

Oct 09 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chesterfield County

Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RAEKWON MALIK ELLERBE,

APPELLANT

APPELLATE CASE NO. 2023-001563

RECORD ON APPEAL

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**[THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT: DEFENSE
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STATE OF SOUTH CAROLINA * GENERAL SESSIONS
 COUNTY OF CHESTERFIELD * TRANSCRIPT OF RECORD

-----X
 STATE OF SOUTH CAROLINA, *
 Plaintiff, *
 vs. * Case No. 2020-GS-13-00959
 2020-GS-13-00960
 2020-GS-13-00961
 2020-GS-13-00964
 2020-GS-13-00965
 RAEKWON MALIK ELLERBE, *
 Defendant. *

September 18-21, 2023

TRIAL

B E F O R E:

The Honorable Michael S. Holt, Presiding Judge; and a jury.

A P P E A R A N C E S:

Kernard Redmond, Esq.
 Assistant Solicitor for the State

Tonya Copeland Little, Esq.
 Attorney for the Defendant

Recorded by: Court Monitor/DCRP

Transcribed by: Bobbi Fisher, RPR
 SC Official Court Reporter III

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(Exhibits on file in Clerk of Court's Office.)

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Johnson

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Court's Exhibits

9

No.	Description	ID.

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1	Body Cam with Time Stamps	85

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2	Redactions	176

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COURT REPORTER LEGEND

18

Dash (--)	Indicates an interruption in speech

19

Ellipses (...)	Indicates trailing off in speech

20

(ph)	Indicates phonetic word

21

[Verbatim]	Indicates the word is said as written

22

(Indiscernible)	[Transcription] Indicates word(s) is not known due to audio recording quality

23

24

25

P R O C E E D I N G S

Monday, September 18th, 2023

(12:22 p.m.)

JURY VOIR DIRE

THE COURT: Okay, ladies and gentlemen. We're going to go through a process called voir dire. I have some questions specifically about the case that's going to be tried this week, so listen carefully. And, at this time, I'm going to ask the solicitor, Mr. Kernard Redmond, if he would announce the indictments that are being brought against this main defendant.

Mr. Redmond?

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

Before you at this time, ladies and gentlemen -- before you at this time, seated at the defense table is Raekwon Malik Ellerbe. He is seated with his attorney, Tonya Copeland Little.

He is on trial for several charges we are calling the trial today and starting with the Indictment 2020-GS-13-959, that being for murder. And I'll read the indictment. The allegation is that the defendant, Mr. Ellerbe, did, in Chesterfield County, on or about the 12th of July 2020, willfully, feloniously, and intentionally kill the victim, Quaneicia Brown, with malice aforethought, either expressed or implied, by means of

1 shooting her in the chest, and that the victim did die as
2 a result thereof.

3 THE COURT: Mr. Redmond, would you face the jury
4 when you read the indictments.

5 MR. REDMOND: Yes, sir. Certainly.

6 THE COURT: Thank you.

7 MR. REDMOND: My apologies. That is the -- is
8 2020-GS-13-960, that being for possession of a weapon
9 during a violent crime, and that he is alleged to have --
10 on July 12th, 2020, he possessed the firearm or he visibly
11 displayed what appeared to be a firearm or he displayed a
12 knife during the commission or attempted commission of a
13 violent crime.

14 Next, we have 2020-GS-13-961, originally indicted as
15 attempted murder; however, the case is being called under
16 the lesser-included offense of assault and battery of a
17 high and aggravated nature. And under ABHAN, the State
18 alleges that Raekwon Ellerbe did, in Chesterfield County,
19 on or about July 12th, 2020, shoot, C.J. [REDACTED]
20 [REDACTED], a six-month-old; this act, accomplished by means
21 likely to produce death or great bodily injury. That's on
22 ABHAN.

23 And then the last two are 2020-GS-13-964 and 965.
24 And those indictments read the defendant did, on July
25 12th, 2020, discharged or caused to be discharged

1 unlawfully, a firearm at or into a dwelling or other
2 building or enclosure regularly occupied by persons. One
3 indictment -- this particular indictment, 964, alleges
4 that he shot into A Dizzy Gillespie Drive, and the last
5 indictment, that being 965, alleges that he shot into B
6 Dizzy Gillespie Drive in Cheraw. All of these incidents
7 obviously occurred in the town of Cheraw.

8 And those would be the indictments that the State is
9 proceeding on at this time.

10 THE COURT: All right. Mr. Redmond, would you state
11 the victim's name one more time?

12 MR. REDMOND: Yes. The victim?

13 THE COURT: Yes, sir.

14 MR. REDMOND: The victim is Quanecia Brown. She is
15 the victim of the murder. And the ABHAN victim is

16 C.J.

17 THE COURT: Thank you, sir. All right.

18 All right. Ladies and gentlemen, if you would
19 listen very carefully, has anyone ever been related by
20 blood or marriage to either Raekwon Ellerbe, the
21 defendant, or C.J. or Quanecia Brown, the
22 victims?

23 (No response given.)

24 THE COURT: May the record reflect nobody stood.

25 Has anyone ever had a close personal or social

1 relationship with any of those named individuals?

2 (No response given.)

3 THE COURT: May the record reflect nobody stood.

4 The following is a list of possible witnesses in
5 this case. Is anyone related by blood or marriage to any
6 of the people whose names I will call? Or has anyone had
7 a close personal or social relationship with any of these
8 individuals? If you listen carefully to these names, the
9 State's proposed witness list is Justin McKenzie with the
10 Cheraw Police Department; Trinity Odoms, Cheraw Police
11 Department; Brad Redfearn, Cheraw Police Department; Jack
12 Henderson, Cheraw Police Department; Nicole Scott, Cheraw
13 Police Department; Kristin Moore, SLED; Paul Greer, SLED;
14 Kelly -- Dr. Kelly Rose with Newberry Pathology; Curtis
15 Mitchell; Lavisha Chapman; Jaleel Gordon; Rashad McIver.

16 Defendant's witness list: John Michael Cooks, Bobby
17 -- is it Griham? G-r-i-h-a-m?

18 MR. REDMOND: Griham.

19 THE COURT: Griham. Tamara Tillman, Shaquan
20 Bloomfield.

21 Anybody know those witnesses? I believe one person
22 stood.

23 Ma'am, would you tell me your name and your number,
24 please.

25 JUROR NO. 58: Jamya Henderson, No. 52 [verbatim].

1 THE COURT: 52 [verbatim]? All right. That is --
2 what is your number again, ma'am?

3 JUROR NO. 58: 52.

4 THE COURT: What did she say, Madam Clerk?

5 THE CLERK: She said it's 52, but it's not.

6 MR. REDMOND: 58.

7 THE COURT: 58. Jamya Henderson? Ms. Henderson,
8 who do you know whose name of that I called?

9 JUROR NO. 58: Jack Henderson.

10 THE COURT: And how do you know Mr. Henderson?

11 JUROR NO. 58: That's your daddy?

12 MR. HENDERSON: Yes, sir, Your Honor.

13 THE COURT: Ms. Henderson, I would like you to
14 answer this: Can you be a fair and impartial juror with
15 your daddy being called as a witness?

16 I'm not going to make you answer that.

17 (Courtroom laughter)

18 THE COURT: Yeah. All right. Ms. Jamya Henderson,
19 I'm going to excuse you from this trial since your father
20 is a witness in this trial. Okay? Thank you, ma'am. I
21 appreciate your service here today.

22 JUROR NO. 58: Thank you.

23 THE COURT: Yes, sir. Tell me your name and your
24 number.

25 JUROR NO. 15: William Cauthen, 15. I know Brad

1 Redfearn pretty well.

2 THE COURT: All right. This is William Cauthen,
3 Juror Number 15.

4 And, Mr. Cauthen, who do you know?

5 JUROR NO. 15: Brad Redfearn.

6 THE COURT: Mr. Redfearn, he was on the --

7 JUROR NO. 15: Cheraw Police Department.

8 THE COURT: Okay. All right. Knowing Mr. Redfearn,
9 can you be fair and impartial? I don't know what his
10 testimony will be, but you can listen -- can you listen to
11 the testimony and be fair and impartial about his
12 testimony and any other testimony that you hear during the
13 course of the trial?

14 JUROR NO. 15: Yes, sir.

15 THE COURT: All right. Thank you, sir. Thank you
16 for that. I appreciate you making the Court aware of your
17 relationship.

18 Okay. All right. At this time, I'm going to ask
19 Mr. Redmond and anybody who's going to participate in this
20 trial if they would identify themselves to the jury panel.

21 MR. REDMOND: Thank you, Your Honor. May it please
22 the Court? My name is Kernard Redmond. I'm a solicitor
23 here in Chesterfield County. I work with (indiscernible).
24 We cover four counties: Chesterfield, Darlington,
25 Marlboro, and Dillon Counties. (Indiscernible)

1 THE COURT: All right. Do you want to have your
2 understudies introduced? Let them introduce. We gotta
3 break them in.

4 MR. REDMOND: Yeah, that's true, Judge. Please, go
5 ahead.

6 THE COURT: All right, J.T.

7 MR. BAXLEY: J.T. Baxley. I work for Mr. Redmond in
8 the Fourth Circuit Solicitor's Office. Just took the bar
9 exam, kind of waiting for results here.

10 THE COURT: We don't know if he passed, y'all. He's
11 from Dillon.

12 And this nice young lady right here -- are y'all
13 married?

14 UNIDENTIFIED FEMALE: We are getting married.

15 THE COURT: This nice young lady is going to marry
16 somebody from Dillon County.

17 (Courtroom laughter)

18 THE COURT: Tell me your name.

19 UNIDENTIFIED FEMALE: (Indiscernible). I also work
20 for the solicitor's office. I'm also waiting for bar
21 results. And I'm originally from Florida,
22 (indiscernible).

23 THE COURT: Welcome to the Pee Dee. And we're happy
24 to have these two young prosecutors here. They came as a
25 package deal.

1 All right. Ms. Little, would you introduce
2 yourself, please.

3 MS. LITTLE: Good morning. My name is Tonya
4 Copeland Little. I'm a private practice attorney out of
5 Hartsville, South Carolina.

6 THE COURT: Thank you.

7 Okay. Is there any member of the jury panel ever
8 been represented by any of the attorneys involved in this
9 case or by any of the firms they're associated with?

10 (No response given.)

11 THE COURT: Let the record reflect nobody stood.

12 Has anyone ever been related by blood or marriage to
13 -- or have you ever had a close personal or social
14 relationship with any of the attorneys involved in this
15 case or anyone in their firms or their offices?

16 Yes, ma'am. And I spoke to you earlier, Ms. Sowell.

17 JUROR NO. 132: 132, Sowell. I know Mr. Redmond
18 from with my daughter and his daughter.

19 THE COURT: All right. Ms. Sowell, you are Juror
20 Number 1- --

21 JUROR NO. 132: -32.

22 THE COURT: 132. And, Ms. Sowell, that relationship
23 with that, would that that --

24 JUROR NO. 132: Just acquaintance at ball fields.

25 THE COURT: Okay. And can you be fair and

1 impartial?

2 JUROR NO. 132: Yes.

3 THE COURT: All right. Thank you, Ms. Sowell.

4 Yes, ma'am. Tell me your name and number.

5 JUROR NO. 111: Erica Plyler, 111.

6 THE COURT: 111, Erica Plyler. Yes, Ms. Plyler.

7 JUROR NO. 111: Ms. Little had represented my
8 brother-in-law for a case for something he was charged
9 with.

10 THE COURT: Okay. She's represented somebody in
11 your family?

12 JUROR NO. 111: Yes.

13 THE COURT: Okay. Can you be fair and impartial?

14 JUROR NO. 111: Yes.

15 THE COURT: All right. Thank you, ma'am. Thank you
16 for letting us know that.

17 Has any member of the jury panel formed or expressed
18 an opinion about any issue or matter involved in the case
19 that was just called?

20 (No response given.)

21 THE COURT: May the record reflect nobody stood.

22 Is any member of the jury panel aware of any bias or
23 prejudice toward either the State or the defendant in this
24 case? If so, please stand.

25 (No response given.)

1 THE COURT: May the record reflect nobody stood.

2 Is there any member of the jury panel who is a
3 member of or contributor to any group which has its
4 primary concern the promotion of law enforcement or
5 victims' rights? These groups would include but are
6 certainly not limited to Mothers Against Drunk Driving,
7 Students Against Drunk Driving, or Citizens Against
8 Violent Crime. Anybody the members of such organizations?

9 (No response given.)

10 THE COURT: All right. May the record reflect
11 nobody stood.

12 And madam, Ms. -- the solicitor, Ms. Little, any
13 further voir dire?

14 MR. REDMOND: Nothing from the State, Your Honor.

15 MS. LITTLE: No, Your Honor.

16 THE COURT: One last question: Does any member of
17 the jury panel know of any reason whatsoever why he or she
18 should not serve as a juror in this case, with particular
19 emphasis being placed on your ability to be fair and
20 impartial to both the State and the defendant, please
21 stand.

22 (No response given.)

23 THE COURT: All right. Let the record reflect
24 nobody stood. And I believe counsel indicated they did
25 not have any additional questions.

1 Okay. Ladies and gentlemen of the jury, what we
2 have to do is take the information -- some of you have
3 been excused, so we have to condense that list down, and
4 that takes about 15 minutes. You are free to step out of
5 the courtroom if you so desire.

6 When we come back in and we start, we're going to
7 select the jury. It's a fairly quick process, so we're
8 not keeping you much longer this morning. And I
9 appreciate your patience. So If you need to step out,
10 you're welcome to; otherwise, we're at ease.

11 (A recess was taken from 12:35 p.m. to 12:53 p.m.)

12 THE COURT: And when your name is called, if you
13 would come forward through the middle gate here, security
14 and bailiff will guide you to come up to the bench here,
15 turn around facing the lawyers, and then wait for further
16 instruction. Okay?

17 In the event that you are selected as a juror, make
18 sure that you bring whatever you have with you: keys,
19 pocketbooks. Don't leave anything on the bench so that
20 you won't have to go back and retrieve it. We'll go ahead
21 and seat you in the jury box, and I'm going to start the
22 process of telling you not to be discussing this case,
23 etc.

24 (Pause in the proceedings.)

25 JURY SELECTION

1 THE COURT: Mr. Redmond, Ms. Little, are y'all
2 ready?

3 MR. REDMOND: Yes, sir, Your Honor.

4 MS. LITTLE: Yes, sir.

5 THE COURT: Okay. All right. All right, ladies and
6 gentlemen, if you would listen carefully for your name.
7 And like I indicated, you come forward, come through the
8 middle swinging gate here, approach the first bench, turn
9 around, face the counsel table, and await further
10 instruction.

11 All right. Madam Clerk?

12 THE CLERK: Caleb Pate, Juror No. 110.

13 (Juror No. 110, a White male, approached.)

14 THE CLERK: What says the State?

15 MR. REDMOND: Please present Mr. Pate.

16 THE CLERK: Thank you.

17 What says the defense?

18 MS. LITTLE: Please seat Mr. Pate.

19 THE CLERK: Bernard Joyner, Juror No. 71.

20 (Juror No. 71, a Black male, approached.)

21 THE CLERK: What says the State?

22 MR. REDMOND: Please present Mr. Joyner.

23 THE CLERK: What says the defense?

24 MS. LITTLE: Please seat Mr. Joyner.

25 THE CLERK: Juror No. 25, Michael Crawford.

1 (Juror No. 25, a White male, approached.)

2 THE CLERK: What says the State?

3 MR. REDMOND: Please present Mr. Crawford.

4 THE CLERK: What says the defense?

5 MS. LITTLE: Please excuse, Mr. Crawford.

6 THE CLERK: Okay, Mr. Crawford. Have a seat back
7 there, please.

8 Juror No. 8, Jessie Altman. Altman.

9 (Juror No. 8, a White female, approached.)

10 THE CLERK: What says the State?

11 MR. REDMOND: Please present Ms. Altman.

12 THE CLERK: What says the defense?

13 MS. LITTLE: Please seat Ms. Altman.

14 THE CLERK: Juror No. 120, Cynthia Riley.

15 (Juror No. 120, a White female, approached.)

16 THE CLERK: What says the State?

17 MR. REDMOND: Please present Ms. Riley.

18 THE CLERK: What says the defense?

19 MS. LITTLE: Please excuse Ms. Riley.

20 THE CLERK: Juror No. 84, Benjamin McCoy. Benjamin
21 McCoy.

22 (Juror No. 84, a White male, approached.)

23 THE CLERK: What says the State?

24 MR. REDMOND: Please present Mr. McCoy.

25 THE CLERK: What says the defense?

1 MS. LITTLE: Please excuse Mr. McCoy.
2 THE CLERK: Thank you
3 Juror No. 142, Sasha Williams.
4 (Juror No. 142, a Black female, approached.)
5 THE CLERK: What says the State?
6 MR. REDMOND: Please present Ms. Williams.
7 THE CLERK: What says the defense?
8 MS. LITTLE: Please excuse Ms. Williams.
9 THE CLERK: Juror No. 59, Kelly Holter.
10 (Juror No. 59, a White female, approached.)
11 THE CLERK: What says the State?
12 MR. REDMOND: Please present Ms. Holter.
13 THE CLERK: What says the defense?
14 MS. LITTLE: Please excuse Ms. Holter.
15 THE CLERK: Thank you.
16 Juror No. 23, Thomas Copeland.
17 (Juror No. 23, a White male, approached.)
18 THE CLERK: What says the State?
19 MR. REDMOND: Please present Mr. Copeland.
20 THE CLERK: What says the defense?
21 MS. LITTLE: Please seat Mr. Copeland.
22 THE CLERK: Juror No. 141, Brent Wilkerson.
23 (Juror No. 141, a White male, approached.)
24 THE CLERK: What says the State?
25 MR. REDMOND: Please present Mr. Wilkinson.

1 THE CLERK: What says the defense?

2 MS. LITTLE: Please seat Mr. Wilkerson.

3 THE CLERK: Thank you.

4 Juror No. 47, Robert Gainey.

5 (Juror No. 47, a White male, approached.)

6 THE CLERK: What says the State?

7 MR. REDMOND: Please present Mr. Gainey.

8 THE CLERK: What says the defense?

9 MS. LITTLE: Please excuse Mr. Gainey.

10 THE CLERK: Thank you.

11 Juror No. 81, Felicia McCall.

12 (Juror No. 81, a Black female, approached.)

