. A rental, okay. So you're traveling in the
18 black Nissan with Devante and with Jamal. Where do
19 you wind up?

20 A. We needed to go to Summerville to get Sarah.

21 Q. You went to Summerville to pick up Sarah?

22 A. Yes, ma'am.

23 Q. Okay. When you're riding in the black
24 Nissan, and now Jamal and you and Devante and Sarah
25 are in the car, is there any conversation about Tim

1 Milliken?

2 A. Yeah, I mean Sarah started talking about
3 him. I guess we had a conversation that day.

4 Q. And that conversation about what he had in
5 his house, was there anything said about the things
6 in his house that anyone might like to have them, or
7 was there a plan to have them?

8 A. I really -- I really can't remember.

9 Q. Okay, that's fine. Now, when you got to Tim
10 Milliken's home, I want to talk to you a little bit
11 about that first time that the black Nissan pulls up
12 at the gate there, all right?

13 MS. CAMPBELL: If we could pull up State's 2, so
14 we can just orient ourselves to where we are?

15 BY MS. CAMPBELL:

16 Q. I'm gonna show you what's previously been
17 admitted as State's Exhibit 2. I'm gonna give that
18 to you, so that you can take a look at that, and
19 then we're gonna set that up, so that we can talk
20 about it. Now, do you recognize what's shown in
21 State's Exhibit 2, Malik?

22 A. Yes, ma'am.

23 Q. All right, and what is shown in State's
24 Exhibit 2?

25 A. The front of his house.

1 Q. The front of Tim's house?

2 A. Tim's house.

3 Q. Okay, thank you. All right, so when you
4 pull up to the area where Tim's house was at the
5 gate, what is going on at the gate? Is everything
6 okay, or did something happen?

7 A. I guess it was supposed to be like a key
8 code, something like that, and so there was a
9 complication about getting in the gate, so I guess
10 he had to come out to the car, to put the code in
11 himself.

12 Q. And how was -- who was communicating with
13 Tim about getting out there to help, or get in the
14 car? Who was doing that communicating with Tim?
15 You?

16 A. I believe Sarah.

17 Q. I'm sorry, Sarah?

18 A. I believe it was Sarah.

19 Q. Okay. And so did you stay at the gate and
20 wait for him to come out then, or did you leave and
21 go somewhere else for a moment?

22 A. We left and went somewhere else.

23 Q. All right, when you went to that somewhere
24 else place, what happened there?

25 A. Devante and Jamal got out and was talking

1 behind the car, and I heard them arguing, so I got
2 out like, "What's going on?" Devante said, "He's
3 tripping, he won't even get in the trunk."

4 So I guess they were doing stuff there, so he
5 said, "Everything will be all right, I promise." So
6 I looked at Jamal, "Yeah, everything be straight and
7 good, just hurry up, so we can go home," so we got
8 in the trunk. Next thing you know the car started
9 driving, so I guess they went to another gate or
10 something like that.

11 And I heard him get in the car, and then next
12 thing I knew was when the car stopped.

13 Q. While you were in the trunk with Jamal, do
14 you recall having a mask on?

15 A. Yes, ma'am.

16 Q. And did Jamal have a mask on?

17 A. Yes, ma'am.

18 Q. Okay. And during the drive while you're in
19 the trunk, do you remember hearing any conversation
20 from within the car?

21 A. Yes, ma'am.

22 Q. And what was that conversation?

23 A. All I really hear was -- something like
24 that, and she was like, "Can you go get my bags out
25 of the car?" And he was like, "Sure." And then he

1 came around the trunk, Jamal had the gun pointed at
2 him.

3 Q. Okay. I'm gonna show you State's Exhibit
4 102, if we can take a look at that up here for
5 everyone? And I want you to help identify who the
6 individuals are in State's Exhibit 102, and I'll
7 hand this to you as well, in case you need to see it
8 closeup, all right?

9 All right, in State's 102 can you tell me --
10 actually, let's do this first. Where were you
11 during this scene right here? Where are you located
12 in that photo?

13 A. In the back. In the back.

14 Q. Right, so the tall individual standing by
15 the back of the car, is that you?

16 A. Yes, ma'am.

17 Q. All right. And so who then is in the
18 forefront here? Who are those two people?

19 A. That's Jamal with the gun and that's Devante
20 behind Tim.

21 Q. Okay, and what is Devante doing to Tim in
22 that photo?

23 A. Basically, bearhugging him, walking him to
24 the back of the house.

25 Q. Okay, thank you.

1 MS. CAMPBELL: Let's also pull up then State's
2 Exhibit 104.

3 BY MS. CAMPBELL:

4 Q. In State's Exhibit 104 who is in that
5 exhibit?

6 A. Jamal in the front, Sarah in the middle, and
7 I'm walking in the back.

8 Q. All right, so the person up near the yellow
9 vehicle, that's Jamal?

10 A. Yes, ma'am.

11 Q. And then next on the driveway that's Sarah?

12 A. Yes, ma'am.

13 Q. And then last is you walking up?

14 A. Yes, ma'am.

15 Q. All right.

16 MS. CAMPBELL: Now, if we can go to State's 106?

17 BY MS. CAMPBELL:

18 Q. And I know it's very difficult to see, but I
19 want you to look very closely at 106, and let's talk
20 about Jamal having the gun by the back porch. What
21 did you do in reference to the gun? Did you do
22 anything?

23 A. On the video it looks like we were passing
24 it to -- I really don't remember it, but that's what
25 it looked like on the video.

1 Q. All right, so it looks like the gun's being
2 passed to you?

3 A. Uh-huh.

4 Q. All right. Who wound up -- I'll take those
5 back. Who wound up with the gun after Jamal did?

6 A. Devante.

7 Q. Devante, all right. Okay, so when you are
8 at the back porch area, Malik, what are you doing?

9 A. The back porch?

10 Q. Yes.

11 A. Basically, looking around.

12 Q. Looking around?

13 A. Yeah.

14 Q. Would that be like keeping an eye out?

15 A. I was just really like seeing like noticing,
16 like basically, yeah.

17 Q. Who's noticing?

18 A. Right.

19 Q. Okay. And did you hear or see the gun go
20 off once Devante had the gun?

21 A. I heard it, yeah.

22 Q. You heard it. And did you then look to see
23 what was happening, when he -- when the gun fired?

24 A. Yes, ma'am.

25 Q. Okay. Could you see if anything was

1 happening with Tim?

2 A. I didn't see him. I knew he was like --
3 basically, I mean they were really tugging against
4 each other.

5 Q. Uh-huh.

6 A. And I guess he was trying to get him to open
7 the door, so when he finally opened the door they
8 started tussling.

9 Q. And the tussling around, did you hear
10 Devante direct or talk to Tim about why he needed to
11 open the door, or what might happen if he didn't
12 open the door? Do you recall that?

13 A. He said something like, "Open the door," he
14 was trying to -- I guess Tim didn't want to open the
15 door, and they -- yeah, basically, yeah.

16 Q. Okay. All right, so I would like to talk to
17 you a little bit about State's Exhibits 78, 79 and
18 80.

19 MS. CAMPBELL: Let's pull up 78.

20 BY MS. CAMPBELL:

21 Q. Do you recognize State's Exhibit Number 78,
22 what that location is?

23 A. Yes, ma'am.

24 Q. All right, and what is depicted in State's
25 Exhibit 78?

1 A. The Shell Pointe Apartments.

2 Q. And do you know anyone who lives at the
3 Shell Pointe Apartments?

4 A. Yes, ma'am.

5 Q. All right, and who would that be?

6 A. My cousin's father.

7 Q. And who is that?

8 A. PI.

9 Q. PI? Would he also be known as Marquis
10 Pollard?

11 A. Yes, ma'am.

12 Q. Okay. Yeah, that's fine. And do you know
13 about PI working prostitutes?

14 A. Yes, ma'am.

15 Q. Okay, thank you. When you -- after Devante
16 shoots Tim, you leave?

17 A. Yes, ma'am.

18 Q. Do you know where you go?

19 A. I went to Dale. I went to Dale to my
20 grandmother's.

21 Q. You went to your grandmother's house in
22 Dale?

23 A. Yes, ma'am.

24 Q. Do you remember what you did at your
25 grandmother's house in Dale?

1 A. Called a female, tell her to come over
2 there.

3 Q. All right, and then the girl came over, do
4 you recall what happened with her?

5 A. Me and her went in the house, and I was
6 basically talking to her like what was going on and
7 stuff. And then when I came out Jamal was gone
8 walking down the street.

9 Q. Jamal was gone? Okay.

10 A. Yeah.

11 Q. Had there been any argument or conversation,
12 Malik, between Tim's home, where Devante shot Tim,
13 and your grandma's house in Dale about what had
14 happened?

15 A. Yes, ma'am.

16 Q. Okay, and what was that?

17 A. Basically, asking, did you have to do that?
18 He said he needed me to.

19 Q. All right. When you leave -- do you leave
20 Dale?

21 A. Yeah.

22 Q. And where do you go then?

23 A. Savannah.

24 Q. All right. And then Savannah, is that back
25 to Quincie's?

1 A. Yes, ma'am.

2 Q. All right. Did something cause you there
3 during the nighttime hours to leave Quincie's home?

4 A. When she got a phone call, I guess the
5 police was looking for her, but they didn't say why,
6 so she -- we got up and we left.

7 Q. Okay, so you leave there. Where do you go
8 then?

9 A. Atlanta.

10 Q. Atlanta?

11 A. Yes, ma'am.

12 Q. Do you wind up at anybody's house in
13 particular in --

14 A. Her grandmother. Her grandmother.

15 Q. Quincie's grandmother?

16 A. Yes, ma'am.

17 Q. Okay. Had you ever been there before?

18 A. No, ma'am.

19 Q. All right. While you're sitting there at --
20 do you stay in the car first of all?

21 A. Yeah, I was asleep.

22 Q. Okay. And what awakened you?

23 A. My girlfriend cursing everybody out, saying,
24 "What's going on?" 'Cause -- and then she found out
25 that she was wanted for murder.

1 Q. Okay, they're looking for the people for a
2 murder?

3 A. Yeah.

4 Q. Okay, and it was her car?

5 A. Her rental vehicle.

6 Q. Yeah. And then what happens?

7 A. I just remember after that -- I mean if she
8 would have -- that's when the police wind up showing
9 up, like no control, and, you know, taking off and
10 we go running through the woods.

11 Q. All right, so the police showed up, and
12 Malik -- did I hear you say that you ran?

13 A. Yes, ma'am.

14 Q. What about Jamal and Devante?

15 A. They ran with me too.

16 Q. All right, and so were you eventually taken
17 into custody?

18 A. Yes, ma'am.

19 Q. All right.

20 MS. CAMPBELL: That's all.

21 THE COURT: Cross-examination.

22 ***

23 CROSS-EXAMINATION

24 BY MS. CORNWELL:

25 Q. Good afternoon, Malik, how you doing?

1 A. Good.

2 Q. Malik, I want to talk to you a little bit
3 about your indictments and your plea. You did not
4 want to enter a plea in this case for a long time,
5 correct?

6 A. Correct.

7 Q. In fact, you were refusing to talk to
8 anybody. You didn't talk to the police, did you?

9 A. No.

10 Q. You didn't talk to the State, did you?

11 A. No, ma'am.

12 Q. And your case, you were going to be tried
13 with my client in September; isn't that correct?

14 A. Yes, ma'am.

15 Q. And in preparing for that trial in
16 September, your attorney discussed your case with
17 you, plus all the statements that had been given,
18 all the incident reports, the videos, the evidence
19 and all that, correct?

20 A. Yes, ma'am.

21 Q. And at that point in September you knew you
22 were going to be facing trial and looking at 30
23 years to life?

24 A. Yes, ma'am.

25 Q. And you were afraid that if you went to

1 trial, and Jamal and Sarah testified in the
2 statements they had given to law enforcement police,
3 that you could go away for life, correct?

4 A. Correct.

5 Q. And because of that, the day before you were
6 supposed to start trial, you finally agreed and
7 said, "I'll give a statement, if you'll still let me
8 plea to the attempted armed robbery," correct?

9 A. Correct.

10 Q. And that's when you finally met with Ms.
11 Campbell, correct?

12 A. Correct.

13 Q. And during the course of your conversation
14 with her, you really didn't want to say that you
15 knew anything about an armed robbery, because you
16 didn't, right?

17 A. Right.

18 Q. And Ms. Campbell kept telling you, "Well,
19 you've got to admit -- you've got to testify about
20 an armed robbery, if you're gonna plead to an armed
21 robbery."

22 A. I didn't know it was a robbery until
23 basically when we got there.

24 Q. And at some point during your conversation
25 with Ms. Campbell, she had indicated to you that she

1 has to get you to the point, where she can put you
2 on the stand, and right now what you're saying it
3 feels rehearsed; do you remember her saying that to
4 you?

5 A. Right.

6 Q. And at some point, basically, what she says,
7 she said, "This is what I understand happened. You
8 tell me if this is what happened." And she kind of
9 told you her whole theory, based on what Jamal and
10 Sarah said, and that's what you agreed happened,
11 correct?

12 A. No.

13 Q. When you were talking to her, and you were
14 talking about -- she asked you some questions about
15 PI.

16 A. Right.

17 Q. And that's your uncle?

18 A. Right, but I call him Unc, yeah.

19 Q. You call him Unc. And how you would travel
20 with him to St. Augustine, Jacksonville, to various
21 places, correct?

22 A. Right.

23 Q. And in those places he was posting women on
24 websites?

25 A. Right.

1 Q. And you were with him during that?

2 A. Yes, ma'am.

3 Q. And you also talked about Jamal, and what do
4 you know the name Jamal -- what other name do you
5 know Jamal by?

6 A. Honcho.

7 Q. And you and Honcho were best friends up
8 until this incident, right?

9 A. Right.

10 Q. You've known each other for a long time,
11 trusted him with your life?

12 A. Right.

13 Q. And Honcho didn't like my client, did he?

14 A. No.

15 Q. And when you started hanging around -- or
16 when my client started hanging around with you in
17 2020, the year this happened, that's when Honcho
18 started getting annoyed and started arguing with you
19 about why you were bringing him around, correct?