13 THE CLERK: What says the State?

14 MR. REDMOND: That's No. 81? Ms. McCall?

15 THE CLERK: Yes, sir.

16 MR. REDMOND: Please present Ms. McCall.

17 THE CLERK: What says the defense?

18 MS. LITTLE: Court's indulgence, one moment.

19 Please excuse Ms. McCall.

20 THE CLERK: Thank you, Ms. McCall.

21 Juror No. 17, John Chavis.

22 (Juror No. 17, a White male, approached.)

23 THE CLERK: What says the State?

24 MR. REDMOND: Please present Mr. Chavis.

25 THE CLERK: What says the defense?

1 MS. LITTLE: Please seat Mr. Chavis.

2 THE CLERK: Juror No. 36, Jaysa Dunn.

3 (Juror No. 36, a White female, approached.)

4 THE CLERK: What says the State?

5 MR. REDMOND: Beg the Court's indulgence.

6 Please present Ms. Dunn.

7 THE CLERK: What says the defense?

8 MS. LITTLE: Please excuse Ms. Dunn.

9 THE CLERK: Thank you, Ms. Dunn.

10 Juror No. 13, Leslie Byrd.

11 (Juror No. 13, a White male, approached.)

12 THE CLERK: What says the State?

13 MR. REDMOND: Please present Mr. Byrd.

14 THE CLERK: What says the defense?

15 MS. LITTLE: Please seat Juror -- please seat

16 Mr. ---

17 THE CLERK: Byrd?

18 MS. LITTLE: --- Byrd.

19 THE CLERK: Thank you, Mr. Byrd.

20 Juror No. 16, Cody Chapman.

21 (Juror No. 16, a White male, approached.)

22 THE CLERK: What says the state?

23 MR. REDMOND: Please excuse Mr. Chapman for this

24 trial.

25 THE CLERK: Thank you.

1 Juror No. 143, Charles Wilson.

2 (Juror No. 143, a White male, approached.)

3 THE CLERK: What says the State?

4 MR. REDMOND: Beg the Court's indulgence.

5 Please present Mr. Wilson.

6 THE CLERK: What says the defense?

7 MS. LITTLE: Please seat Mr. Wilson.

8 THE CLERK: Juror No. 43, Billy Freeman.

9 (Juror No. 43, a White male, approached.)

10 THE CLERK: What the State -- says the State?

11 MR. REDMOND: Please present Mr. Freeman.

12 THE CLERK: What says the defense?

13 MS. LITTLE: Please excuse Mr. Freeman.

14 THE CLERK: Thank you, Mr. Freeman.

15 MR. REDMOND: And, Your Honor, by my count, I think,
16 it's nine one strikes to defense to State [verbatim].

17 THE COURT: Thank you.

18 MS. LITTLE: That's correct.

19 THE CLERK: That's correct.

20 Juror No. 109, Amanda Parker. Amanda Parker.

21 (Juror No. 109, a White female, approached.)

22 THE CLERK: What says the State?

23 MR. REDMOND: Please present Ms. Parker.

24 THE CLERK: What says the defense?

25 MS. LITTLE: Please seat Ms. Parker.

1 THE CLERK: Juror No. 55, Patrick Harvell? Harvell?
2 Harvell?

3 (Juror No. 55, a White male, approached.)

4 THE CLERK: What says the state?

5 MR. REDMOND: Please present Mr. Harvell.

6 THE CLERK: What says the defense?

7 MS. LITTLE: Please seat Mr. Harvell.

8 THE CLERK: Juror No. 76, John Laughter. Laughter.

9 (Juror No. 76, a White male, approached.)

10 THE CLERK: What says the State?

11 MR. REDMOND: Please present Mr. Laughter.

12 THE CLERK: What says the defense?

13 MS. LITTLE: Please seat Mr. Laughter.

14 THE CLERK: Juror No. 61, Wade Huggins.

15 (Juror No. 61, a White male, approached.)

16 THE CLERK: What says the State?

17 MR. REDMOND: Please present Mr. Huggins.

18 THE CLERK: What says the defense?

19 MS. LITTLE: Please seat Mr. Huggins.

20 THE CLERK: Juror No. 148, Dolly Wright.

21 THE COURT: Madam Clerk, hold on a sec.

22 All right. Yes, ma'am. Come forward, please.

23 MR. REDMOND: And what number was that again, Madam
24 Clerk?

25 THE COURT: That was 22, was Wade Huggins. And this

1 is Dolly Wright.

2 THE CLERK: 148, Dolly Wright.

3 MR. REDMOND: Thank you, ma'am.

4 (Juror No. 148, a White female, approached.)

5 THE CLERK: What says the State?

6 MR. REDMOND: Beg the Court's indulgence.

7 Please present Ms. Wright.

8 THE CLERK: What says the defense?

9 MS. LITTLE: Please seat the juror.

10 THE CLERK: Juror Number 72, Nicole Lambert.

11 (Juror No. 73, a White female, approached.)

12 THE CLERK: What says the State?

13 MR. REDMOND: Please present Ms. Lambert.

14 MS. LITTLE: Please excuse Ms. Lambert.

15 THE CLERK: Thank you.

16 Okay. Juror No. 49, Suzanne (sic) Graham. Susanna
17 Graham, Number 49.

18 (Juror No. 49, a Black female, approached.)

19 THE CLERK: What says the State?

20 MR. REDMOND: Please present Ms. Graham.

21 THE CLERK: What says the defense?

22 MS. LITTLE: Please seat Ms. Graham.

23 THE COURT: Madam Clerk -- you got two?

24 MR. REDMOND: Yes, sir.

25 THE COURT: All right. Thank you.

1 All right, Madam Clerk. Yes.

2 THE CLERK: Okay. Juror No. --

3 THE COURT: I'm sorry. I'm confusing you; I
4 apologize.

5 THE CLERK: Thank you.

6 THE COURT: I want to thank -- our deputy clerk is
7 here today. Our clerk is out sick, and she's had to fill
8 in today, and she's done an excellent job. I appreciate
9 her service.

10 All right. Anything from the State at this time?

11 MR. REDMOND: No motions, Your Honor.

12 THE COURT: All right.

13 MS. LITTLE: No, sir.

14 THE COURT: Okay. All right, ladies and gentlemen
15 of the jury, I'm going to let you go for the afternoon.
16 We're going to start at 9:30 in the morning. So you get
17 here about 9:00. They'll bring you in. When you come in,
18 they'll escort you in and get you where you need to be.
19 Okay?

20 Don't go home and start doing your own research.
21 Don't discuss the case with anybody. Your family members
22 are going to be curious what you've been doing all day.
23 They probably watched a trial that has some notoriety in
24 our state back over the summer. And, fortunately, they
25 hadn't had trouble having juries since then.

1 But don't do your own investigation. It's only fair
2 to the folks involved in this trial that you listen to the
3 evidence that's going to be presented to you because
4 that's all that you can consider. You told us that you're
5 fair and impartial, you'll listen to the testimony and the
6 evidence. And so I just -- I just ask that you be very
7 careful not to have anybody try to influence you, and
8 certainly, you know, your family understands where you are
9 but just try not to have any kind of in-depth
10 conversations about any of this stuff.

11 If anybody tries to contact you, let the clerk's
12 office know either today or in the morning when you arrive
13 that somebody tried to contact you or possibly influence
14 your thought process.

15 These lawyers are not able to talk to you, so --
16 they're very friendly people, but you'll notice that they
17 won't have much to say to you because they're not allowed
18 to talk to you.

19 So we'll bring you in, in the morning, we'll get you
20 back in the jury room, and then we'll get you back out
21 here shortly. I think they'll have some refreshments for
22 you in the morning.

23 Or, Madam Clerk, where will they need to assemble?

24 THE CLERK: The jury room.

25 THE COURT: Okay. So when you come to the

1 courthouse, they'll send you to the jury room. You'll
2 assemble back there, and then when we're ready for you,
3 we'll bring you out. We may have a couple of pretrial
4 matters to discuss. If we do, we'll get you out here
5 right away.

6 As I indicated, we're going to take breaks. We'll
7 take a break for lunch. If you wish to bring your lunch,
8 you're welcome to, but certainly, you'll probably want to
9 get out of here. We usually take at least an hour, if not
10 sometimes a little bit longer. We don't work past 5:00
11 because that's your time with your family, and you have
12 places that you have to be. So we'll be stopping in the
13 afternoon.

14 If anything comes up between now and then, the
15 clerk's office is your resource.

16 Madam Clerk, do you have any information for them?

17 Okay. You have their number. Call their number if
18 you need them. We anticipate this trial going to
19 Wednesday, possibly Thursday at the latest. It will not
20 go into Friday. All Right? Nothing further?

21 MR. REDMOND: Nothing from the State, Your Honor.

22 THE COURT: Okay. If there's nothing further, I'll
23 have Madam Bailiff, if she will escort you out. You're
24 free to go, and we'll see you in the morning. I look
25 forward to seeing you, and thank you for your service.

1 (Pause in the proceedings while the jury exits the
2 courtroom at 1:28 p.m.)

3 THE COURT: All right. Court will come to order.
4 Okay, ladies and gentlemen of the jury panel, you were --
5 you were not selected for jury. Some of you were called.
6 I don't think anybody is offended, but if you were not
7 selected, there's -- certainly don't take it personal.

8 I thank you for being here this week, and that's
9 going to conclude your service. You should not be called
10 for three years. In the event that you are, you let --
11 you let us know, just like today, and that should provide
12 you with an exemption. But I do not have anything for
13 you. I thank you for being here, and I hope that you have
14 a good rest of the week.

15 Madam Clerk needs to say something to you real
16 quick.

17 (The clerk instructs the jurors regarding work
18 excuses.)

19 THE COURT: All right, ladies and gentlemen, you're
20 excused. Thank you. Good luck to y'all. Appreciate your
21 service.

22 (The remaining jury panel exited the courtroom at
23 1:31 p.m.)

24 THE COURT: We've spoken to the jury. We'll swear
25 them in the morning. Y'all plan for 9:30? Is that good?

1 MR. REDMOND: Yes, sir. Absolutely.

2 THE COURT: Any pretrial matters we need to take up
3 in the morning possibly?

4 MR. REDMOND: The only thing, Judge, from the
5 State's standpoint is there will be some exhibits that
6 I'll probably go ahead and try to premark so that we can
7 get that done and go ahead and bring on what we can.

8 I've actually provided Ms. Copeland Little with some
9 pictures that I plan on getting into, so she had a chance
10 to look at it. Hopefully that'll streamline things in the
11 morning. So, you know, I don't -- I can't think of
12 anything else that the State would have.

13 MS. LITTLE: I would have two brief motions: one to
14 sequester the witnesses, and the other one -- I spoke with
15 Mr. Redmond about asking the Court to exclude the term
16 "victim," because, in this case, there are three different
17 people who are alleged victims. One of those is not my
18 client's alleged victim.

19 Also, I call him the first -- the first victim,
20 Kwondashian, goes by Kwon, he has a very similar name to
21 my client, Raekwon. So I would just ask that they be
22 identified by their names instead of the term "victim"
23 because there are three different people who would be
24 considered victim in this case.

25 THE COURT: So for purposes of confusion?

1 MS. LITTLE: Yes, sir.

2 THE COURT: Okay. Anything from the State on that?

3 MR. REDMOND: Your Honor, I'll do whatever the Court
4 deems appropriate as it relates to referring to them.
5 It's one of those situations where it might come out that
6 way at some point in time, but the majority of the time,
7 I'm sure I will be addressing either Ms. Brown or Quanecia
8 or C.J. or something along those lines.

9 So I don't see that as a problem with the State
10 because, in the crux of my presentation, I would be more
11 personalizing their name anyway, so.

12 THE COURT: Yeah. And maybe what we do is if you
13 say "victim," attach the name to it so it's specific and
14 it doesn't cause any confusion for the jury. I know
15 there's a lot of moving parts in this.

16 With regards to sequestration, no objections or --

17 MR. REDMOND: No objection as long as it's
18 reciprocal. I know the defense had some --

19 THE COURT: All right. What's good for the one is
20 good for the other?

21 MR. REDMOND: Yes.

22 THE COURT: Okay. All right, so --

23 MR. REDMOND: One other thing I'll mention too --
24 and I hadn't had a chance to talk with the family about
25 this, but in looking at the earlier outline of saying --

1 some of the early testimony or exhibits would be 911 call,
2 which I think that is not too bad, but the body cam videos
3 will probably be right after that in the presentation.

4 And I didn't get a chance to talk with Ms. Brown the
5 other day about it, but there's a group of family here.
6 There may be points in time during the trial, like for
7 that or, like, the pathologist, where, honestly, it may be
8 a bit difficult to have to see and hear some of that
9 testimony. And we'd just ask that, if anybody feels that
10 they might be subject to an outburst -- an emotional
11 outburst that they be allowed to try to leave, I guess,
12 between witnesses, try to leave quietly so that we don't
13 have any outbursts.

14 Like I said, some of the testimony might be hard to
15 hear, especially some of the body cam.

16 THE COURT: Yeah. I'll just go ahead and state for
17 everybody's benefit and edification, in cases like this,
18 it can be emotional, and there'll be a lot of emotion in
19 the courtroom, I anticipate -- certainly could be -- and
20 if you're unable to compose yourself, it will be necessary
21 that you be outside the courtroom.

22 Why is that? Because we have a jury that cannot be
23 influenced by those passions and those emotions. I had a
24 trial recently -- and Mr. Redmond was involved in that --
25 and it got close to where some of the victim's family

1 members, it caused some concern among us that it was
2 impacting the jury.

3 So I'm not trying to be cold or inhumane. I just
4 want to recognize that we need a very clean trial for
5 everybody. That's what everybody wants here. And I want
6 this jury to hear this case and have an opportunity to
7 deliberate and make a decision as to the evidence and come
8 to some resolution.

9 So be mindful of that. If you can't, understand if
10 you're -- if you're in the far corner away from the door
11 and you start walking out in a hurry, there could be some
12 distraction. So just be very mindful of this. Okay? We
13 have to give everybody a fair trial.

14 Okay. Anything further?

15 MR. REDMOND: Nothing further from the State, Your
16 Honor.

17 MS. LITTLE: No, Your Honor.

18 THE COURT: Okay. All right. Now, then, we'll
19 start working on our charges. Maybe tomorrow we'll have
20 something and then --

21 MR. REDMOND: And I'll bring that case law as it
22 relates to the voluntary manslaughter issue. I'll go
23 ahead and print that out, pass it and provide it to the
24 defense.

25 THE COURT: And the indictments are up here on the

1 clerk's bench?

2 MR. REDMOND: They should be.

3 THE COURT: Okay. All right. We'll get them in the
4 morning.

5 Okay. All right. If there's nothing further, then,
6 we're adjourned. Good luck to everybody.

7 MR. REDMOND: Thank you, Your Honor.

8 THE COURT: See you in the morning.

9 MS. LITTLE: Thank you.

10 (The trial adjourned at 1:38 p.m.)

11 TUESDAY, SEPTEMBER 19, 2023

12 (The trial resumed at 10:12 a.m.)

13 MOTIONS/MATTERS OF LAW

14 THE COURT: Counsel, I believe there's a couple
15 matters we need to take up before we bring the jury out.
16 Yes, ma'am.

17 MS. LITTLE: Thank you, Your Honor. May it please
18 the Court?

19 THE COURT: Yes, ma'am.

20 MS. LITTLE: At this time, defense would move for a
21 continuance in this case. For various reasons, we had
22 some technical difficulties with the discovery, and it
23 wasn't until a week ago today, late in the afternoon,
24 about 4:00, when I was able to get access to all of the
25 video-recorded interviews. So I've had those now for

1 almost a week.

2 Also, Your Honor, I was, sick to the point of
3 incapacitation over the weekend. In fact, I did not even
4 get to watch the Carolina football game, that's how sick I
5 was. I'm much better now, but I did lose those two days
6 when I could have been meeting with my client and
7 preparing for this case.

8 So, for those reasons, I have -- there are some
9 videos that I have not shown my client. We just basically
10 ran out of time, Judge.

11 The videos that he hasn't seen are not from
12 witnesses that I expect to be called in this case;
13 however, full disclosure -- and I take my share in the
14 blame -- I feel like, you know, I need a little more time
15 to make sure he has seen everything that the State has in
16 their possession in this case.

17 THE COURT: All right. Thank you.

18 Mr. Redmond, do you wish to be heard?

19 MR. REDMOND: Yes, Your Honor. Obviously, we've got
20 to oppose, and of course the reason I got to oppose is the
21 fact that we -- the State is prepared to go forward with a
22 couple of reasons. One of the reasons that this case --
23 this case was actually set for trial certain this week
24 where, if we didn't go forward, the defendant would become
25 entitled to a bond. So that was, obviously, one of the

1 reasons and the concerns where the State went on ahead and
2 prepared to go forward this week.

3 We do have our witnesses here. As a matter of fact,
4 our SLED witness just arrived from Columbia. So we've got
5 all of our witnesses for the morning session -- and
6 probably spilling into the afternoon -- prepared to go
7 forward.

8 From a practical standpoint -- and, obviously, we've
9 got several members of the family and friends of
10 Ms. Quanecia Brown and of C.J. -- little C.J. [REDACTED] --
11 excuse me, C.J. [REDACTED], C.J. [REDACTED]. -- that are
12 here and interested in seeing this case come to a
13 resolution.

14 And so that would be the first and foremost reason
15 we would oppose the continuance. I did explain to the
16 family -- and as I told the Court back in chambers -- that
17 Ms. Little has been diligent -- to her credit, she has
18 been diligent in trying to get these issues resolved.
19 And, as a matter of fact, I even went to Hartsville to her
20 office to try to work through some of the technical issues
21 that they've had.

22 Just to explain to the Court how the process works,
23 we send the discovery normally through the cloud, through
24 a cloud -- web link, cloud service, and then, of course,
25 it's downloaded and viewed by the defense. Unfortunately,

1 Ms. Copeland Little had difficulty getting some of that.
2 So they're acknowledging that they received everything
3 timely; I don't think that's the issue. The issue is
4 being able to access certain information. And as an
5 officer of the Court, I do have to -- have to say that she
6 did run into difficulty that required her to be in contact
7 with I think our IT people, with us, and my legal
8 assistant, Ms. Thurmond.