20 A. Right.

21 Q. Prior to this incident, you and my client
22 and Honcho and Quincie were all staying at Quincie's
23 house, correct?

24 A. Yes, ma'am.

25 Q. So you'all had all been together for a

1 couple days prior to this?

2 A. A couple months.

3 Q. A couple months, okay. And you went to
4 visit your uncle at the Shell Pointe Apartments?

5 A. Not really.

6 Q. But you knew what was going on there?

7 A. No.

8 Q. In addition to that, PI also sold drugs,
9 correct?

10 A. I don't know about that.

11 Q. Do you know where PI is right now?

12 A. Locked up.

13 Q. And is that in federal prison?

14 A. Yes, ma'am.

15 Q. And prior to this incident, you testified
16 that you didn't know Sarah?

17 A. Right.

18 Q. But Honcho knew Sarah?

19 A. No. I don't know if he did -- I don't think
20 so.

21 Q. Didn't Sarah get introduced to PI through
22 Honcho's girl?

23 A. No.

24 Q. Laylay?

25 A. Who?

1 Q. Laylay?

2 A. No.

3 Q. Okay. Let's talk about the night that this
4 incident occurred. You've indicated that y'all went
5 to pick up Sarah.

6 A. Right.

7 Q. Who was driving?

8 A. Me.

9 Q. And who was in the front passenger seat?

10 A. Jamal.

11 Q. And where was my client?

12 A. In the backseat.

13 Q. All right. And when Jamal was in the front
14 passenger seat with you, what did he have in his
15 lap?

16 A. A gun.

17 Q. And that was his gun as far as you know?

18 A. I don't know.

19 Q. But Jamal entered the car with the gun,
20 correct?

21 A. Correct.

22 Q. You never saw my client give Jamal that
23 gone, did you?

24 A. No.

25 Q. You never saw my client threaten Jamal with

1 that gun, did you?

2 A. No.

3 Q. And you were the one that drove to Sarah's
4 house to pick her up, correct?

5 A. Correct.

6 Q. And then when you'all got to Sarah's house,
7 and Sarah got in the car, you were still driving?

8 A. Yes, ma'am.

9 Q. And then Sarah got in the back seat. Was
10 Devante still in the backseat, or did he come up in
11 the front passenger seat at that time?

12 A. He didn't -- we didn't switch seats until we
13 got to Bluffton.

14 Q. Okay. And then when you drove to Bluffton,
15 you pulled up at the gate, and Sarah was trying to
16 get Tim to come out, correct?

17 A. Correct.

18 Q. And still just thought you were dropping
19 Sarah off at Tim's house at that point, right?

20 A. Well, actually, I thought I was going to get
21 a female for both of them.

22 Q. Okay. And at some point you'all had to go
23 to the side of the road, and that was when you
24 indicated that Jamal and my client got into an
25 argument?

1 A. Right.

2 Q. And all this information that you testified
3 to, and you've given to the State is part of your
4 agreement to not have to go to trial in September,
5 and just be sentenced to the zero to 20, attempted
6 armed robbery, correct?

7 A. Correct.

8 Q. But the truth about what happened when that
9 argument took place, Honcho had the gun the whole
10 time, correct?

11 A. Yes, ma'am.

12 Q. And Honcho told my client that they would
13 get in the trunk, and when my client took Sarah up
14 to Tim's, they were gonna pop the trunk and jump
15 out, and that's when he instructed my client to grab
16 Mr. Tim and take him to the back; isn't that
17 correct?

18 A. I don't know.

19 Q. And then that was because you'all knew that
20 Mr. Tim, or Honcho knew Mr. Tim had photos, and
21 Sarah was gonna blackmail him into paying money.

22 MS. CAMPBELL: Objection, Your Honor, there is
23 no foundation or information about that whatsoever.

24 MS. CORNWELL: Your Honor, I'm allowed to cross-
25 examine, and ask him if he knows about this.

1 THE COURT: Well, you didn't ask that. Ask him
2 though.

3 BY MS. CORNWELL:

4 Q. Are you aware that Honcho knew that there
5 were nude photos, and that they wanted to blackmail
6 Tim, getting money, and that's how they were gonna
7 get money from Tim?

8 A. Jamal doesn't know Tim.

9 Q. But Sarah did.

10 A. Yeah.

11 Q. And at that point, Sarah was talking about
12 things they could get from him, correct?

13 A. Correct.

14 Q. All right. And at some point, Sarah
15 mentioned him having a picture of her, correct?

16 A. Say that again?

17 Q. At some point during the conversation, did
18 Sarah mention anything about Mr. Tim having a
19 picture of her?

20 A. I don't think so.

21 Q. Okay. When you'all got to Mr. Tim's, who
22 told my client to pop the trunk?

23 A. Nobody.

24 Q. Okay. Did you say that Sarah said --

25 A. Well, yeah, Sarah said, "Can you help me get

1 my bag out of the trunk."

2 Q. Okay.

3 A. She told that to Tim.

4 Q. Okay. And so at that point the trunk had to
5 be popped --

6 A. Right.

7 Q. -- based on what she was saying?

8 A. Right.

9 Q. And when the trunk popped is when Jamal
10 jumped out with the gun and pointed it at Mr. Tim?

11 A. Right.

12 Q. And that's when you'all walked back to the
13 back of the house, correct?

14 A. Correct.

15 Q. And while you'all were walking to the back
16 of the house, Mr. Tim wanted to go in his house,
17 right? He just didn't want you'all to come in; is
18 that correct?

19 A. He really wasn't trying to open the door.

20 Q. No, because he didn't want you'all to come
21 in?

22 A. Right.

23 Q. And you indicated that at no point did you
24 ever say to my client, "Hit Mr. Tim?"

25 A. I didn't -- I don't know -- I didn't see him

1 hit him. I don't know if he did or not.

2 Q. Okay, and do you remember seeing Honcho
3 hitting Mr. Tim, or trying to hit Mr. Tim?

4 A. I can't remember.

5 Q. When you'all left, you'all went to Dale,
6 correct?

7 A. Right.

8 Q. When you were inside the house with the
9 female, where was Honcho?

10 A. Outside.

11 Q. Okay. Was he still there when you came out
12 of the house, or did you have to go pick him up from
13 somewhere?

14 A. He was walking down the road.

15 Q. And where was my client?

16 A. In the car.

17 Q. Stayed in the car the whole time?

18 A. Yes.

19 Q. At some point, you've indicated that my
20 client did state that he didn't mean to shoot that
21 man, correct?

22 A. Correct.

23 Q. He was really upset about it, wasn't he?

24 A. I mean -- I don't know how he felt.

25 Q. But he said he didn't mean to shoot him?

1 A. Correct.

2 Q. After you gave your statement to the
3 Solicitor, she offered to move you to a different
4 pod, so that you weren't around my client anymore,
5 correct?

6 A. That's correct.

7 Q. Because you didn't want to be with him, did
8 you?

9 A. No.

10 Q. Because you're not afraid of my client, are
11 you?

12 A. No.

13 Q. And my client's never threatened you?

14 A. No.

15 Q. You've never heard my client threaten
16 Honcho, or anybody else?

17 A. No.

18 Q. And the only time that you ever saw my
19 client with a weapon is when Jamal passed it to him,
20 and from what the video looks like, handed it to you
21 and got it to my client, correct?

22 A. Yeah.

23 Q. So prior to that, the only person that was
24 in possession of that firearm, to your knowledge,
25 was Jamal when he got in the car with it?

1 A. Right.

2 MS. CORNWELL: Your Honor, I believe that is all
3 the questions that I have.

4 THE COURT: Redirect?

5 MS. CAMPBELL: No, Your Honor.

6 THE COURT: All right, thank you, you may step
7 down. You may call your next witness.

8 MS. CAMPBELL: The State calls Beaufort County
9 Sheriff's Office, Forensic Examiner, Andrew
10 Garinger.

11 * * *

12 ANDREW GARINGER

13 * * *

14 being first duly sworn, testified as follows:

15 ***

16 DIRECT EXAMINATION

17 BY MS. CAMPBELL:

18 Q. Good afternoon.

19 A. Good afternoon.

20 Q. Mr. Garinger, where were you educated and
21 what is your work history?

22 A. Well, I have a couple of Bachelor's degrees
23 from Michigan State University, the most important
24 ones in biochemistry and microbiology. I also have
25 a Master's in forensic science from the University

1 of Illinois in Chicago.

2 My forensic DNA experience started with the
3 Illinois State Police in 2006, and I've been working
4 for the Beaufort County Sheriff's Office Forensics
5 Services Lab since 2015.

6 Q. And in your time here in South Carolina, how
7 many times, if any, have you been qualified as an
8 expert in the field of forensic DNA analysis?

9 A. I think my total number's up to 32, 20 of
10 which have been here in the Fourteenth Circuit in
11 South Carolina.

12 Q. Thank you.

13 MS. CAMPBELL: Your Honor, at this time the
14 State tenders Andrew Garinger as an expert in the
15 field of forensic DNA analysis.

16 MS. CORNWELL: No objection, Your Honor.

17 THE COURT: The motion's granted and the witness
18 is so qualified as an expert.

19 MS. CAMPBELL: Thank you, Your Honor.

20 BY MS. CAMPBELL:

21 Q. It seems that DNA may seem to be commonplace
22 now in our world, but let's just do a little bit of
23 explanation for what DNA is for our jury, if you
24 could.

25 A. Sure. In a general sense, or in a -- go all

1 the way through the forensic sense.

2 Q. How about just start generally.

3 A. Okay.

4 Q. Okay.

5 A. Yeah, so DNA is a molecule that's in almost
6 every cell in your body. It's a blueprint for how
7 your body functions. It's unique from person-to-
8 person, except in the case of identical twins, and
9 it's persistent, it stays the same throughout your
10 entire life.

11 Q. Thank you. Now, let's talk a little bit
12 about something that maybe -- well, let me back up.
13 DNA can be found in items like body fluids. What
14 are the different sources of DNA that we might
15 understand?

16 A. So from a forensic perspective, most of what
17 we're looking for is -- while we have some primary
18 bodily fluids that we usually look for in things
19 like saliva, blood or semen, those are the big ones.
20 And then a lot of the rest of our cases that don't
21 specifically involve bodily fluid, are so-called
22 touch DNA cases, where you're shedding cells from
23 your skin as you come into contact with items or
24 surfaces.

25 Q. Thank you. So with touch DNA, and when I

1 touch this part of the wood right here, shedding my
2 skin cells, if you came behind me and swabbed that
3 area, you may well locate my DNA there; is that
4 fair?

5 A. It's possible, yes.

6 Q. Okay. So can you tell me the presence of
7 DNA, let's say touch DNA? Can you date it?

8 A. Not with any kind of precision that probably
9 most of you would be looking for. It's -- if
10 something is there, it probably didn't come into
11 contact with it two years ago, but the timeframe
12 that I can work with is not very specific.

13 Q. In other words, you don't put timeframe in
14 your reports?

15 A. No.

16 Q. Were you asked to examine certain pieces of
17 evidence in this case, which is Sheriff's number
18 20S256368, and your lab number 20L01309?

19 A. That number I do recognize, yes.

20 Q. Okay. And so that's yes?

21 A. Yes.

22 Q. Okay. Do you have a copy of your reports
23 that you issued in this case?

24 A. I do.

25 Q. All right. Well, I'm gonna show you a

1 couple of pieces of evidence first, and then we'll
2 get into you report. So first I'm gonna show you
3 State's 35, and ask you if you can identify that,
4 and how you can identify it?

5 A. So this is a buccal standard from a Jamal
6 Coakley. I identify it by our lab's sticker on the
7 item of evidence, and then also my seal is on the
8 evidence from when I opened it.

9 (Court Reporter marks State's Exhibit Number 35,
10 as attached hereto.)

11 MS. CAMPBELL: Now, Your Honor, I believe at
12 this juncture we would move State's 35 into
13 evidence.

14 MS. CORNWELL: No objection.

15 THE COURT: Motion's granted without objection.

16 (State's Exhibit 35 was admitted into evidence.)

17 MS. CAMPBELL: Thank you, Your Honor.

18 BY MS. CAMPBELL:

19 Q. And let's talk about State's Exhibit 36
20 then, same question.

21 A. So this is a buccal standard from Devante
22 White, and, again, I have our lab sticker and my
23 seal.

24 (Court Reporter marks State's Exhibit 36, as
25 attached hereto.)

1 MS. CAMPBELL: All right, and State moves
2 State's 36 into evidence.

3 MS. CORNWELL: Your Honor, for the record, I
4 believe that all DNA samples have been moved into
5 the record, we have no objection though.

6 THE COURT: All right, motion's granted.

7 (State's Exhibit 36 was admitted into evidence.)

8 BY MS. CAMPBELL:

9 Q. I'm sorry, and State's 37, can you identify
10 that?

11 A. This is, again, a buccal standard
12 identified the same way.

13 Q. All right.

14 (Court Reporter marks State's Exhibit Number 37,
15 as attached hereto.)

16 MS. CAMPBELL: The State moves State's 50, or,
17 excuse me, 37 into evidence.

18 MS. CORNWELL: No objection.

19 THE COURT: Motion's granted.

20 (State's Exhibit 37 admitted into evidence.)

21 BY MS. CORNWELL:

22 Q. And State's 50, if you could take a look at
23 that.

24 A. This one's a little different, in that it is
25 items collected from the victim, Timothy Milliken,

1 during the autopsy. It's pulled scalp hair, which I
2 didn't analyze, and a blood spot that was intended
3 to be used as a standard for the victim.

4 Q. All right.

5 (Court Reporter marks State's Exhibit 50 as
6 attached hereto.

7 MS. CAMPBELL: The State moves State's 50 into
8 evidence at this time.

9 MS. CORNWELL: No objection, Your Honor.

10 THE COURT: The motion's granted.

11 (State's Exhibit 50 was admitted into evidence.)

12 BY MS. CAMPBELL:

13 Q. I'd like to show you State's Exhibit 46, and
14 ask you if you can identify that, and any actions
15 that you took with regard to State's 46?

16 A. This is a revolver.

17 Q. Uh-huh.

18 A. And we've got my lab sticker on it here, and
19 if I recall correctly, I swabbed this revolver for
20 the presence of touch DNA.