9 So, from that standpoint, we're not sitting here in
10 any way denigrating Ms. Copeland Little as it relates to
11 her efforts to prepare for the trial. The only thing
12 we're saying, Your Honor, is that we did comply in good
13 faith to make sure that the -- oh, one thing I did forget
14 to mention, some of the videos had been withheld under
15 Rule 582 until after the case was set to make certain, at
16 which point it was forwarded over, those -- that discovery
17 was forwarded over. I don't have the exact date because
18 Ms. Thurman actually had a family emergency last night,
19 and so she is not here with us today. And so I don't have
20 the exact date it was sent, but the discovery was sent
21 once the trial was set -- for once the case was set for
22 trial.

23 Like I said, Your Honor, we have got to, on behalf
24 of my victims and the family and on behalf of the
25 witnesses that are -- that are here, I'm going to have --

1 I'm compelled to ask the Court to allow us to go forward,
2 even if there's some mitigating -- some mitigating -- if
3 there's some circumstances that the Court could allow that
4 would, one, allow the case to go forward and also still
5 allow Ms. Copeland Little to be able to address those
6 issues with her client. We would be more than willing to
7 do so, but we would ask the Court to consider that.

8 But, again, like I said, I'm not denigrating her in
9 any way. She did -- as an officer of the Court, I do have
10 to say she has operated in good faith. And, literally, I
11 mean, we've been in communication some mornings before
12 6 a.m. as it relates to issues.

13 So -- but, officially, Your Honor, of course, on
14 behalf of my victims and my witnesses, I'm compelled to
15 ask that this case be allowed to go forward. The State is
16 ready to proceed. We've got our witnesses here.

17 THE COURT: All right.

18 J.T., do you wish to be heard?

19 MR. BAXLEY: No, Your Honor.

20 MR. REDMOND: No, Your Honor.

21 THE COURT: All right. Okay. Anything further?

22 MR. REDMOND: Nothing from the State, Your Honor.

23 MS. LITTLE: No, sir.

24 THE COURT: All right. With regard to the request
25 for a continuance, I certainly -- I'm very, very sensitive

1 to Ms. Little's concerns, because I always try to lean
2 toward the -- protecting the defendant's rights.
3 However, this case is -- I think he's been in custody now
4 for over a year, and I believe that the discovery was
5 provided. I know they had some trouble accessing it. I
6 certainly would make an accommodation for this week should
7 it be necessary to set some time aside to go over the
8 discovery. So I'm not going to grant a continuance on
9 that regard.

10 And certainly the illness of counsel, I'm very, very
11 sympathetic to that. I appreciate her tenacity and being
12 here and participating, but as I indicated, this case has
13 got some age to it, and so I'm going to respectfully deny
14 her request for a continuance at this time.

15 And I note your objections for the record,
16 Ms. Little.

17 MS. LITTLE: Thank you, Your Honor.

18 MR. REDMOND: Thank you, Your Honor.

19 THE COURT: Okay. Is there anything else we need to
20 -- y'all have some -- any issues with photos, evidence
21 that y'all need to put on the record? Stipulations?

22 MR. REDMOND: Yes, Your Honor. We have stipulated
23 as it relates to certain exhibits, and I can go ahead and
24 put those on the record at this time.

25 Your Honor, State's Exhibits 1 through 208 are

1 actually pictures that the defense has had a chance to go
2 through, and it's my understanding that those -- there's
3 no objection. So we would respectfully move those into
4 evidence at this time.

5 Additionally --

6 THE COURT: Ms. Little, is that correct? No
7 objection?

8 MS. LITTLE: No objection to the photos.

9 THE COURT: All right. And that's Exhibits 1
10 through 208, State's?

11 MR. REDMOND: 208. 1 through 208.

12 THE COURT: Okay. Are those individual photographs?

13 MR. REDMOND: Individual photographs, Your Honor,
14 that we'll be going through some of them with the SLED
15 analyst. And then actually a few of them I'll show as the
16 case proceeds until we get to the SLED analyst, and then
17 the bulk of them be with the SLED analyst, with the
18 majority with SLED photos.

19 THE COURT: All right. Without objection, then, 1
20 through 208 for the State are hereby entered.

21 (State's Exhibit Nos. 1 through 208, Photographs,
22 were marked for identification and received into
23 evidence.)

24 MR. REDMOND: Thank you.

25 And Your Honor -- and State's 209 is a flash camera

1 body of the -- both body cam videos. Those are not going
2 to be -- we have not stipulated to those. The defense has
3 not stipulated, but we will be prepared to play --
4 authenticate and to play those at the appropriate time.
5 So 208 -- 209, excuse me, is not being moved into evidence
6 at this time. It will be moved in through the officers,
7 our first two witnesses.

8 Now, the remaining exhibits, we have agreed on, I
9 believe, State's -- well, actually, let me back up.
10 State's 210, 211, and 212 are marked for ID purposes only.
11 I'll go through that with the SLED analyst. And some of
12 those will also be addressed with Paul Greer with SLED
13 tomorrow. So those are not being moved in at this time.

14 (State's Exhibit No. 210, Cartridge Casings, was
15 marked for identification only.)

16 (State's Exhibit No. 211, Fragments/Projectile
17 Fragments, was marked for identification only.)

18 (State's Exhibit No. 212, Cartridge Casings, was
19 marked for identification only.)

20 213 is the gun that was retrieved. That, I will
21 move into evidence at this time. That was the gun that
22 was retrieved from the car of the defendant's girlfriend,
23 I believe.

24 THE COURT: Ms. Little, what say you as to Exhibit
25 213, the gun? Are you ready to stipulate or do you want

1 to wait?

2 MS. LITTLE: No, Your Honor, we'll stipulate to the
3 gun.

4 THE COURT: Okay. All right. So ordered.

5 (State's Exhibit No. 213, Gun, was marked for
6 identification and received into evidence.)

7 MR. REDMOND: And then State's 214 is a diagram that
8 was prepared by SLED. It's a four-page diagram --
9 three-page diagram with the key, I think, on the back.
10 We would move that into evidence at this time.

11 THE COURT: All right. Ms. Little?

12 MS. LITTLE: No objection.

13 THE COURT: Without objection.

14 (State's Exhibit No. 214, SLED Diagram, was marked
15 for identification and received into evidence.)

16 MR. REDMOND: State's 215 is the autopsy report.
17 Dr. Kelli Rose will be here this afternoon to testify to
18 that. We'd move that into evidence at this time.

19 THE COURT: Ms. Little, what say for the defense?

20 MS. LITTLE: No objection.

21 THE COURT: Without objection.

22 (State's Exhibit No. 215, Autopsy Report, was marked
23 for identification and received into evidence.)

24 MR. REDMOND: State's 216 is the bullet from the
25 autopsy, and that was taken from Ms. Quanecia Brown. We

1 would move that into evidence at this time. Again, that's
2 216.

3 MS. LITTLE: No objection, Your Honor.

4 THE COURT: All right. Without objection.

5 (State's Exhibit No. 216, Bullet from Autopsy of
6 Quanecia Brown, was marked for identification and received
7 into evidence.)

8 MR. REDMOND: 217 is the firearms report from Paul
9 Greer; he'll be here tomorrow.

10 THE COURT: All right. We'll say -- do you wish to
11 wait or do you want to --

12 MS. LITTLE: I'm sorry; I missed that.

13 MR. REDMOND: I'm sorry; 217 is the firearms report.

14 MS. LITTLE: The firearm -- let me see exactly what
15 you're talking about.

16 MR. REDMOND: Yes, the firearms report from Paul
17 Greer.

18 MS. LITTLE: No objection.

19 THE COURT: Without objection. All right. So
20 ordered.

21 (State's Exhibit No. 217, Firearms Report, was
22 marked for identification and received into evidence.)

23 MR. REDMOND: 218 is the Miranda waiver form from
24 the defendant from the 12th, I believe that is -- the 12th
25 of July 2020. We would move that into evidence at this

1 time. I'm sorry. Again, that's State's twenty -- 218.
2 Excuse me, State's 218.

3 And that's State's 218; that is the Miranda waiver
4 from the defendant. And, actually, I can mention 219,
5 which is the actual video statement of the defendant as
6 well. I'd move both of those in at this time.

7 THE COURT: Do you wish to wait or do you stipulate?

8 MS. LITTLE: Just beg the Court's indulgence. Just
9 one moment.

10 THE COURT: How many more you got?

11 MR. REDMOND: Just two more.

12 MS. LITTLE: No objection.

13 THE COURT: As to 218 and 219?

14 MS. LITTLE: That's correct, Your Honor.

15 THE COURT: Okay. All right. So ordered.

16 (State's Exhibit No. 218, Defendant's Miranda Waiver
17 Form, was marked for identification and received into
18 evidence.)

19 MR. REDMOND: And 219 -- and I'll just go ahead and
20 mention these two together, 219 are the 911 calls. There
21 are, I think, four that I plan on playing -- I think it's
22 four -- that I plan on playing at the beginning of the
23 case.

24 And, finally, I'll just mention 221. Those are --
25 well, the surveillance video is 221 are three different

1 surveillance videos. It's a thumb drive with each of
2 those videos. One is -- two are from Dizzy Gillespie
3 Apartments. One shows the actual shooting. Two show the
4 defendant being -- getting out of the vehicle that had
5 brought him Dizzy Gillespie, and the other video is a
6 surveillance video from an intersection in the town of
7 Cheraw, across from the community center, where it shows
8 the defendant's vehicle and Chris Green's vehicle he was
9 in. It shows both of those vehicles at that particular
10 intersection.

11 THE COURT: All right. So 219 is a 911 call.

12 What do you --

13 MS. LITTLE: No objection.

14 THE COURT: Without objection.

15 (State's Exhibit No. 219, 911 Call, was marked for
16 identification and received into evidence.)

17 MR. REDMOND: 220, Your Honor, is the 911 call.

18 THE COURT: Okay. I'm sorry.

19 (State's Exhibit No. 220, 911 Call, was marked for
20 identification and received into evidence.)

21 MR. REDMOND: And 221 are the surveillance videos.

22 THE COURT: All right. 221, the surveillance video?

23 MS. LITTLE: Surveillance video? Yes, sir. No
24 objection.

25 THE COURT: All right. That's stipulated. So

1 ordered.

2 (State's Exhibit No. 221, Surveillance Video, was
3 marked for identification and received into evidence.)

4 THE COURT: Okay. Anything else, Mr. Redmond?

5 MR. REDMOND: That will conclude the State's
6 exhibits, Your Honor.

7 THE COURT: Okay. Ms. Little, anything from the
8 defense?

9 MR. REDMOND: And, Your Honor, what I've just passed
10 up -- and I've actually provided it to Ms. Little -- those
11 are three cases that we had talked about earlier about the
12 possibility of voluntary manslaughter coming into play.
13 Those are three cases that I've provided on State v. Cook
14 -- Cook v. State, excuse me, State v. Miles and State v.
15 Starnes. And I've given Ms. Copeland Little a copy of
16 those cases.

17 That way, the Court can be perusing those during the
18 course of the trial leading up to, obviously, us arguing
19 on the issue of whether or not voluntary manslaughter
20 should be instructed.

21 THE COURT: I've already handed them to my trusty
22 law clerk.

23 All right. Anything further before we bring the
24 jury out?

25 MR. REDMOND: State's ready to proceed, Your Honor.

1 MS. LITTLE: We're ready. I was just going to...

2 THE COURT: All right. Madam Bailiff...

3 (The jury entered the courtroom at 10:30 a.m.)

4 THE COURT: Good morning, ladies and gentlemen of
5 the jury. I appreciate your patience this morning.

6 We've had a number of things that we've had to work
7 through before getting to this point, and I appreciate
8 your patience.

9 At this time, I'm going to place you under oath. If
10 you would please stand and raise your right hand to be
11 sworn.

12 (The jury was duly sworn.)

13 THE COURT: May the record reflect that everybody
14 was seated, indicating they had taken the oath.

15 The next course of business is -- Mr. Joyner, I
16 placed you right there. I'm going to ask that you serve
17 as the foreman of this jury. Okay? I'll have further
18 instructions for you. We don't pay you any more, but I'll
19 have instructions for you, what your role will be.

20 And I'll go ahead and say this right now; you're
21 going to hear me repeat this. We're going to start the
22 trial in just a moment, and you're going to start picking
23 up information. When we take breaks and you go back here,
24 if they take you to another part of the courthouse for a
25 smoke break or something, you can't talk among yourselves

1 about the case. Let me make that very clear.

2 So a couple of you start saying, you know,
3 commenting on the evidence or the testimony, that would be
4 inappropriate because you haven't heard everything yet.
5 So you're already prejudging something based upon a little
6 bit of information.

7 What we're going to do is -- you'll be able to do
8 that once we put all the evidence before you at the end of
9 the trial, and then you'll have everything. In addition
10 to that, you'll have the law. That's going to be hard to
11 do. And I understand sometimes you make some -- comments
12 made that you're not able to kind of dig into the case.

13 For example, one time I had a jury, took a lunch
14 break, came back to just the morning we tried the case.
15 They had a question for me at lunch. They had already
16 started talking about the case.

17 So don't send me questions out too. Don't talk
18 about the case. All right? Y'all seem -- I trust that
19 y'all will be able to do that.

20 OPENING REMARKS

21 THE COURT: Okay. Before we begin this trial, I
22 want to tell you, this trial will probably be different
23 from what you might expect. Many of you may have watched
24 the trial that I referenced the other day. That was --
25 has some notoriety in our state. You might have seen

1 clips of it or YouTube. This will be a similar trial.

2 It's a court of General Sessions in Circuit Court,
3 our highest trial level in South Carolina. You have very
4 experienced lawyers who are very -- have a high degree of
5 professionalism about them who will be trying this case
6 before you. So you will have some of the best lawyers
7 trying this case before you.

8 Many people don't have the chance to attend actual
9 court sessions as you're doing now and may think from
10 watching TV or movies that all cases are full of high
11 drama. It's not always necessarily the case. While all
12 these things may be true, this trial is not for
13 entertainment. It's a fundamental part of our democracy.

14 This place -- this courtroom is a place of honor.
15 It's dedicated to the protection and preservation of
16 citizens' rights through what many have called the
17 greatest justice system ever created.

18 The attorneys appearing before you are advocates for
19 their respective parties they represent, but first and
20 foremost, they're officers of the Court, sworn to uphold
21 the integrity and fairness of our judicial system. You
22 should expect them to be professional, competent, and
23 ethical in the representation of their respective clients'
24 interests.

25 Remember that you have taken an oath to try this

1 case and to be reasonable and ethical for yourselves, and
2 I appreciate you accepting this important responsibility
3 of jury service.

4 What I'll now say is intended to serve as an
5 introduction to the trial of this case; these remarks are
6 not a charge on the law in this case. I'll instruct you
7 on the law applicable to this case at the end of the
8 trial. So once you've heard all the evidence and you're
9 about to begin your deliberations, I'm going to tell you
10 what the law is. Okay? And then I'm going to give you
11 copies of what I've read to you so that you can reflect on
12 it back in the jury room.

13 This is merely an explanation of the procedure that
14 we will follow in the trial of this case so that you may
15 better understand what is happening.

16 I don't believe any of you have any notepads. If
17 you felt compelled to take notes, I don't have an
18 objection. Just keep them to yourselves and don't share
19 them among your jurors because what you hear may not have
20 been what someone else heard.

21 The indictments that were read to you when you were
22 selected as jurors, those are not evidence of the
23 allegations in this case. The defendant has pled not
24 guilty to these indictments. The State, therefore, has
25 the burden of proving each of the elements of the

1 indictment beyond a reasonable doubt, and it will be your
2 duty, ladies and gentlemen, to decide whether the State
3 has met that burden at the end of this trial.

4 And I'll explain to you at the end of the trial what
5 beyond a reasonable doubt is. Your purpose as jurors is
6 to find and determine the facts. You are the sole judge
7 of the facts. If at any time I make any comment regarding
8 the facts, you must disregard that, because that is your
9 area of expertise, is to determine what the facts are in
10 this case.

11 You are to determine the facts from the testimony
12 you hear and the other evidence introduced in court. It
13 is up to you to determine the inferences which you feel
14 may properly be drawn from the evidence. It's especially
15 important that you perform your duty of determining the
16 facts diligently and conscientiously because, ordinarily,
17 there's no way to correct an erroneous determination of
18 the facts by a jury.

19 On the other hand and with equal emphasis, the same
20 law that makes you the judges of the facts makes me the
21 judge of the law. The law as given by the Court is only
22 the law that you may consider. You must accept and follow
23 it, even though you may disagree with it.

24 I cannot tell you what the facts are, and you cannot
25 disagree with me about what the law is or should be.

1 Your job is to take the law as I give it to you and apply
2 it to the facts as you find them from the testimony of the
3 witnesses and any other evidence that is introduced.

4 After doing that, you will then render your verdict.

5 As I've already stated, until I advise you to begin
6 your deliberations, please do not discuss this case with
7 anyone, including your fellow jurors, friends, family
8 members, and anyone involved in this case. This includes
9 discussions face-to-face and those by telephone, email,
10 text, or any other type of communication. You may not use
11 a computer or phone or any other electronic device with
12 communication capabilities at any time while in the
13 courtroom or during deliberations. During your breaks for
14 meals, you certainly, if necessary, you can use those
15 devices; however, you may not at any time use these
16 devices to get or send information about this case. This
17 includes information about a party, a witness, an
18 attorney, a court officer, news accounts about the case,
19 research on any topics raised, and any topics you may
20 think should be helpful in deciding the case or any
21 testimony presented by any witnesses.

22 During the trial, do not read, listen to, or watch
23 any reports about this case. This includes anything that
24 could be in the paper, internet, radio, or TV. You must
25 not consider anything you may have read or heard about the

1 case outside of this courtroom. This is the only source
2 of information that you're to make a decision off of.

3 After the case is submitted to you, you must discuss
4 it only in the jury room with your fellow jurors. So, at
5 the end of the trial, after I've given you the evidence,
6 I've sent you to the jury room, they've brought the
7 evidence back to you, that's when you can talk about it.

8 The attorneys and the parties in this case have been
9 advised that they're not to talk to you at all. So if you
10 see anyone involved in the case and they don't say hello,
11 they're not being unfriendly, they're following my
12 instructions. Chesterfield County and Chesterfield,
13 people know each other. You bump into somebody at lunch
14 and they're not cordial, they avoid you, that is why.

15 It is important that you keep an open mind and not
16 decide an issue in this case, until all of the evidence
17 has been presented, the parties have made their closing
18 arguments, and I've instructed you on the law in this
19 case.

20 It's your solemn responsibility to determine the
21 guilt or innocence of the defendant, and your verdict must
22 be based solely on the evidence that is presented to you
23 in this trial and on the law as I instruct you during and
24 at the close of the trial.

25 In just a moment, the solicitor will make what is

1 called an opening statement in which the solicitor will
2 explain to you the issues in this case, or at least what
3 the solicitors think the issues are in this case. The
4 attorney for the defendant, Ms. Little, may also make an
5 opening statement, although she is not required to do so.

6 What the attorneys tell you during the opening
7 statements is not evidence in this case; it is only their
8 contention as to what the issues are. The evidence in
9 this case will be presented to you by testimony of sworn
10 witnesses from this witness stand and any exhibits that
11 may be introduced into evidence. From time to time,
12 during the trial, you may hear one of the lawyers say
13 something like, "Your Honor, I believe we have a question
14 of law or a matter of law we need to discuss with you."
15 They may ask to approach, or it might be necessary that I
16 excuse you from the courtroom so that I can talk with the
17 lawyers so that what is said doesn't influence anything
18 that you hear. I'm not supposed -- I'm not supposed to
19 tell you what I think the facts are, so I will excuse you
20 from the courtroom at the appropriate time.

21 In determining what the facts are in this case, you
22 must decide whether or not the testimony of the witnesses
23 is believable. It will be my responsibility to rule as a
24 matter of law as to whether certain testimony is
25 admissible at all or not. But once testimony is admitted,

1 whether or not you believe it is solely for you to
2 determine.

3 In deciding whether to believe a witness, you have
4 the right to consider the interest of any witness, the
5 bias of any witness, the prejudice of any witness, the
6 opportunity for the witness to have seen the matters and
7 things about which the witness may testify, and the way
8 the witness acts on the witness stand. You have a right
9 to consider anything that is in the record that will help
10 you evaluate the testimony of the witnesses. That means
11 that it is your duty to pay close attention to these
12 witnesses, to observe the witnesses, to listen to the
13 witnesses, and to pay close attention to the attorneys and
14 to the Court. Don't let your thoughts wander but give
15 strict attention to the testimony in this case, so that
16 at, the end of all the testimony, after the arguments of
17 counsel and the charge on the law by the Court, you will
18 then be in a position to determine what the true facts are
19 and to apply the law to those facts.

20 It is your added duty, Mr. Foreman, to preside in
21 the jury room and to be the jury spokesperson here in the
22 Court. It will also be your duty to write the verdict,
23 and I'll give you further instruction about that at the
24 conclusion of the case. And in order to preserve
25 everyone's rights, I'll give the parties an opportunity to

1 object to anything that I said.

2 Anything?

3 MR. REDMOND: Nothing from the State.

4 THE COURT: All right. No objection?

5 MS. LITTLE: Nothing from the defense, Your Honor.

6 THE COURT: And, Mr. Foreman, if there is a -- as I
7 indicated, you'll be the spokesperson for the jury. Okay?

8 All right. At this time, we'll now begin the trial.

9 Mr. Redmond?

10 OPENING ARGUMENT ON BEHALF OF THE STATE

11 MR. REDMOND: Thank you, Your Honor. May it please
12 the Court, Ms. Copeland Little, and ladies and gentlemen.
13 This case took place on the 12th of July, 2020. Dizzy
14 Gillespie Apartments in Cheraw, as you heard yesterday
15 when I read the indictments.

16 At that particular time, between 3:30 and 4:00 in
17 the morning, we have two apartments that are central to
18 what we're here about. You'll hear testimony from folks
19 in one apartment, that being B [REDACTED], Curtis Mitchell.

20 That's his apartment. You'll hear from him in a little
21 while about what he was doing at the time when his
22 (indiscernible) and later, he realized that a bullet had
23 come into his apartment while he slept, within close
24 proximity of his face. Again, you will hear that from
25 him, from the witness stand. Thankfully, nobody in that

1 apartment was shot.

2 The defendant is charged with discharging a firearm
3 into that particular dwelling, but it doesn't stop there.
4 Then we move to Apartment A. In that apartment, you
5 had Quanecia Brown and her baby, C.J.

6 Before the shooting took place, the defendant was
7 with some friends, and Christopher Green, who was a
8 resident of A, was with some of his friends. They
9 encountered each other in Wallace, it was a club in
10 Wallace.

11 As they come back into Cheraw, you'll see
12 surveillance video of two cars that pull up beside each
13 other, and something appears to have transpired, not sure
14 what. You'll hear from the defendant that's in his
15 statement, which is in evidence, as it relates to what he
16 says transpired at that stop. Be that as it may, one of
17 the cars, a car with Mr. Green, pulls off in a hurry, ends
18 up going to Dizzy Gillespie Apartments. That wasn't the
19 end of that particular situation.

20 The car that the defendant was in was being driven
21 by a guy called Mike Mike, John Michael Cooks, then
22 proceeds also into Dizzy Gillespie Apartments.

23 Now, the fella actually had a -- I think it was a
24 girlfriend that was in Dizzy Gillespie Apartments at the
25 time. And you'll see where he gets dropped off at Dizzy

1 Gillespie by John Michael Cooks. But what you also see is
2 that the car driven by Mr. Cooks appears to be looking for
3 Mr. Green, because you'll also see that car stop in front
4 of Apartments A [REDACTED] and B [REDACTED].

5 Mr. Green had already come home. He was outside
6 with some friends when that vehicle driven by John Michael
7 Cooks arrived. The defendant had already been let out,
8 but you do see on the video where he does appear to be
9 walking in proximity of that apartment.

10 Then you see -- well, then what happens is that the
11 verbal dispute that appears to be taking place between
12 Mr. Cooks and Christopher Green -- full disclosure: the
13 defendant, didn't appear to have anything to do with that
14 verbal altercation; he was somewhere else.

15 But then Mr. Green goes into the apartment.
16 Mr. Green is not on trial, but I will tell you, Mr. Green
17 has been charged with murder. You'll see what happened;
18 it's all one chain of events.

19 Mr. Green goes into his apartment (indiscernible),
20 but then you see, a few minutes later, he comes out from
21 the backside of his apartment armed with an AK-47. And
22 you see him point that gun and you see him shoot the
23 person that was sitting in the car, Kwondashian Johnson,
24 Kwon Johnson. You see him shoot Mr. Johnson.

25 Then the events unravel, Mr. Green leaves -- well,

1 he stays a short period of time, then he goes to the back
2 of the apartment and then you don't see him. But then
3 what you see is John Michael Cooks. At first, it appeared
4 that nobody realized that Kwon Johnson had been shot.

5 And so then you see John Michael Cooks go toward the
6 neighboring building where the defendant was. Now, mind
7 you, he appears to have been observing what was going on.
8 And, at that point, you see him and another individual --
9 I believe Bobby Hildreth -- then run to the vehicle where
10 Kwon Johnson is. And you can tell that's when they
11 realize that Kwon Johnson is deceased. He was killed
12 instantly. And you can see Mr. Hildreth rolling and upset
13 and rolling.

14 But then you see what the defendant does. That's
15 the reason why we're here today on his particular case.
16 Because the defendant then pulls out a gun. And let me
17 stress to you, in the video, you see Chris Green go to the
18 back of the building. What did the defendant do? He
19 pulls out a gun. He does not go to the back of the
20 building. He then starts firing, emptying the clip into
21 mostly A [REDACTED]. One bullet went into B [REDACTED], as I described
22 earlier.

23 Let's talk about what took place in A [REDACTED]. At that
24 particular time, you had Ms. Quanecia Brown with her
25 six-month-old son, C.J. [REDACTED] As you see it

1 -- and you will see on the video, he emptied the clip into
2 the -- and then he runs, of course. He emptied the clip
3 and then runs, of course. He runs.

4 At first, the folks outside -- you see the body cam
5 video and everything where the focus was on Mr. Johnson
6 because he's outside in the car (indiscernible) shot in
7 the head, deceased. They killed him. But then you will
8 -- you can see on the body cam where there's help being
9 hailed to A . And you'll see what the officers saw when
10 they got into A , and that was Ms. Quanecia Brown
11 struggling, fighting for her life, struggling to breathe.

12 You don't see C.J. at that time until a little bit
13 later on, where it appears that he's being held by a lady
14 who, at the time, nobody realized that C.J.
15 had been shot. They thought that it was Quanecia
16 Brown who had been shot. And you'll hear testimony from
17 Mr. Green's cousin -- excuse me, Ms. Brown's cousin, where
18 it was shortly thereafter they discovered that
19 Ms. Quanecia Brown was not the only victim; that little
20 C.J., the six-month-old, had been shot.

21 Let me stress to you, the three people in that
22 apartment building that I was -- that I talked about --
23 Curtis Mitchell in B , Quanecia Brown, and six-month-old
24 C.J. -- had jack to do with what was going on
25 outside, but yet, out of those three people, one could

1 have been killed literally laying on the couch. They got
2 hit with the bullet. Little C.J. got shot and his
3 mother, as we can surmise, literally died trying to save
4 her child.

5 The wanton disregard that this defendant showed --
6 and you'll see it -- you don't have to worry about me
7 telling you; you will see it. The wanton disregard that
8 this defendant showed by raising that gun and firing it
9 into that apartment, knowing that it was occupied -- we
10 would submit to you that there's cars in the front. He
11 knew those buildings were occupied. He did not care.

12 Let me talk about intent. We do not have to prove
13 that he intended to kill Quanecia Brown or intended to
14 injure or kill C.J. All we have to show
15 is that he acted with such maliciousness, with such malice
16 aforethought, with such reckless disregard, that,
17 obviously, when you raise -- when you put a 9mm to a 9mm,
18 at least by my count, you'll see the video at least 12
19 times into those apartments, there's obviously an intent
20 to kill. And his intent was met.

21 His friend had been shot, but let me be clear that,
22 in no way, shape, or form, gave him the right to shoot
23 blindly into two apartments. That goes to what we call a
24 depraved heart. That is part of what you consider when it
25 comes to murder. And that's what he's charged. He's

1 charged with murdering Quanecia Brown and assault and
2 battery of a high and aggravated nature as it relates to
3 C.J. .

4 So you want to talk about the epitome of innocent
5 victims, they had nothing to do with anything that was
6 going on, but yet their family has been traumatized by the
7 acts -- the selfish acts, I would submit, the cowardly
8 acts, I would submit, of this defendant. Because, like I
9 said, Christopher Green went through the back. He went
10 into the back. He got (indiscernible) and he go in the
11 back where Mr. Green is at and fires into the
12 apartments -- two apartments.

13 Ladies and gentlemen, my name is Kernard Redmond.
14 I'm a deputy solicitor, as I told you. My job is to
15 present this case to you. And I will submit to you that,
16 once you've heard from the witnesses -- oh, I forgot to
17 mention one key part.

18 Again, we say that we saw him on the video. Now,
19 the video is not crystal clear, as you can see me -- like,
20 you know, like you can see me right now. But what we do
21 have is the defendant's admission that that was him firing
22 the gun, after he initially denied this. But once
23 confronted by the officers, by Cheraw PD with the fact
24 that, "No, you didn't tell the whole story; we got it on
25 video," once he requested to see the video and then once

1 he saw the video, then he admitted -- and you will see and
2 hear this admission. You will see and hear how all this
3 played out, "(Indiscernible) shot too; I know what I did."

4 Your Honor -- excuse me, ladies and gentlemen, I
5 submit to you that, once you've heard all of that -- and
6 just to let you know, this will be a pretty short trial.
7 Just because it's a short trial does not mean it's not
8 important. Because we've got a six-month-old that was
9 shot but thankfully doing well now, but will never know
10 his mother. Will never know his mother.

11 And you got the family having to grieve the loss of
12 Ms. Quanecia Brown. And you got Curtis Mitchell and his
13 family in that apartment, B [REDACTED], thankful that they are not
14 enduring what Ms. Brown's family is enduring, all because
15 of the cowardly activity. And I stress that word: coward.

16 Ladies and gentlemen, I have an opportunity to speak
17 to you more fully in my closing statement. This is an
18 opening statement. This is an introduction to the case.

19 You will hear and see evidence over the next couple
20 of days. We should be finishing this case, all things
21 considered, by tomorrow. And the videos and the
22 confession that we talked about, we're here with -- those
23 witnesses will be here tomorrow.

24 Today, what you will hear is witnesses -- the
25 investigation leading up to the ultimate disclosure by the

1 defendant. And with that disclosure, you will see
2 everything that I've described to you that that video --
3 that those videos show. And once you see that, and once
4 you hear from the defendant himself, I submit to you that
5 this defendant is guilty of two counts of discharging a
6 firearm into a dwelling; that he is guilty of possessing a
7 firearm during the commission of a violent crime, and that
8 he is, in fact, guilty of assault and battery of a high
9 and aggravated nature on a six-month-old, [REDACTED] C.J.
10 [REDACTED], "C.J."; and that he is, in fact, guilty of the
11 murder of Quanecia Brown. I'll be able to address these
12 issues more fully in closing.

13 I thank you for enduring and listening to me now,
14 and I look forward to speaking to you again in closing.
15 Thank you.

16 THE COURT: Ms. Little?

17 OPENING ARGUMENT ON BEHALF OF THE DEFENDANT

18 MS. LITTLE: Thank you, Your Honor. Solicitor
19 Redmond. May it please the Court?

20 Ladies and gentlemen of the jury, good morning. We
21 have all just heard the solicitor's opening remarks in
22 this case. And, as the judge told you, I'm not required
23 to give an opening statement, but I always like to just
24 let you know that there are two sides to every story, and
25 that I'm here to give my client a defense in this case.

1 And I want to go over a few things that he said.
2 First, I want to talk about the presumption of innocence.
3 In our great nation, the United States of America and the
4 State of South Carolina, a person charged with a crime is
5 never required to prove that he's innocent. And it's very
6 important -- I know you listen to what the judge said
7 about weighing and listening to everything before we make
8 a decision because the tragic story that the solicitor
9 just told you, there are a few things that he left out.
10 There are, as in life, a lot of times when you hear a lot
11 of facts and you still have questions remaining, and I
12 believe in this case that's going to lead you to have a
13 reasonable doubt about my client's deal.

14 I mean, he would have you -- if you listen to his
15 story, it sounds like an open-and-shut case. That's not
16 what you're going to see and hear from the witness
17 statements. Again, my client has no burden of proof. The
18 solicitor goes first because he has to prove beyond a
19 reasonable doubt each and every element.

20 He told you about the video, and there is a video in
21 this case, and you're going to have the opportunity to see
22 it. And at this time, I'm just going to tell you a few
23 things that the video is not going to show you. Okay?
24 It's not going to -- there's no sound, no audio. So
25 you're not going to hear all the shots that were being

1 fired that night. There were several people out there.
2 You'll see that for yourself.

3 He also left out the fact that Christopher Green,
4 who is now deceased -- I'm sorry; who is now charged with
5 a crime for killing my client's best friend and cousin, he
6 didn't just go out there and shoot one time. He went out
7 there with that big gun -- Chopper (ph) is what I call
8 it -- walks straight at that car and fires into it. And
9 then he kind of dances around, walks around, and he goes
10 to the back and then he fires off again. He's shooting
11 again from the side of the building.

12 So he appears to be leaving, and the next thing you
13 know, he pops back up and he's shooting again. So, you
14 know, his actions on that night, I think you'll find were
15 very unpredictable. You're not going to hear all the
16 shots that were fired. There's no expert that's going to
17 come here and tell you that my client fired the bullet
18 that killed that lady and shot that lady.

19 The video is not going to show you what was
20 happening outside of the view of the camera, and it's not
21 going to show you who else was firing that night, because
22 the evidence is going to show you that at least four
23 different weapons were fired that night. You will see and
24 hear from the experts. There are shell casings, case
25 cartridges that nobody has an explanation for that are

1 found.

2 And I believe -- well, I'm not going to tell you
3 what the defense is going to present, because, honestly,
4 we don't have to present anything, but I believe that
5 you're going to find that there's reasonable doubt as to
6 what actually happened that night.

7 To begin with and to end with, I want you to
8 remember that my client is innocent until proven guilty.
9 You will not hear any evidence that my client fired the
10 shot that killed this lady and shot that baby. I'll ask
11 you to pay attention; I'm sure you will. We took a long
12 time to pick you-all to make sure we got what we thought
13 was a fair and impartial jury. I thank you for your
14 service, and I look forward to working with you over the
15 next couple of days. Thank you.

16 THE COURT: Thank you, Ms. Little.

17 MR. REDMOND: May it please the Court, Your Honor?

18 THE COURT: Yes, sir.

19 MR. REDMOND: The State would first call Justin
20 McKenzie.

21 Beforehand -- before I call -- well, if I can go
22 ahead and call him, but then I want to play his 911 call.

23 THE COURT: All right.

24 Sir, if you could come forward.

25 THE CLERK: Sir, if you'd put your left hand here

1 and raise your right hand.

2 State your name.

3 THE WITNESS: Justin McKenzie.

4 JUSTIN McKENZIE,

5 after being duly sworn, was examined and testified
6 as to follows:

7 THE CLERK: Please be seated on the witness stand
8 beside the court reporter.

9 THE COURT: All right, Solicitor. Your witness.

10 MR. REDMOND: Thank you, Your Honor. Before I
11 actually start with Officer McKenzie -- Sergeant McKenzie,
12 let me, if I may, publish what is State's Exhibit 220,
13 that being the 911.

14 THE COURT: And that's an exhibit that was
15 stipulated to?

16 MR. REDMOND: Yes, sir, Your Honor. It's already in
17 evidence.

18 THE COURT: Thank you, sir.

19 (State's Exhibit 220/911 call clips played.)

20 MR. REDMOND: That's the first one, and here's the
21 next one.

22 (State's Exhibit 220/911 call clips played.)

23 MR. REDMOND: Court's indulgence.

24 Your Honor -- and ladies and gentlemen -- when I ask
25 you to indulge me, normally, my assistant -- my paralegal

1 would be here helping me navigate through this, and she
2 had a family emergency last night. So indulge me and
3 please be patient with me. I'm going to try to play two
4 hats today and get us through this.

5 But with that said, Your Honor, I am ready to
6 proceed with Sergeant McKenzie.

7 THE COURT: All right. And, sir, you've already
8 stated your name. Can you state your name once again for
9 the record.

10 THE WITNESS: Justin McKenzie.

11 THE COURT: All right. Your witness.

12 MR. REDMOND: Thank you, Your Honor. May it please
13 the Court?

14 DIRECT EXAMINATION

15 BY MR. REDMOND:

16 Q By whom are you employed?

17 A The City of Cheraw Police Department.

18 Q Okay. How long have you been so employed?

19 A I've been there for eight years now.

20 Q And if I could ask you to put the microphone down
21 and speak louder. I know you have got a raspy voice, but
22 speak as loud as you can so that the ladies and gentlemen
23 of the jury can hear you.