21 Q. All right.

22 MS. CAMPBELL: I'm not entirely sure, but just
23 to be sure, I'm making sure that 46 is in evidence
24 at this time.

25 (Court Reporter marks State's Exhibit Number 46,

1 as attached hereto.)

2 MS. CORNWELL: No objection, Your Honor.

3 THE COURT: Motion's granted.

4 (State's Exhibit 46 was admitted into evidence.)

5 BY MS. CAMPBELL:

6 Q. And then lastly State's Exhibit Number 49,
7 and ask you --

8 A. This was a sweatshirt that was -- I believe
9 it was collected from the victim, and I also took
10 some swabs from this, in order to analyze them for
11 DNA.

12 (Court Reporter marks State's Exhibit 49, as
13 attached hereto.)

14 MS. CAMPBELL: And the State moves State's 49
15 into evidence at this time, Your Honor.

16 MS. CORNWELL: No objection.

17 THE COURT: Motion's granted.

18 (State's Exhibit 49 was admitted into evidence.)

19 MS. CAMPBELL: All right, thank you.

20 BY MS. CAMPBELL:

21 Q. All right, let's talk about your report
22 issued in this case then. All right, so I have a
23 report that you issued on January 13th, 2021.

24 May we talk about that first?

25 A. Sure.

1 Q. All right.

2 A. Here we go.

3 Q. So item number one in your report, what is
4 that?

5 A. So that was the buccal standard from Jamal
6 Coakley.

7 Q. All right, and what were you able to do with
8 the buccal standard from Jamal Coakley?

9 A. So I was able to develop a DNA profile for
10 him.

11 Q. All right, so you got what you needed from
12 that?

13 A. Yes. Yeah, that's exactly what a DNA
14 standard is for.

15 Q. And item number two?

16 A. That was a buccal standard from Devante
17 White, and I was able to also develop a DNA profile
18 from that.

19 Q. All right. Now, let's move onto your report
20 issued February 2nd, 2021.

21 A. Okay.

22 Q. All right, so we've already got item one and
23 item two. We add item three in this report, and
24 what is that?

25 A. So that was the buccal standard from Sarah

1 Fay Barr, and I was also able to develop a DNA
2 profile from that.

3 Q. All right. Now, let's move to you report
4 issued May 27th of 2021.

5 A. Okay.

6 Q. All right, so I'd like to direct your
7 attention to I guess the column of what we call --
8 what you label additional items of evidence. Item
9 9.3, what was that?

10 A. So that was swabs from the unstained areas
11 of the cuffs of the sweatshirt that was collected
12 from the victim. If I recall correctly, the
13 sweatshirt had a great deal of blood on it. Just as
14 an explanation for what areas that I targeted, the
15 blood that was present on the sweatshirt, if I had
16 swabbed those bloody areas, all I would have gotten
17 from that would have been the victim's profile,
18 which we can assume was there, since he was wearing
19 the sweatshirt and he was bleeding.

20 So what I was looking for were areas of the
21 sweatshirt, where someone else would have come into
22 contact with that sweatshirt, that wouldn't be
23 completely overwhelmed by the presence of his blood.

24 Q. Okay. And so on 9.3, were you able to
25 obtain any evidence?

1 A. Yeah, I was able to obtain a mixture of DNA
2 profiles.

3 Q. All right. Now, let's move onto, I guess,
4 your conclusion as to 9.3. Would you please let the
5 jury know what your conclusion was as to that item?

6 A. So are we talking about the preliminary
7 conclusion reached in the --

8 Q. Yes, the --

9 A. -- in this report?

10 Q. -- preliminary screening.

11 A. Okay.

12 Q. Correct.

13 A. So my preliminary screening indicated a
14 potential match between Timothy Milliken and the DNA
15 mixture that came from item 9.3, and then an
16 additional potential match between Devante White.
17 And the DNA mixture obtained from item 9.3, Jamal
18 Coakley and Sarah Fay Barr were excluded as
19 contributors to that mixture.

20 Q. All right. So when you have a mixture of
21 DNA like that, do you have a system or, I don't
22 know, like -- that you can take it to a next level
23 to try and get the mixture separated?

24 A. Sure. So, typically, what we like to see is
25 a plain DNA profile that we can then compare to

1 profile from a standard and draw a conclusion, but
2 most of the time our job is not that simple.

3 We will often get mixtures of DNA profiles, so
4 DNA coming from multiple people being present on an
5 item. And sometimes those mixtures are simple, and
6 we can manually interpret those mixtures; but the
7 vast majority of the time they are not simple, and
8 for that we have a program that's called TrueAllele,
9 that uses probabilistic genotyping, in order to
10 enable us to draw meaningful conclusions about the
11 potential contributors to that DNA mixture.

12 Q. So I think I said before, if I gave you the
13 example of taken to the paint, and squirting them
14 into a bowl and then mixing it up, would TrueAllele
15 allow you to pull that paint out and put it back in
16 the tubes?

17 A. Potentially, yeah. Some mixtures are more
18 complicated than others.

19 Q. Uh-huh.

20 A. Some mixtures have more colors in them.
21 Some mixtures, the colors that are mixed together
22 are more similar, and so they're harder to separate,
23 but that is the idea behind the program is, it
24 enables us to bring it back to what it originally
25 was before the DNA were possibly mixed together.

1 Q. All right, then I want to take you to your
2 report that you issued on July 13th of 2021, to page
3 to, again, item 9.3 --

4 A. Okay.

5 Q. -- which is, again, what the swabs of the
6 unstained areas of the cuffs on the victim's
7 sweatshirt; is that right?

8 A. Correct.

9 Q. All right so could you tell the jury what
10 your results were once you used TrueAllele on that
11 mixture?

12 A. Sure. So one of the things that we can do
13 with TrueAllele is, when it's performing its
14 analysis of the mixture, we can tell it, assume this
15 person is in that mixture and tell me what you can
16 about what's left of the mixture, that simplifies
17 the analysis quite a bit. And because of what this
18 item was and where it was found and the condition it
19 was found in, I was comfortable assuming that the
20 victim, Timothy Milliken, would be present in that
21 mixture, and I backed that up with the preliminary
22 analysis as well. So assuming that Timothy Milliken
23 was a known contributor to that mixture, and
24 assuming two unknown contributors, I was then able
25 to compare it to the other standards that I had in

1 this case.

2 Q. And were you able to obtain a match?

3 A. I was. So assuming Timothy Milliken as a
4 known contributor, a match to Devante White is
5 41,000 times more likely than a coincidental match
6 to an unrelated individual. Generally speaking, our
7 -- when our matched statistics are below one in a
8 million, we give what we call a false/positive
9 statement, just because that's more useful in
10 assessing the meaningfulness or the strength of the
11 match.

12 So I would also say that a false/positive would
13 occur, if a noncontributor to the mixture had a mask
14 statistic of 41,000 or more, and the chance of that
15 false/positive for this comparison is one in
16 323,000. I was also able to confirm the exclusion
17 of Jamal Coakley and Sarah Fay Barr as contributors
18 to that mixture.

19 Q. Thank you. Using that same step process
20 analysis that we just did with this item of
21 evidence, I'd like to talk now about the swabs that
22 you took from the revolver in this case, all right?