24 So, again, how long have you been with Cheraw PD?

25 A I've been with Cheraw for eight years.

1 Q And, obviously, were you on patrol on the night of
2 July 12th, 2020?

3 A Yes, I was.

4 Q And were you dispatched to Dizzy Gillespie
5 Apartments?

6 A Yes, I was.

7 Q Could you tell the ladies and gentlemen of the jury,
8 once you arrived on-scene, what were your observations?

9 A When I initially arrived on-scene, I observed a
10 black sedan car parked in the middle of the drive in front
11 of Apartment A . The flashers were on, both doors were
12 open, driver and passenger door. There was a gentleman
13 that was obviously deceased in the front passenger seat.
14 There was also another gentleman that was sitting in the
15 back seat crying, trying to hold onto his deceased friend.

16 There was, at that time, a few individuals outside,
17 everybody clearly voicing concern about the shots and the
18 -- that something had happened, but there was no clear
19 evidence at the time.

20 Q Now, as you -- so let's be clear. First, you
21 encountered -- and is that who you later found out was
22 Kwon Johnson?

23 A That's correct.

24 Q And so, at that particular time was that the scene
25 around Mr. Johnson and that Chevy Cruze, was that the

1 focus of your attention?

2 A Absolutely.

3 Q And was it also focused on your -- on your attention
4 to maintain crowd control and securing the scene as best
5 you could?

6 A Yes, it was.

7 Q Okay. Now, were there other officers out on the
8 scene?

9 A There was two other officers.

10 Q And Trinity Odoms, was he one of those?

11 A He was.

12 Q Now, so let's move forward. So mat that time, you
13 obviously observed Mr. Kwon Johnson, and I think you said
14 he was obviously deceased at that point?

15 A Yes.

16 Q And I guess, not to be too graphic, but could you
17 describe what you actually saw?

18 A He was sitting in the front passenger seat. His
19 head was slumped back, and he clearly had a bullet hole to
20 the right side of his face.

21 Q So he had been shot in the head?

22 A Yes.

23 Q Now, moving forward, were y'all able to talk with
24 folks to see who had seen -- you know, were you basically
25 trying to find out -- get information about what had

1 happened?

2 A Yes.

3 Q And, subsequently, did you get information for --
4 well, I say "subsequently," but shortly thereafter, did
5 you get information regarding Christopher Green?

6 A I did. After EMS had arrived on-scene and we
7 discovered that the female had been shot inside the
8 apartment, I did receive word that Christopher Green was
9 the shooter.

10 Q And the shooter as it relates to Kwon Johnson?

11 A Yes.

12 Q Okay. Just to be clear.

13 Now -- and let's go back to that a little bit. And
14 I'm going to ask you to speak as loud as you can?

15 A Okay.

16 Q Like I said, I know you're a little raspy but try to
17 speak as loud as you can. Not everybody is blessed with
18 being as big a mouth as I am.

19 But moving forward, so what did you do -- I guess
20 what happened that led you to start looking at something
21 maybe occurring in Apartment A [REDACTED]?

22 A As we were walking around the scene trying to see if
23 anybody saw anything, I noticed they started to get loud
24 and then more people started screaming. When I turned and
25 looked -- and that's after EMS had arrived, and as soon as

1 I walked over, the EMS lady approached me. She said, "I'm
2 not going in there with all these people showing out like
3 this," or something along those lines.

4 At that point, I was like, "Oh, we have somebody hit
5 inside of that apartment?" And she said, "Yes." Because
6 up until that point, we did not know that anybody was in
7 there.

8 Q So EMS, obviously -- and the way that would work,
9 did EMS obviously get a call from 911 indicating that
10 there was somebody injured in that apartment?

11 A Yes.

12 Q Now, at that point, do you know whether or not any
13 officers then proceeded into the apartment?

14 A I went into the front door of A with the EMS
15 worker. When I walked in, my officer, Trinity Odoms, was
16 already in the apartment with her.

17 Q And so, of course, you go in. And, of course, did
18 you observe Ms. Quanecia Brown in distress?

19 A I did. She was laying in the floor of the laundry
20 room. I mean, she had a relative that was just telling
21 everybody to help her. So my attention was focused on
22 trying to give them some space to work.

23 Q And, to that end, did you -- again, was that part of
24 your duties, to try to maintain control of the scene?

25 A Yes, sir.

1 Q Now, we talked about Christopher Green. And did you
2 encounter Christopher Green that night?

3 A I did. Actually, Christopher Green walked up to me
4 and was visibly upset. And so I walked him out, told him
5 to come talk to me, and he made the statement that --

6 Q Let me ask you this: Before we get into -- because,
7 obviously, he's not on trial today --

8 A Yeah.

9 Q -- so we got hearsay rules that apply.

10 But I'll ask you like this: Did he indicate -- did
11 he indicate enough to lead you to believe he had fired a
12 weapon that night?

13 A Initially talking to me, he did not, but later in
14 the -- in the investigation he did.

15 Q Okay. And, of course, did you take him into
16 custody?

17 A I did.

18 Q And is that based upon information that you had
19 gotten from people outside?

20 A Yes.

21 Q That he had been the shoot- -- that he had fired
22 shots?

23 A Yes, mm-hmm.

24 Q Okay. And so, again, did you take Christopher Green
25 into custody?

1 A I did.

2 Q And I think some of what he says will probably be on
3 the video because -- did you have body cam?

4 A I did.

5 Q And, as you indicated, he was obviously upset?

6 A Yes.

7 Q Okay. So, to that end, you did have a chance to
8 encounter him to a degree.

9 Did you ever see -- so Christopher Green -- so let
10 me be clear on this one. Chris -- was Christopher Green
11 still in the vicinity of the apartment?

12 A Yes, he was.

13 Q So he -- did you see him that night?

14 A I did.

15 Q Now, do you understand and know that the trial today
16 is -- well, let me ask you this: Are you also aware of
17 the fact that Christopher Green does still have pending
18 charges for the murder of Kwon Johnson?

19 A Yes.

20 Q Just to be clear on that.

21 Now, so you saw Christopher that night, but are you
22 aware that, today, the trial is not on Christopher Green;
23 it is on the defendant, Raekwon Ellerbe?

24 A Yes.

25 Q Did you see him that night?

1 A I did not.

2 Q Now, again, did you have the body cam on?

3 A I did.

4 MR. REDMOND: All right. And with the Court's
5 permission, if the Court would indulge me...

6 MS. LITTLE: Your Honor, Defendants have a matter
7 that they would like to take up with the Court outside the
8 presence of the jury.

9 THE COURT: All right.

10 All right. Ladies and gentlemen of the jury, at
11 this time, I'm going to ask that you be excused to the
12 jury room. Take a few minutes if you need to run to the
13 restroom. Don't discuss the case among yourselves.

14 (The jury exits the courtroom at 11:15 a.m.)

15 THE COURT: Okay. Ms. Little?

16 MS. LITTLE: Yes. Your Honor, may we approach?

17 THE COURT: Yes, ma'am.

18 BENCH CONFERENCE

19 (A bench conference was held off the record and
20 outside the hearing of the jury and others.)

21 (Open court resumes:)

22 THE COURT: Okay. We're in recess. We'll come back
23 in short order.

24 (A recess was taken from 11:18 a.m. to 11:48 a.m.)

25 THE COURT: For the record, what exhibit number is

1 it?

2 MR. REDMOND: It's Exhibit No. 209, Your Honor.

3 THE COURT: Ms. Little?

4 MS. LITTLE: That's correct, Your Honor. And, for
5 the record, I want to let you know that my client has seen
6 both of these.

7 THE COURT: All right. Thank you.

8 All right. So ordered.

9 MR. REDMOND: And with that, Your Honor, I'd move to
10 introduce the documents -- to mark this body cam video
11 with the time stamps, I'd move to mark that as a Court's
12 exhibit.

13 THE COURT: Okay. Any objection, Ms. Little? He
14 wants to -- the time-stamped document.

15 MS. LITTLE: That's fine, Your Honor. We have
16 checked. I've looked and seen the exact times he's
17 planning to start and stop, and we don't have any
18 objection to that.

19 THE COURT: All right. Court's Exhibit 1?

20 MR. REDMOND: Yes, sir. Thank you.

21 THE COURT: All right. Without objection.

22 (Court's Exhibit No. 1, Body Cam with Time Stamps,
23 was marked for identification and received into evidence.)

24 MR. REDMOND: And the State's ready, Your Honor.

25 THE COURT: All right.

1 Ms. Little, you ready for the jury?

2 MS. LITTLE: Yes, sir.

3 THE COURT: All right. Madam Bailiff?

4 (The jury enters the courtroom at 11:50 a.m.)

5 THE COURT: All right. Thank you, ladies and
6 gentlemen of the jury. We had to work through some
7 exhibit issues. I think we have those resolved now.

8 At this time, I'll call on Mr. Redmond.

9 MR. REDMOND: Thank you, Your Honor.

10 BY MR. REDMOND:

11 Q At this time, just for context standpoint, let me
12 just ask you this: Now, body cam video, were you out
13 there for more than two hours? I think it's like two
14 hours and ten minutes?

15 A Total. Yes, sir.

16 Q Okay. And now, of course, we aren't going to play
17 that whole thing. Just for the record, we're going to
18 play 2 minutes and 45 seconds pertinent to this particular
19 case.

20 A Okay.

21 Q And I'll start at nine minutes in at this time.

22 MR. REDMOND: With the Court's permission, can I
23 kill some of these?

24 THE COURT: Well, you already did, Mr. Redmond, but
25 go ahead.

1 (Courtroom laughter.)

2 MR. REDMOND: I did. That's called making an
3 assumption, and that can get you in trouble sometimes.

4 Your Honor, with the Court's permission, I'll go
5 ahead and play this.

6 THE COURT: Yes, sir.

7 (Body cam video played.)

8 MR. REDMOND: Excuse me; takes a second to get up as
9 you get older.

10 And that would be the portion of the body cam video
11 that we would -- that we plan to show with this particular
12 witness.

13 THE COURT: You can turn on the lights.

14 BY MR. REDMOND:

15 Q So, with that, let me just ask you this: Sergeant
16 McKenzie, was that the extent of your role in this
17 particular case?

18 A For the most part, yes, sir.

19 Q And were you involved in any further investigation
20 and any interviewing of the defendant or any other
21 witnesses at the police department?

22 A No, sir.

23 MR. REDMOND: That'd be all the questions I have of
24 Sergeant McKenzie. Please answer any questions that
25 Ms. Copeland Little may have.

1 MS. LITTLE: No questions of this witness.

2 THE COURT: No questions? All right.

3 Thank you, sir.

4 MR. REDMOND: And I need to correct the record
5 because he earned his position. I've been saying
6 Sergeant; he was Sergeant at the time. I've been informed
7 it's now Lieutenant. I apologize. And he has not
8 corrected me to show his humility. He has not corrected
9 me the whole time we've been talking. I apologize for
10 that.

11 With that, we ask that the witness be excused, and
12 we'd be ready to call our next witness.

13 THE COURT: Thank you, sir. You can step down.
14 Thank you for your testimony.

15 MR. REDMOND: The State would next call Trinity
16 Odoms.

17 Your Honor, it says the witnesses are sequestered;
18 it might take just a minute to get him here. I have given
19 the Sheriff's Office a witness order, so that'll hopefully
20 help expedite the time that we have to wait between
21 witnesses.

22 (Pause in the proceedings.)

23 THE COURT: All right. Sir, if I can get you to
24 come and place your left hand on the Bible right here,
25 sir. And if I can get you to raise your right hand.

1 Madam Clerk?

2 THE CLERK: State your name, please.

3 THE WITNESS: Trinity Odoms.

4 TRINITY ODOMS

5 after being duly sworn, was examined and testified
6 to as follows:

7 THE COURT: All right. Sir, if you could have a
8 seat right there in the witness stand. And I'm going to
9 get you to just state your name into that microphone to be
10 sure we can hear you.

11 THE WITNESS: Trinity Odoms.

12 THE COURT: All right. Your witness.

13 MR. REDMOND: Thank you, Your Honor. May it please
14 the Court?

15 DIRECT EXAMINATION

16 BY MR. REDMOND:

17 Q Sergeant Odoms, are you, in fact, a sergeant with
18 the Cheraw Police Department?

19 A Yes, sir.

20 Q And in what capacity do you work with the Cheraw PD?

21 A Let's see. I am the sergeant over in patrol.

22 Q Okay. And, in fact, I was going to try to get you
23 in and out because did you work a -- this graveyard shift
24 last night?

25 A Oh, yes, sir.

1 Q We'll try not to belabor this to get you some rest,
2 because I believe you're on duty tonight.

3 A Yes, sir.

4 Q So we'll get right into it.

5 Were you on patrol on the 12th of July, 2020?

6 A Yes, sir.

7 Q And in what capacity were you on patrol?

8 A Yes, sir --

9 Q You were on patrol on -- at that time. At what
10 point were you dispatched to Dizzy Gillespie Apartments?

11 A It was around 4 a.m. of that of that morning.

12 Q And tell us about that. Once you got there, what
13 were your observations? What did you do?

14 A Once I got there, we saw the car. It was in the
15 middle of Dizzy Gillespie. We saw two people in the
16 vehicle. One person had been shot. The other person was
17 -- he seemed like he was trying to wake up his friend, but
18 he was already -- had already passed.

19 From there, my sergeant and lieutenant asked me to
20 secure the scene. We started to put tape around the
21 scene. From putting tape around the scene, we had -- I'm
22 not sure if it was a female or a male, but they came up to
23 myself and my sergeant at the time and told us to go
24 inside because a female had been shot.

25 I go inside and see the female had been shot. EMS

1 had already been called. From there, I see if she's okay.
2 She's breathing, but she's not responding to what I'm
3 saying to her.

4 EMS gets there shortly after. From there, from EMS
5 getting there, I picked the female up, put her on a gurney
6 -- the gurney and helped put her -- helped EMS with her.
7 And then I was just told to secure the scene on the
8 inside. And I stayed there all the way until I was told
9 not to be there by my lieutenant.

10 Q And you actually helped secure the scene?

11 A Yes, sir.

12 Q And so the subject -- moving forward, was there an
13 encounter that you had with the young lady holding the --
14 what we now know was C.J., Ms. Brown's son?

15 A Yes, sir. They came to the back door and asked if
16 they could have some -- like, the stuff for the baby, and
17 I went and got it for them and then gave it to them. And
18 the baby, I think, was crying, but I wasn't sure at the
19 time. I think my chief told me they were crying
20 afterwards, but I didn't hear any of that. I just saw
21 that there was a baby.

22 Q And was there any indication at that time -- and we
23 actually will see it. Did you have body cam?

24 A Yes, sir.

25 Q And did you actually see on the body cam where looks

1 like she's holding the baby with his face toward her --
2 toward her chest?

3 A Yes, sir.

4 Q Okay. And, in that regard, did you see anything
5 that alerted you that the baby might have been shot?

6 A No, sir, not at all.

7 Q And so, after you give them the formula, I believe,
8 in a bag, did you continue to secure the scene?

9 A Yes, sir.

10 Q Okay. Now, let's talk about Chris Green real quick.
11 Did you -- were you present at the time, I believe it is
12 -- and I think that's reflected on here, too -- at the
13 time that Chris Green was taken into custody by
14 then-Sergeant McKenzie?

15 A Yes, sir.

16 Q Okay. And -- and, again, is that also reflected on
17 the body cam?

18 A Yes, sir. The first time I remember seeing him was
19 when he -- Lieutenant McKenzie came to the back and put
20 the handcuffs on him.

21 Q And so, to that end -- so I'll just ask you the same
22 thing I asked earlier. Did you see -- did you, in fact,
23 see Chris Green that night?

24 A Yes, sir.

25 Q When he was taken into custody, had you heard from

1 something about -- well, let me rephrase that.

2 Basically, had you had the chance to talk with any
3 people in the -- on the street as it relates to what might
4 have happened?

5 A Yeah. Yes, sir. I mean, we asked around to see
6 what might have happened. I didn't get anything from
7 anybody. Once I was asked to -- once I went inside and
8 got the female off the gurney -- helped the EMS get the
9 female, I was asked to stay there, so I was there until
10 then. And then, like I said, I saw Lieutenant McKenzie
11 put him in handcuffs, and that was it.

12 Q Okay. So -- and I just want to clarify what your
13 role was, the interaction was as it related to Christopher
14 Green. However, was Christopher Green actually there to
15 be taken into custody?

16 A Yes, sir.

17 Q Now, are you aware of the fact, of course, that
18 Chris Green has been charged with the murder of Kwon
19 Johnson?

20 A Yes, sir.

21 Q And of course, that's not on -- who's on trial
22 today. You are here testifying against Raekwon Ellerbe.

23 Now, did you see or encounter Mr. Ellerbe in the
24 vicinity of Dizzy Gillespie Apartments that night?

25 A No, sir. I don't remember seeing him.

1 Q And, again, your body cam, I think, is about
2 40-something minutes long; we're only going to play a
3 certain portion of that. But, again, did your body cam
4 pick up the -- what you did and your interactions that
5 particular night, July 12th morning -- in the early
6 morning hours of July 12th, 2020?

7 A Yes, sir.

8 MR. REDMOND: Okay. Your Honor, with that, I would
9 ask permission to publish State's 209 as it relates to
10 Sergeant Odom's body cam video.

11 THE COURT: It's 209?

12 MR. REDMOND: That's 209, yes. There are two videos
13 we got both with McIntyre and Sergeant Odom's body cam
14 videos on that flash drive, on 209, Your Honor.

15 THE COURT: All right. Earlier, you had indicated
16 that -- I don't believe there was a stipulation on 209.

17 MR. REDMOND: Yes, sir. There's a stipulation on
18 209 into evidence.

19 THE COURT: There is?

20 MS. LITTLE: Yes, sir. There is.

21 THE COURT: Okay, all right. So noted. No
22 objections, then, to publishing at this time.

23 MR. REDMOND: Thank you.

24 This time, I asked before the --

25 THE COURT: Yes, sir, Mr. Redmond.

1 (Exhibit 209/Body Cam Video played.)

2 MR. REDMOND: Well, it's a good thing that's over; I
3 think I hit the wrong thing, but we're actually done.

4 Let's see. Court's indulgence.

5 BY MR. REDMOND:

6 Q Okay. Now, Sergeant Odoms, the folks that we saw in
7 the video, the baby, is that C.J. [REDACTED], that
8 we've been referring to as C.J.?