23 A. Okay.

24 Q. So I'll direct you to item 6.1, excuse me,
25 and 6.2.

1 A. Okay.

2 Q. All right? So, obviously, can I say that
3 you got a mixture on 6.1 and 6.2?

4 A. Correct.

5 Q. And the swabs of 6.1, where were they from
6 the revolver?

7 A. So those were from the barrel and the nose,
8 or the front of the barrel off the revolver.

9 Q. And 6.2, where did those swabs come from?

10 A. So those came from the grip and the trigger
11 guard and the hammer of the revolver.

12 Q. All right, so let's move to your TrueAllele
13 analysis, if we may.

14 A. Sure.

15 Q. On item 6.1, could you please tell me, if
16 you were able to reach a conclusion for that?

17 A. So in this case I think we made any
18 assumptions about who could have potentially been a
19 contributor for this mixture, so I assumed three
20 contributors in this case. And a match to Devante
21 White is 138 quadrillion time more likely than a
22 coincidental match to an unrelated individual. And
23 then based on those results, I then resubmitted the
24 mixture for further analysis, with the assumption
25 that Devante White was a contributor, in order to

1 draw conclusions about other contributors.

2 Assuming Devante White is a known contributor, a
3 match to Jamal Coakley -- yeah, I guess Jamal
4 Coakley, Jr. is 64.8 billion times more likely than
5 a coincidental match to an unrelated individual, and
6 Sarah Fay Barr and Timothy Milliken were excluded as
7 possible contributors.

8 Q. Thank you. And, finally, 6.2, if you could
9 tell us your conclusion, in reference to that, which
10 was the swab of the grip guard hammer of the
11 revolver?

12 A. So this one was a more complex mixture. I
13 -- based on what I saw from the data, I assumed five
14 contributors to this mixture, which was more
15 complicated; but in this case a match to Devante
16 White was 198 sextillion times more likely than a
17 coincidental match to an unrelated individual. Then
18 assuming Devante White as a known contributor, and
19 reanalyzing the mixture, a match to Jamal Coakley,
20 Jr. is 943 trillion times more likely than a
21 coincidental match to an unrelated individual.

22 And then once I assumed both Devante White and
23 Jamal Coakley, Jr. as contributors, analyzing the
24 remainder of the mixture, a match to Sarah Fay Barr
25 is 32.9 thousand times more likely than a

1 coincidental match to an unrelated individual. And
2 then the false/positive statistic in this case, if a
3 known contributor had a matched statistic of 32.9
4 thousand or more, the chance of a false/positive for
5 that comparison would be one in 316,000.

6 Q. All right, so were you asked to perform an
7 additional testing on swabs from the victim's right
8 hand, left hand and face?

9 A. I was.

10 Q. Okay, and were you able to get any matches
11 to Devante White or Sarah Barr or Jamal Coakley in
12 this case?

13 A. Not on any of those swabs, no.

14 Q. Thank you.

15 MS. CAMPBELL: That's all I have.

16 THE COURT: Cross-examination?

17 MS. CORNWELL: No questions, Your Honor.

18 THE COURT: All right, thank you, sir, you may
19 step down.

20 WITNESS: Thank you, Your Honor.

21 THE COURT: You may call your next witness.

22 MS. CAMPBELL: Your Honor, the State calls Dr.
23 Virginia Richards.

24 * * *

25 VIRGINIA RICHARDS, M.D.

* * *

being first duly sworn, testified as follows:

DIRECT EXAMINATION

BY MS. CAMPBELL:

Q. Good afternoon.

A. Hi.

Q. Thank you for being with us. I'm going to ask you just briefly about your educational background, and where you are currently working?

A. Okay. So I did get my Bachelor's in biology at the College of Charleston, my Master's in criminal justice from Virginia Commonwealth University. I was in medical school at the Medical University of South Carolina. I then completed a biology residency at NYU. I then completed a one-year specialized training in what's called a forensic fellowship at the Office of the Chief Medical Examiner of Virginia. After that I started working as a medical examiner in New York for many years, until I relocated to Charleston in 2020, where I'm employed by the Medical University of South Carolina in the Department of Pathology.

Q. Doctor, have you ever been qualified as an expert in the field of forensic pathology in the

1 State of South Carolina?

2 A. Yes.

3 Q. And how many times?

4 A. One other.

5 Q. Okay.

6 MS. CAMPBELL: At this time we'd submit Dr.
7 Virginia Richards as an expert in the field of
8 forensic pathology.

9 MS. CORNWELL: No objection, Your Honor.

10 THE COURT: Motion's granted without objection.

11 MS. CAMPBELL: Thank you.

12 BY MS. CAMPBELL:

13 Q. Dr. Richards, I'd like to draw your
14 attention to an autopsy final report that you
15 issued, in reference to Timothy Milliken, it would
16 be FA20-1101.

17 Do you have that report with you today?

18 A. I do.

19 Q. Okay, great. All right, I'd like to know
20 what was the date and time of the autopsy?

21 A. May I refer to the report?

22 Q. You may.

23 A. The autopsy was done at 8:30 a.m. on
24 November 20th, 2020.

25 Q. And the autopsy report, I guess, if we'll

1 take it through, I'd like to direct your attention
2 to the second page of your report to what you
3 categorized as evidence of injury. Could you walk
4 us through the injury that you found performing this
5 autopsy on Tim Milliken?

6 A. Yes. Mr. Milliken had a gunshot entrance
7 wound on the inside of the medial aspect of his left
8 thigh, and an exit wound on the outer side, or
9 lateral aspect of his left thigh near his left knee.
10 Connecting the in and the out was a hemorrhagic
11 wound path, involving skin, muscle and major
12 vessels, the femoral being an artery.

13 Q. And so if I break that down for me, the
14 penetrating gunshot wound that went all the way
15 through the leg?

16 A. Yes.

17 Q. All right. And it severed his femoral
18 artery and femoral vein; is that right?

19 A. Yes.

20 Q. Okay. I'm gonna show you what's been marked
21 as State's Exhibit 29 and 30 and ask you, if you
22 could please take a look at those and see if you,
23 first of all, can identify them.

24 A. So number 30 would be a photograph that I
25 took of his torso.

1 Q. Let me admit it, that's fine.

2 (Court Reporter marks State's Exhibit Number 29,
3 , as attached hereto.)

4 (Court Reporter marks State's Exhibit Number 30,
5 as attached hereto.)

6 MS. CAMPBELL: Your Honor, at this time the
7 State would seek to admit 29 and 30.

8 MS. CORNWELL: Without objection, Your Honor.

9 THE COURT: The motion's granted without
10 objection.

11 (State's Exhibits 29 and 30 were admitted into
12 evidence.)

13 MS. CAMPBELL: And if we could publish it. Can
14 we put them up here?

15 BY MS. CAMPBELL:

16 Q. We'll put them up here, and then that way
17 you can talk about them.

18 A. Okay.

19 Q. All right. I think, we're working on it,
20 there we go. All right, so -- and let me grab those
21 from you right quick, because you're gonna look at
22 it up there. If I could, that's State's 29, can you
23 tell us what we're looking at?

24 A. This is a photograph I took at autopsy of
25 the outside of his left knee, and this is an exit

1 wound.

2 Q. All right, and then in State's 30?

3 A. This is a --

4 Q. Is that State's 30?

5 A. I --

6 Q. Is that right one?

7 A. I believe you handed me --

8 Q. Yeah, I think --

9 A. -- 30, but that --

10 Q. -- that might be a different one.

11 A. -- doesn't look like that.

12 MS. CAMPBELL: Yeah, let's pull that one down,
13 if we can.

14 BY MS. CAMPBELL:

15 Q. I'm sorry. All right, I'll hold it up for
16 the jury. Can you tell us what State's 30 is?

17 A. So this is 30, and this is a photograph of
18 the inside, or the needle aspect of his left thigh
19 that I took, that demonstrates an entrance gunshot
20 wound.

21 Q. All right, so State's 30 is the entrance and
22 29 is the exit?

23 A. Yes, ma'am.

24 Q. All right. All right, so in your expert
25 opinion, if you severed the femoral artery and the

1 femoral vein in this manner that Tim's was severed,
2 about how long would it take for you to essentially
3 bleed out and die?

4 A. Without any intervention within minutes.

5 Q. So a minute or two?

6 A. To die?

7 Q. Yes.

8 A. I would say more than two minutes.

9 Q. All right, and so when you are looking at
10 the cause of death for Timothy Milliken, what would
11 you say is the cause of death then for Timothy
12 Milliken?

13 A. Hypovolemic shock from the gunshot wound of
14 his leg.

15 Q. And the gunshot wound to his leg causing his
16 death, what would you say, again, is the manner of
17 death?

18 A. A homicide.

19 MS. CAMPBELL: That's all I have.

20 THE COURT: Cross-examination?

21 ***

22 CROSS-EXAMINATION

23 BY MS. CORNWELL:

24 Q. Good afternoon, Dr. Richards.

25 A. Hi.

1 Q. In examining the gunshot wound and the path,
2 certainly, common sense dictates if it enters in the
3 upper inside thigh and exits around the outside
4 knee, that goes in a downward trajectory, right?

5 A. Yes, ma'am.

6 Q. And in looking at your report, there were no
7 injuries that you documented to Mr. Milliken's head,
8 to his face, to his neck area, lips, eyes, nose,
9 anything like that, correct?

10 A. Not that I recall.

11 MS. CORNWELL: And that's all the questions I
12 have, Your Honor.

13 THE COURT: All right, thank you, ma'am, you --

14 MS. CAMPBELL: Nothing else.

15 THE COURT: -- may step down.

16 MS. CAMPBELL: And with that, Your Honor, the
17 State rests.

18 THE COURT: Ladies and gentlemen, the State has
19 presented all of its evidence to you. The law
20 requires me now to have a detailed and lengthy
21 discussion with the attorneys and the people
22 involved in this case before we can take the next
23 step, which is going to take a while.

24 Based on the hour, I suspect that we probably
25 ought to go ahead and take a break, come back in the

1 morning, with the goal of concluding the case
2 sometime tomorrow. I'll remind you it's too early
3 to begin discussing the case. Don't do any research
4 on the case, don't try to look at any social media
5 on the case, don't read any newspapers, and so on
6 and so on. Ladies and gentlemen, we'll see you in
7 the morning at 9:30.

8 (Jury exits the courtroom.)

9 THE BAILIFF: The jury's clear, Your Honor.

10 THE COURT: All right. The State rests. Any
11 motions?

12 MS. CORNWELL: Your Honor, at this time the
13 defense would move for a directed verdict. In this
14 case, I do not believe that the State has put up any
15 evidence or testimony that sufficiently meets the
16 elements of the charges. Specifically, when it comes
17 to the murder, there is no indication of any malice
18 of forethought testimony from several of their
19 witnesses, indicating that my client did not mean to
20 shoot the victim, that he simply stated that he did
21 not mean to shoot the victim.

22 They've also indicated that at no point in time
23 did -- is my client trying to force the victim to go
24 somewhere that he did not want to go. That he
25 wanted to go to his house, he just did not want my

1 client and the other three codefendants inside of
2 his house. He willingly got into the vehicle, he
3 led them through the passcode, took them to his
4 house, so based on the elements of the charges,
5 there's been no testimony as to what was allegedly
6 going to be taken, there's no evidence that anything
7 was taken from this victim.

8 Again, I believe that based on the statutory
9 requirements for murder that there has to be malice
10 of forethought. There is nothing to indicate that
11 my client ever knew this individual prior to this
12 evening. There is no evidence that he intended on
13 taking anything. I believe that there is nothing to
14 show that he had any ill-will or evil intent or any
15 malicious intent towards this individual. The
16 gunshot wound is down, with the gunshot angle
17 pointing away, that does not indicate that there was
18 an intentional act of malice with the intent to
19 kill. The State has failed to prove any sort of
20 intent to kill, or intent for wrongdoing in this
21 instance.

22 Since they did not, I believe that the directed
23 verdict for the murder should be granted. And as
24 far as the kidnapping, again, there's no evidence
25 that this victim got into the car in anything other

1 than his own accord, and his own voluntary freewill,
2 and that no evidence that my client tried to keep
3 him from going where he wanted to go.

4 Now, there may be some testimony that he didn't
5 want my client to go where he wanted him to go, but,
6 again, he wasn't restricting the victim going from
7 where the victim wanted to go. So based on that,
8 that the State has failed to prove the elements of
9 kidnapping, and they've got to prove the elements of
10 both of those. And, certainly, the violent crime of
11 the gun charge would also be relevant, so we
12 respectfully move for the directed verdict on the
13 murder, on the kidnapping and on possession of a
14 weapon.

15 THE COURT: And Solicitor?

16 MS. CAMPBELL: May it please the Court, Your
17 Honor? The State would say that there is direct and
18 circumstantial evidence sufficient, at this
19 juncture, to support the matter moving forward,
20 where we are at this point. In terms of the murder,
21 we certainly have the evidence that you have seen,
22 the killing of the victim on the surveillance video,
23 the testimony of the individuals who were there, and
24 witnessed Devante White shoot and kill Tim Milliken.

25 And as Your Honor is aware, the issue of the

1 malice of forethought, that is hand-in-hand with the
2 kidnapping. Malice can be inferred when you're in
3 the commission of a felony. It's clear that Tim
4 was, you know, jumped upon, grabbed, held, confined,
5 seized, moved against his will to the back of his
6 home.

7 And, certainly, I think that for both the murder
8 and the kidnapping, in terms of Devante White we've
9 met the burden that we have to at this point, which
10 would then also cover the weapon charge of the
11 Defendant. Thank you, Your Honor.

12 THE COURT: The Court agrees with the argument
13 made by the Solicitor, as there is sufficient
14 evidence for these matters to go to the jury.

15 Would this be a good time for me to discuss with
16 the Defendant his right to testify?

17 MS. CORNWELL: Yes, Your Honor.

18 THE COURT: Okay.

19 ***

20 DEFENDANT'S RIGHT TO TESTIFY

21 BY THE COURT:

22 Q. You're Devante Lamont White?

23 A. Yes, sir.

24 Q. Okay. At this time I'm going to explain to
25 you certain of your rights. If you don't understand

1 anything I say, please let me know. If you want me
2 to explain anything in more detail, please let me
3 know. We have now reached the stage in your trial,
4 where you have the right to present your defense.
5 You have the right to claim the protections given to
6 you by the Fifth Amendment to the Constitution of
7 the United States.