9 A Yes, sir.

10 Q And of course, Christopher Green, who we saw being
11 taken into custody, is that the -- was that reflected on
12 the video, what you testified to earlier as it relates to
13 the encounter with Christopher Green?

14 A Yes, sir.

15 Q And, again, did you have any encounter with the
16 defendant at any time that night?

17 A No, sir.

18 Q That's all the questions I have. Please answer any
19 questions that Ms. Copeland Little may have.

20 THE COURT: Ms. Little?

21 MS. LITTLE: No questions.

22 THE COURT: All right. Thank you, sir.

23 MR. REDMOND: And we'd ask that he -- that Sergeant
24 Odoms be excused so he can get some sleep before his shift
25 tonight.

1 THE COURT: Thank you, Sergeant. You can step down.
2 Get some rest. Thank you for your testimony.

3 MR. REDMOND: Your Honor, the State would next call
4 Curtis Mitchell.

5 THE COURT: Mr. Redmond, similar length in
6 testimony?

7 MR. REDMOND: This is pretty short. Yes, sir.

8 THE COURT: Ladies and gentlemen of the jury, we
9 will stop by 1:00, just for your information.

10 Sir, if I can get you to come forward and place your
11 left hand on the Bible. Would you raise your right.

12 Madam Clerk?

13 THE CLERK: State your name.

14 THE WITNESS: Curtis Mitchell.

15 CURTIS MITCHELL

16 after being duly sworn, was examined and testified
17 to as follows:

18 THE COURT: Mr. Mitchell, you can have a seat. And
19 Mr. Mitchell, would you just state your name in that
20 microphone, be sure we can hear you okay?

21 THE WITNESS: Curtis Mitchell.

22 THE COURT: All right. Make sure you speak loud
23 enough, sir.

24 Your witness.

25 MR. REDMOND: Thank you, Your Honor. May it please

1 the Court?

2 DIRECT EXAMINATION

3 BY MR. REDMOND:

4 Q Mr. Mitchell, do you live at Dizzy Gillespie
5 Apartments at this time?

6 A No, sir.

7 Q Okay. But, however, did you live at Dizzy Gillespie
8 Apartments on the 12th of July, 2020?

9 A Yes.

10 Q Okay. Now, I have to ask you, just for some
11 background so the jury can know you little bit, are you
12 employed at this time?

13 A No, sir.

14 Q Okay. And do you have a -- I guess a significant
15 other at this time?

16 A Yes.

17 Q Okay. And were y'all living together, I believe
18 that's (indiscernible) Saxon (ph)?

19 A Yes.

20 Q Were y'all living together on the 12th of July,
21 2020?

22 A Yes, sir.

23 Q Now, do y'all also share a child, a young child?

24 A Yes.

25 Q All right. And is that Miracle?

1 A Yes.

2 Q And how old is she now?

3 A Three.

4 Q Three. How old was she at the time?

5 A Two.

6 Q At the time of the incident?

7 A Oh, six months.

8 Q She was six months.

9 So, ironically, the same age -- and, obviously, you
10 -- did you know Ms. Quanecia Brown? I guess y'all were
11 neighbors.

12 A Yeah.

13 Q And Same age as C.J. I did not know that until just
14 now, in all honesty.

15 So, with that said, were you in your apartment at
16 B Dizzy Gillespie Drive, I guess before 4:00 in the
17 morning on the 12th of July?

18 A Yes, I was.

19 Q What were you doing?

20 A I was laying on the couch asleep.

21 Q You were asleep.

22 And what was the baby doing? Where was the baby?

23 A The baby was in the playpen in between the two
24 couches. She was sleep- -- we were all asleep.

25 Q And where was Ms. Saxon (ph); do you remember?

1 A She was on the larger couch that we had. She was
2 actually asleep herself.

3 Q So, to be clear, the three of y'all were -- and just
4 to be clear, when you say "couch" and everything, is that
5 in the -- I guess in the foyer, in the front part of the
6 apartment?

7 A Yeah, in the living room area.

8 Q Okay. Shortly before 4:00 or sometime before 4:00,
9 did something very unusual happen while you were on that
10 couch?

11 A It moved -- the couch felt like somebody kicked it.
12 Like I guess I was snoring too loud or something. Like
13 somebody just walked to the side of it and just kicked it.

14 Q Was there anybody else in the apartment other than
15 you three?

16 A No.

17 Q And we'll talk about what you came to find out that
18 was.

19 So, at that point, what did you do? Once you were
20 awakened, what did you do?

21 A I sat up. I looked around. And my daughter's mom,
22 she asked me to get up and actually get my baby out of the
23 playpen. And we checked her, and then we just started
24 looking around the apartment to see what was going on.

25 Q Now, was there a commotion going on outside? I

1 guess shortly after or during this time, was there
2 anything going on outside that you became aware of?

3 A Not right offhand, but maybe a few minutes after
4 that. I just heard a bunch of people talking.

5 Q Okay. And we're not going to get into what was said
6 or anything.

7 So moving forward -- so, at that point, everybody in
8 your apartment -- Miracle, Ms. Saxon, and yourself -- were
9 okay. Nobody had been hit by anything?

10 A No, we were fine.

11 Q Okay. Now, moving forward, to this (indiscernible),
12 about 4:00 in the morning, moving forward, did it then
13 become -- did you become aware of what caused your sofa --
14 your couch to move?

15 A Yeah, once I just -- I realized -- we was looking
16 around and realized what was -- trying to figure out what
17 was going on, but we were told to exit through the rear of
18 the apartment.

19 Q And mind you, during this time, was it -- was there
20 a large law enforcement presence based on what had
21 transpired outside and then the other part?

22 A Yeah, they was actually putting the yellow tape up.

23 Q Just to be clear, so a lot of commotion going on.

24 And, at that point, were you complying with what law
25 enforcement was telling you?

1 A Yeah.

2 Q Okay. Now, moving forward, did you become aware of
3 the fact that you were somehow connected to this case in
4 the sense of, what did you -- was there anything that you
5 had found that entered your apartment?

6 Once we realized what was going on and we went back
7 and started looking, that's when we noticed the hole in
8 the wall.

9 Q Okay. Hole in the wall. Where was that hole
10 located?

11 A By the couch that I was laying on.

12 Q Okay. And let me ask you this: Had that hole been
13 there before?

14 A No.

15 Q And did you subsequently -- so with that hole being
16 there, what else came to your attention as it relates to
17 what made that noise?

18 A The noises out -- from me hearing people talk
19 outside, you know.

20 Q Let me ask you this: So there was a hole in there.
21 At some point, I've got to ask you -- this is what I'm
22 going to ask you: At some point, did you alert law
23 enforcement about the hole that was in your -- what did
24 you suspect that hole was?

25 A I -- once I heard just people talking outside about

1 what was going on, that's when we went back inside and
2 looked after we seen the holes outside.

3 Q And so did you alert law enforcement to what you
4 saw?

5 A But they were already on the scene.

6 Q And at that point, did law enforcement and SLED
7 actually -- did you allow them to come and enter your
8 apartment to investigate?

9 A Yes, we did. And that's when we talked to Mr. Jack.
10 And he said we should have had said something to him at
11 first, but we were complying with the officers that was
12 already on the scene.

13 Q Understood. So -- but, be that as it may, while law
14 enforcement was still there, they were able to look into
15 your apartment?

16 A Yeah.

17 Q Now, let me show you, because I hit the wrong button
18 and lost my computer for a little while, I'll have to do
19 it the old-fashioned way.

20 MR. REDMOND: Your Honor, with permission to
21 approach the witness with State's Exhibit 193 -- Exhibits
22 191, 192, 193, and 196. They're already in evidence.

23 MS. LITTLE: They're in evidence, Your Honor.

24 MR. REDMOND: They are in evidence, Your Honor. I
25 just wanted to show her what I was showing to him since

1 I'm not able to put it up on the big screen. Again, I'm
2 flying solo today; I apologize for that.

3 BY MR. REDMOND:

4 Q I'm going to ask you questions on each of those
5 exhibits. First, start with 191. Is that a picture of
6 the front door of your apartment?

7 A Yes.

8 Q Okay.

9 MR. REDMOND: And show us the next picture. That's
10 -- I think that's 191. No, 192.

11 BY MR. REDMOND:

12 Q And what does that picture reflect?

13 A This is the living room.

14 Q And is there anything that you notice that relates
15 to the living room?

16 A The hole in the wall.

17 Q Okay. And is there a walker right below the hole in
18 the wall?

19 A Yeah.

20 Q Okay.

21 MR. REDMOND: Show me next, 193.

22 BY MR. REDMOND:

23 Q What is that a picture of?

24 A That's the same wall.

25 Q Okay. And does it reflect on there where the baby

1 would have been? That's what I wanted to ask you. 193,
2 does it show the baby where the baby would have been?

3 A Well, if the playpen was up, because that's her
4 playpen there, she would have been sitting -- the playpen
5 was right here.

6 MR. REDMOND: With the Court's permission, to make
7 it easier for the jury, again, since I lost my
8 technology ---

9 THE WITNESS: It was cornered.

10 MR. REDMOND: --- can I get Mr. Mitchell to step
11 down and maybe show the jury?

12 THE COURT: Yes, sir.

13 Sir, you can step down.

14 BY MR. REDMOND:

15 Q And if you would could, I would just ask that you
16 speak as loud as you can so that the court reporter can
17 pick up what you're saying. So you can come on right here
18 with me, Mr. Mitchell.

19 A This is her playpen.

20 MR. REDMOND: And, again, this is State's Exhibit
21 193.

22 THE WITNESS: And we had it positioned right here in
23 between both of those, the couch and the love seat the
24 night this all took place.

25 MR. REDMOND: And, again, all of y'all -- thank you,

1 sir. You can take your seat.

2 BY MR. REDMOND:

3 Q So, again, all of you were actually in the living
4 room ---

5 A Yes.

6 Q --- when this happened.

7 And finally, 196 -- I'll just show you 196. What is
8 196?

9 A 196? Oh, that's the couch, the side of the couch
10 with -- and the white spots are the drywall from when they
11 entered.

12 Q And, of course, we'll have other pictures.

13 Again, did SLED come in and do a comprehensive look
14 inside the apartment?

15 A Yeah.

16 Q Thank you, sir.

17 MR. REDMOND: And, Your Honor, with the Court's
18 permission, even though we published one of them -- again,
19 since I've lost my technology -- that'd be all the
20 questions I have for Mr. Mitchell. I'd ask for permission
21 to actually publish it to the jury, the old-fashioned way
22 at this point.

23 THE COURT: All right. No objection?

24 MS. LITTLE: No objection.

25 MR. REDMOND: And that'll be all the questions I

1 have for Mr. Mitchell.

2 Please answer any questions that Ms. Copeland Little
3 may have.

4 MS. LITTLE: No questions of this witness. Thank
5 you, Your Honor.

6 THE COURT: All right. Sir, thank you for your
7 testimony. You are free to go, sir. Good luck to you.

8 THE WITNESS: Thank you.

9 MR. REDMOND: The State will next call Ms. Lavisha
10 Chapman.

11 THE COURT: Lavisha Chapman?

12 MR. REDMOND: Yes, sir.

13 And then, after that, while we're waiting, just for
14 a housekeeping standpoint, I was going to call, I think,
15 Lieutenant Nicole Scott with the Cheraw PD. That will
16 probably be my last witness before lunch. Neither one of
17 these -- we'll see how long it takes with Ms. Chapman,
18 obviously, and then, you know, we can gauge it, but
19 Lieutenant Scott shouldn't be too long.

20 Then, after that, my next witness we'll have to
21 probably take up after lunch. That's my SLED -- SLED
22 agent. That's going to take a while to go through the
23 pictures and whatnot.

24 And then I've got Dr. Kelly Rose, the pathologist,
25 after her. She'll be here after lunch. Just to give the

1 Court an idea of what's left the rest of the day.

2 THE COURT: I've already told them 1:00,
3 Mr. Redmond, for lunch.

4 MR. REDMOND: And I'm looking at the clock very
5 closely. So if push comes to shove, Your Honor, we can do
6 this witness and give the jury a little bit early lunch
7 and then just come back and reconvene with Lieutenant
8 Scott.

9 THE COURT: We'll see how it goes.

10 Ma'am, can I get you to come forward right here? If
11 you would place your left hand on the Bible. If you would
12 raise your right.

13 THE CLERK: State your full name.

14 THE WITNESS: Lavisha Chapman.

15 LAVISHA CHAPMAN

16 after being duly sworn, was examined and testified
17 to as follows:

18 THE COURT: Ms. Chapman, can you come on up here and
19 have a seat, ma'am? Step forward, tell us your name in
20 that microphone, and make sure we can hear you okay.

21 THE WITNESS: My name is Lavisha Chapman.

22 THE COURT: Good job.

23 All right, Mr. Redmond?

24 MR. REDMOND: Thank you, Your Honor. May it please
25 the Court?

1 DIRECT EXAMINATION

2 BY MR. REDMOND:

3 Q Ms. Chapman, at this time, did you -- well, let me
4 ask you this: Back in July of 2017 -- July -- in
5 particular July 12th of 2017, did you reside at Dizzy
6 Gillespie Apartments?

7 A Yes, sir.

8 Q Okay. And which apartment were you in at that time?

9 A C Dizzy Gillespie Drive.

10 Q Can you speak that -- repeat that one more time.

11 A C Dizzy Gillespie.

12 Q There you go.

13 And, of course, is that -- I say "behind," but is
14 that behind where this incident came -- on the other side
15 right there?

16 A On the other side.

17 Q Yes. Now, are you related to Quanecia Brown?

18 A Yes, sir.

19 Q And how are you related to her?

20 A She's my cousin.

21 Q Okay. So, by extension, is C.J. your cousin?

22 A Yes, sir.

23 Q Okay. And let's get right into what happened that
24 night. 12th of July, 2020. Were you present at the time
25 of the shooting incident that occurred?

1 A No, sir.

2 Q Okay. However, did you become aware that an
3 incident had occurred and then end up in the vicinity of
4 the shooting?

5 A Yes, sir.

6 Q Now, tell me, how were you made aware and then what
7 did you do.

8 A On the night of June the 12th --

9 Q July --

10 A July the 12th. I'm sorry.

11 Q That's all right.

12 A It's been a long time.

13 On the night of July the 12th, I had a got a phone
14 call that my cousin had got into an accident and that her
15 baby was also there, too. But I didn't know nothing until
16 I got there.

17 So when I arrived on the scene, as in when I got in
18 my car and I went on the other side to where the accident
19 happened at, I got there, and then I noticed someone
20 holding the baby, which is my baby cousin, and she was
21 just crying because didn't nobody know, like, what was
22 wrong with him. Because he wasn't crying. He was just,
23 you know, just in her arms while she was crying. I'm
24 asking her, "What's wrong?"

25 Q Okay. And who is your cousin, by the way? What's

1 her name, the cousin that had the baby?

2 A Oh, she wasn't my cousin.

3 Q Your friend, rather. Okay. I'm sorry. Go ahead.

4 A Her name is Kanecia (ph).

5 Q Okay, Kanecia. But go ahead; I interrupted you.
6 Please continue.

7 A It's okay. So as I approached her, and she had the
8 baby in her arms, I was asking her, like, what was going
9 on. So that's when we both noticed, like -- because she
10 had blood on her clothes also. So I guess we both noticed
11 that the baby got shot.

12 So, by that time, I had already done panicked and,
13 like, what's going on, everything was just happening so
14 fast. So I had got in the car and just rushed the baby to
15 the hospital. That's when everything happened from right
16 there.

17 Q Okay. So, to be clear, so you were there when the
18 realization was made that C.J. had been shot -- little
19 C.J. had been shot?

20 A Yes, sir.

21 Q And upon that realization, again, tell the ladies
22 and the gentlemen of the jury what you did.

23 A I took the baby to the hospital. I didn't get the
24 baby out of her hands, her arms because I was the driver.
25 But I made it my way to take the baby to the hospital to

1 get care. Because, at that time, didn't nobody know what
2 was going on with the baby.

3 Q And that was Chesterfield -- that's McLeod Cheraw?

4 A Yes, sir.

5 Q And then did C.J. subsequently have to be airlifted
6 to Richland -- to Prisma Health? We refer to it as
7 Richland Memorial in Columbia.

8 A Yes, sir.

9 Q Okay. Now, did you accompany him? You didn't
10 accompany him to Richland Memorial?

11 A No, sir.

12 Q However, you obviously were aware that he had been
13 shot.

14 Let's talk about C.J. now. Did C.J. recover from
15 his wounds?

16 A Yes, sir, he did. And he's a handsome
17 three-year-old boy.

18 Q Great. That's a blessing and good to hear. Thank
19 you.

20 MR. REDMOND: If I may approach the witness with
21 State's 200, 201, and 208 that are already in evidence.

22 MR. REDMOND: Permission to approach the witness,
23 Your Honor.

24 THE COURT: Yes, sir.

25 BY MR. REDMOND:

1 Q I'll show you what's been marked as State's 200,
2 201, and 208.

3 Let's talk about State's 200 first. Could you tell
4 the ladies and gentlemen of the jury what is State's 200?

5 A What I'm looking at is C.J.'s clothes, what he had
6 on the night of the incident.

7 Q Okay. And next, please, 201?

8 A And as I look closer, I see the bullet holes and
9 blood.

10 Q And, again, that's CJ's onesie from that night?

11 A And I'm looking at my precious, handsome...

12 Q And that's State 208.

13 A That's C.J.

14 Q And is that C.J., I guess, after he had had his
15 surgery and while he was still recuperating?

16 A Yes, sir.

17 MR. REDMOND: With permission, could I ask that Ms.
18 Chapman step down, please?

19 THE COURT: Yes, sir.

20 BY MR. REDMOND:

21 Q And I'm just going to ask -- I think you'll be fine,
22 but if you could speak as loud as you can, I'm going to
23 hold these for you, and just explain to the jury again,
24 what is State's 200?

25 A As you see on this picture, this is a picture of

1 C.J.'s onesie that he had on the night of the incident.

2 Q Okay. And then State's 201.

3 A And as you look closer, there's two bullet holes.

4 Q And when we say two bullet holes, you got the bullet
5 hole in -- now, they don't have a picture of the other
6 side, but there was the bullet holes entering and exiting?