8 This Amendment states, in part, as follows:

9 "No person shall be compelled in any criminal
10 case to be a witness against himself," and this
11 means you cannot be required to testify. You have
12 the right to testify on your own behalf, however, no
13 one can make you testify.

14 This is a personal right that you have. No one
15 can waive this right except you. If you decide to
16 testify, you would be subject to the same rules that
17 govern other witnesses. You may be examined and
18 cross-examined on any relevant issue in this case.
19 In addition, if you have any convictions involving
20 dishonesty or false statement, or for crimes
21 punishable by imprisonment for more than one year,
22 and the Court determines that the probative value of
23 admitting this evidence outweighs its prejudicial
24 effect to you.

25 The Solicitor would be able to introduce your

1 record to attack your credibility. If you decide to
2 testify, this decision on your part must be freely
3 and voluntarily, with the knowledge of the
4 protections given to you, by the Fifth Amendment and
5 the consequences of your decision to testify. If
6 you decide not to testify, I will instruct the
7 jurors that they cannot give that fact, the fact
8 that you did not testify any consideration
9 whatsoever, and there's to be absolutely no
10 prejudice to you because you did not testify.

11 It's left entirely up to you whether or not you
12 testify, and you may talk with your attorney about
13 this, your family, friends, or anyone else, but the
14 final decision is up to you. Do you understand so
15 far what I've explained?

16 A. Yes, sir.

17 Q. Do you have any questions about it?

18 A. No, sir.

19 Q. Have you had a chance to discuss with your
20 attorney whether or not you're going to testify?

21 A. Not really.

22 Q. I'm sorry?

23 A. Not really.

24 Q. Okay. Then you wish to spend more time
25 talking to your attorney?

1 A. Yes, sir.

2 Q. Okay, you certainly can.

3 A. Thank you.

4 MS. CAMPBELL: Your Honor, just for the record
5 what I see on his criminal record history is a
6 breach of trust and one conviction, breach of trust.

7 MS. CORNWELL: And, Your Honor, that conviction
8 showing, that is from December of 2021, which makes
9 it outside the ten-year limit.

10 THE COURT: What year?

11 MS. CAMPBELL: Yeah, but, Your Honor, that it is
12 a conviction for dishonesty, breach of trust.

13 MS. CORNWELL: The rule states unless you can
14 prove that it's relevant to this matter, it's
15 outside the ten years from the date of conviction.
16 It has to be within the ten years.

17 THE COURT: Tell me what you -- I missed
18 something. What year was the conviction?

19 MS. CORNWELL: In 2011, Your Honor.

20 THE COURT: 2011.

21 MS. CORNWELL: So it's 11-years-old at this
22 point.

23 MS. CAMPBELL: It says that the -- I'm sorry.

24 THE COURT: All right, let's get 609 out.

25 MS. CORNWELL: It's Beaufort County, Your Honor.

1 MS. CAMPBELL: Your Honor, we're trying to find
2 the conviction date. The offense date is November
3 30, 2011, but we don't -- there's no conviction
4 date. We're trying to obtain that for the record.

5 THE COURT: The conviction date I think is the
6 date --

7 MS. CAMPBELL: I tis.

8 THE COURT: -- that determines the date. I'm
9 looking under 609B, which covers this issue.

10 MS. CORNWELL: Yes, Your Honor. The State
11 provided to us what shows a conviction date of
12 December of 2011.

13 MS. CAMPBELL: There are two different dates on
14 this. I've got 12/14/2011. Next to Defendant's
15 name with a defense date of November 30th, 2011. So
16 I'm gonna probably take a leap here that he was in
17 jail and then pled for time served, and was
18 released, if those dates are right, which is outside
19 the ten years no matter which one.

20 MS. CORNWELL: Okay, all right.

21 MS. CAMPBELL: And the truthfulness and veracity
22 and credibility of the other three co-defendants has
23 been --

24 THE COURT: Have you got the same thing?

25 MS. CAMPBELL: -- certainly put squarely in the

1 issue of the case. And the State believes that that
2 having been an essential part of the cross-
3 examination of those three individuals, that the
4 State should be able to cross-examine Devante White,
5 as to his truthfulness, and stealing from other
6 people, this was a breach of trust.

7 MS. CORNWELL: And, Your Honor, it's outside the
8 ten-year limit. There's nothing of relevancy to
9 this offense, breach of trust within ten years prior
10 to this that would have any relevancy to this case.
11 And according to 608B, I do not believe that they
12 should be able to bring it in.

13 MS. CAMPBELL: And, again, for the record, the
14 State's position is this was a planned, plotted,
15 targeted robbery to take property from Tim Milliken,
16 and he has been convicted of an offense that
17 involves the taking of someone else's property.

18 MS. CORNWELL: It's breach of trust, so it
19 wasn't any larceny, robbery, or anything like that.
20 I agree that the breach of trust is defined as
21 dishonesty, but to say that a breach of trust is,
22 you know, parallel to what he's been charged with
23 here is a bit of a stretch.

24 And, again, it's outside of the ten years,
25 something that happened 11 years ago, as a

1 enhancement offense, I don't believe it has any
2 bearing on weight or credibility in this case.

3 THE COURT: Okay, as to the prior conviction for
4 breach of trust in 2011, I find that evidence of
5 this conviction would be probative, as to the issue
6 of the Defendant's credibility, but I find that it's
7 not similar to the same charges that this Defendant
8 is facing, not a similar charge; but while it would
9 be prejudicial, the jury would be instructed that
10 they could not consider that, and could only
11 consider that conviction, if at all, as it relates
12 to the Defendant's credibility, and based on all of
13 that I find the probative value outweighs its
14 prejudicial effect to the Defendant, and would allow
15 it.

16 MS. CORNWELL: Thank you.

17 THE COURT: When would you -- when your best
18 guesstimate, as to when you would be able to let us
19 know?

20 MS. CORNWELL: Your Honor, I know we discussed
21 at pretrial, if my client were to take a stand, that
22 his initial statement to law enforcement can be used
23 to impeach him, and if the State could state
24 anything else that they would be using for
25 impeachment purposes, so that I can discuss that

1 with my client and his decision as to whether or not
2 he wanted to testify.

3 I know there was some conversation about his
4 testimony, I'm assuming that was with Sarah and not
5 with my client, but other than his statement that he
6 gave law enforcement, is there any other relevant
7 evidence that the State would use to impeach my
8 client?

9 MS. CAMPBELL: The only thing I think the Court
10 would need to clarify is, if the Defendant were to
11 testify, I know that you have -- obviously, his
12 statement, but the contents of the cell phone to
13 impeach him on anything that he might testify to
14 that is in contradiction to what's within those
15 documents. Would you allow us to do that? Because
16 we would want to.

17 MS. CORNWELL: And, Your Honor, I would say that
18 those records have been suppressed, that they were
19 proof of an unlawful search, they're
20 unconstitutional. The fact that they've been
21 suppressed does not give them permission to put them
22 in, if my client decides to take the stand. I don't
23 believe that any of those messages should be allowed
24 to be cross-examined on for impeachment, or any
25 other purpose.