7 A Yeah.

8 Q And that was State's 208.

9 A After he's been after recovery.

10 MR. REDMOND: And Your Honor -- oh, please have a
11 seat.

12 Beg the Court's indulgence.

13 BY MR. REDMOND:

14 Q Oh, I didn't ask this: Who is C.J. staying with
15 now? Who takes care of C.J.?

16 A He's staying with his grandmother, Shawnesha (ph)
17 Brown.

18 Q Shawnesha Brown, Quanecia's mom?

19 A Yes, sir.

20 MR. REDMOND: That will be all the questions I have
21 at this time. I would ask the Court's permission again,
22 since we're having to do this old school, for me to
23 publish the pictures at this time to the jury.

24 And please answer any questions that Ms. Copeland
25 Little may have.

1 MS. LITTLE: No questions of this witness. Thank
2 you.

3 THE COURT: All right. Ma'am, you can step down.
4 Thank you for your testimony.

5 THE WITNESS: You're welcome.

6 THE COURT: No objections? Free to go?

7 MS. LITTLE: No objections.

8 THE COURT: All right. You're free to go, ma'am.
9 Have a nice day.

10 MR. REDMOND: Beg the Court's indulgence.

11 The State would call Nicole Scott. And this should
12 be pretty brief, Your Honor.

13 THE COURT: Nicole Scott?

14 MR. REDMOND: She is Lieutenant Scott
15 (indiscernible) sequestration room.

16 THE COURT: Can I get you to come forward? If you
17 would place your left hand on the Bible, please. And
18 would you raise your right.

19 Madame Clerk?

20 THE CLERK: State your full name, please.

21 THE WITNESS: Nicole Scott.

22 NICOLE SCOTT

23 after being duly sworn, was examined and testified
24 to as follows:

25 THE COURT: Okay. You have a seat. Will you scoot

1 forward and tell me your name in that microphone, please.

2 THE WITNESS: Nicole Scott.

3 THE COURT: Your witness.

4 MR. REDMOND: Thank you, Your Honor. May it please
5 the Court?

6 DIRECT EXAMINATION

7 BY MR. REDMOND:

8 Q Lieutenant Scott -- I guess I gave it away -- are
9 you a lieutenant with the Cheraw Police Department?

10 A Yes.

11 Q And, at this time, were you -- and back in the 2020
12 -- July 12th, 2020, were you a sergeant in Investigations
13 at that time?

14 A Yes, I was.

15 Q Now, you were not the lead investigator on this
16 case?

17 A No.

18 Q All right. So as it relates to any involvement at
19 the scene and things of that nature, I'd be wasting my
20 time really talking to you much about that?

21 A Yes, sir.

22 Q However, did you become involved, at least briefly,
23 as it relates to -- well, first of all, was Brad
24 Redfearn -- Sergeant Redfearn at that time the lead
25 investigator on this case?

1 A Yes, he was.

2 Q Okay. So, just to clarify that.

3 Now, moving forward, did you get a call to report to
4 McLeod Cheraw?

5 A Yes.

6 Q And could you tell the ladies and gentlemen of the
7 jury about that?

8 A I got a call to report to McLeod Health ER in
9 reference to somebody being shot.

10 Q And when you got McLeod in Cheraw, did you discover
11 -- what -- did you get more information about who had been
12 shot?

13 A Yes. Once I arrived, I was notified that it was a
14 young lady that was shot and she had passed away.

15 Q Now, that would be Quanecia Brown?

16 A Yes.

17 Q But did you also encounter someone else that had
18 been shot?

19 A Once I got there, the nurses told us about a baby
20 that was there as well, that was shot.

21 Q Okay. And so what did you do? Once you became
22 aware of that then, what transpired after that?

23 A Before the baby was airlifted from the hospital, I
24 collected what the baby was wearing that night.

25 Q And, in fact, the pictures that are already in the

1 record, State's 200 and 201, were those, I guess, pictures
2 of the onesie that you had taken reflecting the bullet
3 holes?

4 A Yes.

5 Q Okay. And so just to be clear, baby -- the baby had
6 to be airlifted to Columbia for further treatment?

7 A Yes, the baby was airlifted.

8 Q But at least where you able to get and document the
9 clothes -- with the clothes that he was wearing, the fact
10 that he had, in fact, been shot.

11 A Yes.

12 Q And, again, as it relates to your particular role in
13 this case, I guess you happened to be at the hospital at
14 the time this became -- C.J.'s injury became apparent?

15 A Yes.

16 MR. REDMOND: Beg the Court's indulgence.

17 That'd be all the questions that I have. Please
18 answer any questions that Ms. Copeland Little has.

19 MS. LITTLE: No questions, Lieutenant.

20 MR. REDMOND: And with that, Your Honor, I think I
21 beat the clock as it relates to lunch.

22 My next witness is going to be pretty lengthy.
23 That's the SLED agent. Well, either the SLED agent or the
24 pathologist but -- after lunch, so I think this will be a
25 good stopping point.

1 Just as -- just for the Court's knowledge and for
2 the benefit of the jury, we've got the pathologist after
3 lunch, we've got the SLED agent. I haven't decided which
4 order I'm going to call them in, but then that will
5 actually conclude what we have for today.

6 Tomorrow -- because my other witnesses -- there are
7 three witnesses -- two, potentially three witnesses
8 tomorrow that I would be calling. And so -- but I won't
9 be able to get to them until tomorrow. And so, depending
10 on how long those witnesses take this afternoon, we
11 actually may break a little early.

12 THE COURT: Okay. All right.

13 All right. In that event, then, ladies and
14 gentlemen of the jury, Mr. Foreman, I have 12:50. I'm
15 going to ask that you be back in the jury room by, say,
16 2:10. And we'll start right away. Okay? I don't think
17 we have any pretrial matters to take up this afternoon.

18 Okay. So, once again, can't talk about the case
19 among yourselves or with anybody else. And if anybody
20 tries to approach you and talk to you, alert the bailiff,
21 who will alert the Court. Okay? I appreciate your
22 attentiveness this morning, and at this time, I'll excuse
23 you for lunch. Okay?

24 (The jury exited the courtroom at 12:50 p.m.)

25 THE COURT: All right. Door closed?

1 MR. REDMOND: Not yet, Your Honor.

2 THE COURT: All right. Any matters we need to take
3 up?

4 MR. REDMOND: Nothing from the State, Your Honor.

5 THE COURT: All right.

6 MS. LITTLE: No, sir.

7 THE COURT: All right. See y'all at 2:10.

8 MR. REDMOND: Thank you, Your Honor.

9 (A lunch recess was taken from 12:51 p.m. to 2:12
10 p.m.)

11 THE COURT: All right. We have our jury back in the
12 courtroom, and I hope y'all had a nice lunch, a nice
13 break. I appreciate you being back so promptly.

14 I believe, at this time, the State's ready to call
15 its next witness.

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

18 Ladies and gentlemen, the State will next call
19 Dr. Kelly Rose.

20 THE COURT: Dr. Kelly Rose. Can I get you to place
21 your left hand on the Bible and raise your right.

22 Madam Clerk?

23 THE CLERK: State your name, please.

24 THE WITNESS: Kelly Rose.

25 DR. KELLY ROSE

1 after being duly sworn, was examined and testified
2 to as follows:

3 THE COURT: Your witness, sir.

4 MR. REDMOND: Thank you, Your Honor. May it please
5 the Court?

6 DIRECT EXAMINATION

7 BY MR. REDMOND:

8 Q Dr. Rose, where do you work?

9 A I work in Newberry, South Carolina, for Newberry
10 Pathology Group.

11 Q And how long have you worked with Newberry Pathology
12 Group?

13 A Since 2018.

14 Q And let's go through your educational background.
15 First of all, could you tell us your educational
16 background, please?

17 A I got my Bachelor of Science from the College of
18 Charleston.

19 Q So did I. Not in science, but College of
20 Charleston. Go ahead. I'm sorry.

21 A I went to medical school at the Medical University
22 of South Carolina. After medical school, I started my
23 residency in pathology at MUSC. And then I finished my
24 residency at Emory.

25 After I finished my residency at Emory, I stayed on

1 at Emory for one more year to do specialized training in
2 forensic pathology, a fellowship.

3 Q Now, let's talk about your experience. So,
4 obviously, your field is forensic pathology.

5 Tell us what your experience has been as far as
6 autopsies go. How many autopsies, trainings, anything
7 pertinent in that regard.

8 A I'm approaching 6,000 autopsies. I have written
9 some articles in my field. I'm recently -- I recently
10 wrote a chapter in a textbook. It's not out yet, but it
11 will be soon.

12 Q Congratulations.

13 A Yes. I've testified throughout South Carolina,
14 approximately 50 times in court.

15 MR. REDMOND: And with that, Your Honor --

16 BY MR. REDMOND:

17 Q And, of course, in the 50 times, you have been
18 qualified as an expert specifically in the field of
19 forensic pathology?

20 A Yes, I have.

21 MR. REDMOND: Your Honor, with that, I would move to
22 qualify Dr. Rose as an expert in the field of forensic
23 pathology.

24 THE COURT: All right.

25 MS. LITTLE: No objection.

1 THE COURT: No objection. So ordered.

2 MR. REDMOND: Thank you.

3 BY MR. REDMOND:

4 Q Now, on the 13th, I believe, of July 2020, did you,
5 have the unfortunate opportunity to perform an autopsy on
6 Quanecia Brown?

7 A I did.

8 Q And I'll ask you, I guess, just generally
9 speaking -- some of these questions are going to seem
10 pretty rudimentary, but what is an autopsy?

11 A An autopsy is a specialized medical procedure where
12 we look at the -- a deceased individual. We look at them
13 on the outside, and we look for injury, we look for
14 natural disease, and then we also look at them on the
15 inside. And what we are trying to do is determine cause
16 and manner of death.

17 Q And were you able to do so with Quanecia Brown,
18 determine the cause and manner of death?

19 A I was.

20 Q Okay. And we'll get to your findings in just a few
21 minutes.

22 Now, as it relates to what you do in an autopsy, do
23 you generate a report based on your findings?

24 A I do.

25 Q And did you do so in this case?

1 A I did.

2 Q And also in this particular case -- I'm jumping
3 ahead a little bit, but were you able to actually obtain a
4 bullet and, I guess, have it placed in evidence?

5 A I was.

6 Q I'm going to show you -- kill two birds with one
7 stone -- State's 15 and 16.

8 MR. REDMOND: May I approach the witness, Your
9 Honor?

10 THE COURT: Yes, sir.

11 BY MR. REDMOND:

12 Q If you can take a look at those. 215 is a copy -- I
13 think that's 215 -- is a copy, but could you tell us what
14 those two exhibits represent?

15 A Exhibit 215 is a copy of my autopsy report, the
16 report that I generated from the autopsy.

17 And then 216 is the bullet that was retrieved during
18 that autopsy.

19 MR. REDMOND: And, Your Honor, those items are
20 already in evidence.

21 BY MR. REDMOND:

22 Q Thank you, Dr. Rose.

23 Now, in talking about the autopsy of Ms. Brown,
24 could you tell the ladies and gentlemen of the jury -- I
25 guess, walk us through the process of the autopsy of

1 Ms. Brown leading up to your findings.

2 A Okay. So when -- she was received in a body bag,
3 and as the bodies are received, we photographed the bag.
4 Then we -- then we open the bag, and we photograph the
5 body as she was received. Then we will start to document
6 if she had any clothing. I believe she had on some
7 underwear and she had a hair band on her. We collected
8 those and we inventory that. And then I start to do a
9 body diagram. And I did a body diagram on this case, and
10 I'm looking for injury.

11 She also had some, like, EKG lead pads, some medical
12 equipment on her, like, life-saving measures had been
13 attempted. So we document all of that.

14 Throughout -- after we do that, in certain cases,
15 and gunshot wound cases are one of those cases, we will do
16 X-rays. So we X-rayed the body. And what we're doing
17 with an X-ray is we're looking for any bullets that are
18 still in the body that we might be able to recover, and in
19 this case, we did see a bullet.

20 I noticed that she had a gunshot wound to her chest
21 up here. And so then I document that on a body diagram.
22 I'll take measurements of it. I'll look at any
23 characteristics of the wound that might help us figure
24 out, you know, maybe range of fire and stuff like that.

25 And then we opened her, and I found what the bullet

1 went through in her body.

2 Now -- and I know, in speaking of that, that segues
3 to the path that the bullet took. Again, were you able to
4 determine the path that the bullet took?

5 A I was.

6 Q And could you -- before we get into the injuries
7 that were inflicted as a result of that bullet, could you
8 tell us the path that the bullet took?

9 A The direction?

10 Q Yes. The direction, yes.

11 A Okay. So the bullet went from right to left,
12 upward, and backward. So right to left, upward, and then
13 backward.

14 Q And let me ask you this: Just as a practical
15 standpoint, if the bullet was upward, based on -- of
16 course, you are an expert. If the bullet was going
17 upward, depending on where the shots came in, it would
18 have -- the shots themselves would have caused an upward
19 trajectory?

20 A Correct. The bullet was -- they tend to stay in
21 straight lines as much as possible. And so it was coming
22 in at that angle.

23 Q And that being the case -- again, and that's just --
24 that's just something I wanted to ask you based on what
25 you testified to.

1 So with that path that the bullet took, now let's
2 talk a little bit about the damage that the bullet did.
3 Could you tell the ladies and gentlemen of the jury that?

4 A So the bullet entered here. It went through her --
5 the skin, the subcutaneous tissue, the fat that's there,
6 went through her right pectoralis muscle, her right chest
7 muscle. It then went under -- because as it's traveling
8 backwards, it went under her right clavicle. And as it
9 did that, it went straight through her subclavian artery.
10 And that is one of the major vessels in your body. It
11 comes off the aorta, which is the biggest artery in your
12 body. And it supplies blood to your entire right upper
13 extremity, and it's under the clavicle because it's that
14 important. It has to be protected.

15 So the bullet was able to get under the clavicle or
16 collarbone, go through the subclavian, right subclavian
17 artery, it then traveled up towards her neck but behind
18 her voice box, and then lodged in a muscle over here on
19 her left neck.

20 Because the subclavian artery is under the
21 collarbone, a lot of her blood instead of, you know,
22 coming out of the body, collected in her right chest
23 cavity, so blood filled up all around her lung. It was
24 about a liter that we recovered at autopsy. I'm sure
25 there was some loss prior to autopsy during, you know,

1 emergency medical measures, but about a liter of blood
2 filled up around her lung, which would have compressed her
3 lung. She wouldn't have been able to get a good breath,
4 you know, and then that starts to really affect your
5 heart.

6 So not only would she have been losing blood, but
7 she would not have been able to get any air -- the correct
8 amount of air in either.

9 Q Now, with the path of the bullet, the bullet that --
10 with the path of the bullet and the injury that she
11 incurred, in a situation like that, is it possible that,
12 for instance -- again, you're qualified as an expert so I
13 can ask you a hypothetical. For instance, if she was shot
14 in the front part of the house, would it be possible for
15 her to make it, say, to a laundry room in the center --
16 center back of the apartment com- -- of the apartment?

17 A Yes, most definitely.

18 Q So, in other words, if somebody's shot, in that
19 regard, it doesn't mean that she drops down immediately.
20 She could try to --

21 A Correct. Generally, the only gunshots that make you
22 drop immediately is if it goes through your brain stem.
23 So that's the, you know, up here, that that is an
24 immediate drop. Other than that, people have been able
25 to, you know, they have adrenaline, they're able to run

1 some, they're able to walk some, especially with the
2 wounds like she sustained.

3 Q And I'll just ask you this, Dr. Rose: Could you
4 tell us the cause and the manner of death in this
5 particular case, as it relates to Ms. Quanecia Brown?

6 A Yes. Her cause of death was penetrating gunshot of
7 chest. And that just means the bullet was still in her.
8 It didn't come out, and we were able to retrieve it.
9 That's what the penetrating means. So it's penetrating
10 gunshot of chest. And the manner of death was homicide.

11 Q And homicide meaning at the hand of another,
12 basically?

13 A Correct.

14 Q That would be all the questions I have. Please
15 answer any questions that Ms. Copeland Little has.

16 CROSS-EXAMINATION

17 BY MS. LITTLE:

18 Q Good afternoon, Dr. Rose. I just have one question.
19 As I was listening to your testimony, you said that one of
20 her lungs -- I think you said one of her lungs was, I
21 guess, surrounded by blood or compressed by blood.

22 A Yes, ma'am.

23 Q Was the other lung also damaged?

24 A No, not directly from the gunshot.

25 Q But the gunshot wound and the blood that came after

1 it made one of her lungs collapse; is that correct?

2 A Yeah, it was.

3 Q And would having only one functioning lung usually
4 cause death?

5 A It does, usually. It really depends. If you're an
6 Olympic athlete and you're close to a trauma center, it
7 might not. But what happens is, when one lung is
8 collapsed, the entire hemodynamics -- that's a big word we
9 use for how the heart pumps and the flow and there's all
10 kinds of forces -- gets thrown off. And it's a very
11 devastating injury. So yes, that didn't surprise me.

12 MS. LITTLE: Beg the Court's indulgence for just one
13 moment.

14 That's all I have, Dr. Rose. Thank you so much.

15 THE WITNESS: Thank you.

16 MR. REDMOND: No redirect.

17 THE COURT: All right. No objection to being free
18 to go?

19 MR. REDMOND: Absolutely.

20 THE COURT: Thank you.

21 THE WITNESS: Thank you.

22 THE COURT: You are free to go. Thank you for your
23 testimony.

24 THE WITNESS: You are welcome.

25 MR. REDMOND: The State would next call Kristen

1 Moore from SLED.

2 THE COURT: Kristen?

3 MR. REDMOND: Moore.

4 THE COURT: Kristen Moore?

5 MR. REDMOND: Moore, yes. M-O-O-R-E.

6 THE COURT: Ladies and gentlemen of the jury, we
7 have the witnesses in another part of the courthouse;
8 that's why there is a little bit of delay getting in here,
9 if you were wondering.

10 (Pause in the proceedings.)

11 THE COURT: Come forward and place your left hand on
12 the Bible and raise your right.

13 Madam Clerk?

14 THE CLERK: State your name, please.

15 THE WITNESS: Kristen Moore.

16 KRISTEN MOORE

17 after being duly sworn, was examined and testified
18 to as follows:

19 THE COURT: Take the witness stand, please. Would
20 you state your name for the record so we can make sure we
21 can hear you.

22 THE WITNESS: Kristen Moore.

23 THE COURT: Thank you.

24 Your witness, sir.

25 MR. REDMOND: Thank you, Your Honor. May it please

1 the Court?

2 DIRECT EXAMINATION

3 BY MR. REDMOND:

4 Q Agent Moore, by whom are you employed?

5 A The South Carolina Law Enforcement Division,
6 commonly referred to as SLED.

7 Q And how long have you been employed with SLED?

8 A Since January of 2020.

9 Q And when did you begin your career in law
10 enforcement?

11 A I began my career in law enforcement in 2016 at the
12 West Columbia Police Department. I worked on patrol for
13 about four years with them.

14 During that time, I was promoted to a supervisory
15 role with them. I began working at SLED in January of
16 2020 in the Crime Scene Unit, and I have been employed
17 with them ever since.

18 Q And, in fact, in July of 2020, specifically July the
19 12th, 2020, early morning hours, were you dispatched to
20 Chesterfield County, specifically Cheraw and Dizzy
21 Gillespie Apartments?

22 A Yes, sir, I was.

23 Q Now, let's talk about that. You were -- you
24 arrived, I think -- according to your report, you arrived
25 approximately 6:48 in the morning?

1 A Yes, I did.

2 Q Okay. And talk to us. And let's just give the jury
3 a little bit of an idea about what you do, because you're
4 out of Columbia -- you're headquartered out in Columbia.
5 So when you get a call, when you're dispatched, as we say
6 -- sometimes we get a little -- we forget that not
7 everybody's familiar with how we do our job. Could you
8 tell the jury, when you're dispatched, what does that mean
9 and what do you do in general?

10 A So we receive our call from our operations desk or
11 our dispatch, and they advise us that they have a request
12 for crime scene assistance. In this case, it was for a
13 homicide investigation out of Cheraw.

14 So we make contact with the local agency, and the
15 lead investigator provides us with any information,
16 whether there's someone deceased on-scene or at the
17 hospital.

18 We then respond to the scene, which was about a
19 two-hour drive in this case, and we make contact with the
20 agency there.

21 Q And excuse me -- and so once you, of course, got to
22 Cheraw, tell us what the -- of course you were briefed on
23 what information they had at the time?

24 A Yes, sir.

25 Q Okay. And then, of course, you were there with,

1 Anna Tankersley (ph), I think, as well?

2 A Yes, sir. That's my partner and my training agent.

3 Q And so, at the time, once y'all arrive there, could
4 you take the ladies and gentlemen of the jury in through
5 what you observed when you first arrived.

6 A When we arrived on-scene, the scene was roped off
7 with yellow barrier tape as well -- as well as law
8 enforcement vehicles and personnel. We made contact with
9 the local agency within that crime scene tape. Then we
10 did an initial walkthrough, which meant that we walked
11 through the scene to see what we could readily observe,
12 like cartridge cases, projectiles, anything in the
13 roadway, a vehicle, a residence, anything like that. So
14 we initially walked through the scene to find any items of
15 evidentiary value.

16 Q Now, when you arrived at the scene, was there a
17 victim still present in a Chevy Cruze?

18 A Yes, sir, there was.

19 Q And was that who you came to find out Kwon Johnson,
20 Kwondashian Johnson?

21 A Yes, sir.

22 Q Okay. Now, Quanecia Brown was not present when you
23 arrived at the scene?

24 A That is correct.

25 Q And based on the information you obtained, were you

1 aware that she had been taken to the hospital and had
2 unfortunately not survived her injuries?

3 A Yes, sir.

4 Q Now -- so, of course, when you arrived, Mr. Johnson
5 is still in the vehicle. Could you explain to the jury --
6 I guess, from a processing-the-scene standpoint, could you
7 take us through what steps y'all took once y'all got to
8 the scene?

9 A Absolutely. So whenever we first arrive, after we
10 make contact and do our walkthrough, we document the scene
11 with photographs, exactly how it is when we arrive
12 on-scene. So without us touching anything, we immediately
13 began photographing the scene.

14 We then use markers and place them beside any items
15 of evidentiary value, and we rephotograph the scene with
16 the markers on it so that it's easier for someone to look
17 at the photos and identify that piece of evidence later.

18 We document it in our notes, and we also document it
19 with measurements to each item of evidence. In this case,
20 there was a victim on-scene in a car, and we take priority
21 over that -- over evidence. So we documented him with
22 photographs so that he was able to be removed from the
23 scene and taken to the morgue.

24 Q Now, of course, again, all of this, you have taken
25 photographs of all -- of everything that you encountered.

1 Did you end up going into the apartment complex,
2 especially -- start with A , Apartment A .

3 A Yes, sir.

4 Q So, of course, before we get into that, you also
5 observed not just what happened inside -- and I think
6 you've already talked about the fact that you observed and
7 placed markers on what you found outside.

8 A Yes, sir.

9 Q And then did you eventually work your way inside of
10 A ?

11 A Yes, we did.

12 Q And, for that measure, eventually also B , next
13 door?

14 A That's correct.

15 Q Okay. But let's talk about A . So you make your
16 way into A . Tell the ladies and gentlemen of the jury
17 what transpired as far as your work was concerned.

18 A Inside -- we worked from the outside inside. So
19 once we began from the roadway where the vehicle was, we
20 went towards the townhomes and there was fragments,
21 projectile fragments, which are pieces of bullet on the
22 sidewalk and patio in front of the townhomes.

23 We then went inside A . We observed bullet
24 defects on the exterior wall and on the front door. There
25 were projectile fragments also inside the residence.

1 There was suspected blood inside the residence, and there
2 were several more defects in an additional room.

3 Q Okay. And of course, was all that photographed?
4 And, again, we've got several photographs we will go
5 through, so we'll get more into detail with that. But was
6 that all documented by photograph?

7 A Yes, it was.

8 Q So then -- excuse me, did you col- -- did you
9 collect evidence? So as you're going through, you're
10 photographing it. At some point, do you also collect
11 evidence?

12 A Yes.

13 Q Okay. And, in this particular case, did you collect
14 -- well, let's put it like this: Did you collect a
15 significant number of 9mm shell casings -- I think, by my
16 count 12 -- and three 7.62 shell casings?

17 A Yes, we did.

18 Q Okay. Now, let's talk about those shell casings.
19 9mm shell casings, is that consistent with the 9mm gun --
20 being fired from a 9mm?

21 A Yes, sir.

22 Q Now, let's talk about the 7.62. There were three
23 that were found. 7.62 shells aren't fired from a 9mm?

24 A Correct.

25 Q And, based on your experience, is that consistent

1 with an AK-47?

2 A Yes, sir, it is.

3 Q And, again, are these -- as far as the shell casings
4 that you've uncovered, are they reflected in your
5 photographs?

6 A Yes, sir, they are.

7 Q Now, full disclosure, they were also -- and, again,
8 if I'm misstate, the reports and records would indicate
9 otherwise, but was there also, I think, a .40 and a .45
10 shell casing? And a .40 and a .45 shell casing found in
11 the vicinity of this incident?

12 A Yes, sir. There was two .40 caliber and one .45.

13 Q Okay. And are those also reflected in your diagram?

14 A Yes, they are.

15 Q Okay. And we'll discuss that in a little while
16 later.

17 Now, let me just ask you a commonsense question.
18 Were you present at the time that the incident occurred?

19 A No, sir, I was not.

20 Q Can you say who or how many people were shooting at
21 a specific time just by collecting evidence?

22 A No, I cannot.

23 Q Okay. Is that information that -- based on your
24 experience in law enforcement, that, if you have other
25 evidence, such as surveillance video, that might help tell

1 a clearer picture of what actually happened?

2 A Yes, sir.

3 Q Okay. Now, we just mentioned the fact that you had
4 done a diagram of what you encountered. So inside the --
5 and I think I cut you off. So you went inside, you noted
6 that there were defects. And again, we'll talk about that
7 in the video.

8 So let's move on to B, that particular apartment.
9 Did you have an opportunity to go in that apartment?

10 A Yes, we did.

11 Q And could you tell the ladies and gentlemen of the
12 jury what you encountered there.

13 A There were suspected bullet defects in the wall and
14 in a couch in that apartment where we recovered a
15 projectile out of the couch. So the bullet traveled into
16 that apartment, and we recovered the bullet from the
17 couch.

18 Q And to be clear, did you -- where did you recover
19 that bullet again?

20 A From the couch.

21 Q Okay. From the couch.

22 Now, with the Court's indulgence, let me show you
23 what's been marked as State's 210, 211, and 212. These
24 items are for ID only. 213 is actually in evidence.

25 MR. REDMOND: If I may approach the witness with

1 these exhibits.

2 THE COURT: Yes, sir.

3 BY MR. REDMOND:

4 Q Could you tell the ladies and gentlemen of the jury,
5 based on -- if you can indicate what those particular
6 exhibits represent. Starting with 210, I think it was I
7 said.

8 A This is -- these are cartridge cases collected from
9 the scene. And I can recognize them based off of the lab
10 number and my initials on the envelopes.

11 Q And I think that's 210. Is that 210?

12 A Yes, sir.

13 Q 210. Okay.

14 211, please.

15 A These are fragments and projectile fragments. These
16 are projectile fragments that were recovered. And these
17 also have my initials and the lab number on them.

18 Q And let's go to 212.

19 A These are also cartridge cases that were collected,
20 and I can tell with my initials and the lab number on
21 them.

22 Q And those shell casings, were those the .45 and the
23 .40s?

24 A Yes, sir.

25 Q And 213, please.

1 A This is the Taurus handgun that was transferred to
2 us, and I can tell via the lab number and my initials on
3 the exterior packaging.

4 MR. REDMOND: And, Your Honor, if -- at this time,
5 we have got photographs that we'll get into, so I don't
6 need to open it at this time.

7 THE COURT: Opening the exhibit?

8 MR. REDMOND: The exhibit. I won't need to open it
9 at this time. So -- but like I said, 213 is already in
10 evidence anyway.

11 Thank you, Agent Tankersly [verbatim].

12 BY MR. REDMOND:

13 Q Now, with that out of the way, let's talk about the
14 diagram, which I don't think I handed to you because, for
15 some reason, I was up there --

16 MR. REDMOND: With the permission to approach, Your
17 Honor.

18 THE COURT: You can approach Agent Moore.

19 MR. REDMOND: Yes. Thank you.

20 BY MR. REDMOND:

21 Q 214. Could you tell the ladies and gentlemen of the
22 jury what 214 represents?

23 A This is a diagram that I prepared after the scene of
24 what we saw on the scene. This is a representation of the
25 scene.

1 Q Now with that -- now we're getting to the laborious
2 part.

3 MR. REDMOND: If I could, with the Court's
4 permission, turn the lights off again.

5 THE COURT: Yes, sir.

6 MR. REDMOND: I'm learning. And let's see.

7 BY MR. REDMOND:

8 Q Now, if I could have you -- with the Court's
9 permission, step down. And if I could -- while you're
10 doing that, if I could ask you to speak as loud as you can
11 to the ladies and gentlemen of the jury can still hear
12 you, and, of course, so the court reporter is able to pick
13 it up.

14 And I'm going to give you this little pointer just
15 in case you need it. The top one is the flashlight. All
16 right.

17 Now, what is -- and this is, again, from -- this is
18 the diagram, State's Exhibit 214. Could you tell us what
19 that is?

20 A That is an aerial view of the scene. So it is the
21 roadway or Dizzy Gillespie Drive where the vehicle was,
22 where one victim was located; markers that we placed on
23 the scene. And the townhomes -- or the red squares on
24 your left, that's representing the townhomes.

25 Q All right. Now, this is the second page of 214.

1 What does that represent to you?

2 A That's a closer view in front of the townhomes. So
3 we -- I prepared a closer view of B , A , and D . I
4 can't read that last number.

5 Q ?

6 A Yes, sir. And showing additional markers and
7 reference points that we measured all the evidence to.

8 Q Now we go to page 3.

9 A That is a view of the first floor of the interior of
10 Apartment A .

11 Q And page 4.

12 A Those are the measurements that we took on-scene to
13 each item of evidence and their respective reference
14 point.

15 Q Now let's go to the actual pictures, which I already
16 had it set up.

17 Now, this is State's Exhibit 1. Could you just tell
18 us -- and I'm going to fly through some of them, and I'll
19 say some, but for purposes -- what does State's Exhibit 1
20 represent?

21 A That is a view of the apartment complex whenever we
22 arrived, before we placed any markers on-scene. That is
23 another vehicle that got struck in the shooting incident.

24 Q Okay. And --

25 A That's another view of the scene whenever we arrived

1 and the vehicle where one victim is and A on your right
2 up there.

3 Q Okay. And State's Exhibit 3?

4 A I then moved down further -- further down the road,
5 and that's another view of the (indiscernible).

6 Q State's Exhibit 4?

7 A Here, you're looking directly at A. A closer
8 view.

9 Q Now, State's Exhibit -- I lost count. I'm sorry.

10 A That's once we placed the mark- -- some markers
11 on-scene. So that's another overall view with the markers
12 placed next to items of evidence.

13 MR. REDMOND: Beg the Court's indulgence. Just to
14 keep the record clear, I'd like to at least try to keep
15 track of this.

16 For the record, let's see, that is State's
17 Exhibit 6.

18 BY MR. REDMOND:

19 Q So now we're going to move to 7.

20 A I then moved and that's another view of the markers
21 next to items of evidence.

22 Q Eight?

23 A Another view.

24 Q Nine?

25 A And that's another view of the same roadway.

1 Q Okay. Of course then -- oh, there we go. All
2 right. That's not -- that's -- I think this is Exhibit 9.

3 A That's a closer view of the marker. So whenever we
4 document scenes, we do overall, midrange, and close-ups so
5 that we can place the evidence back where it was, and you
6 can see a 360 of where it's at. So now I'm going closer
7 to the items of evidence, and I'll keep going closer.

8 Q And that's 10. Now this is 11, State's Exhibit 11.

9 A It's a close-up.

10 Q Okay. And State's Exhibit 12.

11 A It's a picture of the headstamp.

12 Q State's 13.

13 A Another view showing where I'm going.

14 Q State's 14.

15 A Close-up view of marker 2.

16 Q State's 15?

17 A Headstamp view.

18 Q Okay. And, for the record, do you -- can you tell
19 what that indicates -- what caliber shell casing that
20 indicates?

21 A 9mm.

22 Q Okay. Is it Luger? Am I looking at that -- Luger
23 9mm?

24 A May I refer to my notes?

25 Q Yes, certainly.

1 A I need to see those better.
2 Marker 2 is RP 9mm Luger.
3 Q Okay. Now, next is State's 15?
4 A That's another view of the markers. So close-up
5 view of Marker 3.
6 Q That's State's 16.
7 State's 17?
8 A The headstamp of Marker 3.
9 Q State's 18?
10 A Another view of the headstamp because the first one
11 was not clear enough.
12 Q State's 19?
13 A View of Markers 4 and 5.
14 Q State's --
15 A Sorry.
16 Q Oh, no. State's 20?
17 A Close-up view of Marker 4.
18 Q Okay. State's 21 will be next. Oh, sorry; I
19 skipped through. State's 21 will be next.
20 A That's the headstamp.
21 Q Okay. And that's the State's 20, actually that's
22 State's 22. I just showed you this is State's -- I'm
23 sorry, State's 21. This is State's 22. And is that --
24 State's 22, what does that represent?
25 A A close-up view of Marker 4.

1 Q And?

2 A A view of the Headstamp at Marker 4.

3 Q Okay. And then we've got -- we actually move on to

4 State's 23.

5 A A close-up view of Marker 5.

6 Q State's 24?

7 A The headstamp of Marker 5.

8 Q State's 25?

9 A Another view of the markers I'm going to next.

10 Q Now, so far, the shell casings that we found, are

11 they all 9mm?

12 A Yes, sir.

13 Q Okay. And next we are at Marker 6, which is State's

14 26.

15 A A close-up view of Marker 6.

16 Q State's 27?

17 A A view of the headstamp.

18 Q State's 28 is next.

19 A Close-up view of Marker 7.

20 Q State's 29?

21 A A view of the headstamp.

22 Q State's 30?

23 A A close-up view of Marker 8.

24 Q State's 31?

25 A View of the headstamp.

1 Q State's 32?

2 A A view of the markers I'm going to next.

3 Q Okay. State's 33?

4 A A close-up view Marker 9.

5 Q State's 34?

6 A A view of the headstamp.

7 Q State's 35?

8 A A close-up view of Marker 10.

9 Q State's 36?

10 A A view of the headstamp.

11 Q State's 37?

12 A A close-up view of Marker 11.

13 Q State's 38?

14 A A view of the headstamp.

15 Q State's 39?

16 A That is showing where I'm going next to the other

17 markers.

18 Q State's 30. I mean, excuse me, State's 40?

19 A It's a mid-range view of Marker 13.

20 Q State's 41?

21 A Close-up view of the Marker 13.

22 Q Now, let's (indiscernible) now. State's 40 and 41.

23 Obviously, they're the same shell casing. Is that

24 different than the 9mm we talked about before?

25 A Yes, sir.

1 Q And what shell casing caliber is that?

2 A That is a .762.

3 Q State's 43?

4 A That is a view of the markers further down the
5 street. Those are markers 14 and 15 in view in this
6 photo.

7 Q Okay. So let me go back for a second. So that's 14
8 and 15. Just from a clarity standpoint, is that down the
9 street from where the incident location was, in other
10 words, is that down the street from A and B ?

11 A Yes, sir.

12 Q Okay. Just for context.

13 State's 44?

14 A That's a closer view of Markers 14 and 15.

15 Q State's 45?

16 A A close-up view of Marker 14.

17 Q State's 46?

18 A View of the headstamp.

19 Q Okay. And what caliber is State's 40 -- 46?

20 A That is a .40 caliber.

21 Q Okay. That's a .40 caliber. But, again, down the
22 street. State's 48?

23 A It's a close-up view of Marker 15.

24 Q State's 49?

25 A That is a view of the headstamp.

1 Q And what caliber is that.

2 A .40 caliber.

3 Q Okay. State's 50?

4 A That's a photo of the Mitsubishi Galant, which was
5 near 14 and 15.

6 Q I misspoke; that's actually State's 49.

7 Now we're at State's 50. And is that the same -- is
8 that a picture of State's 50 and State's 51? Are those
9 pictures of the vehicle?

10 A Yes, sir.

11 Q Now, again, are there any defects in States 51 that
12 you see?

13 A Yes, sir.

14 Q Okay. And that is consistent with what in your
15 opinion?

16 A That is consistent with the bullet hole. That is a
17 suspected bullet.

18 Q Okay. State's 52?

19 A That is a mid-range photo of Marker 14, next to the
20 light pole that we measured it to.

21 Q State's 53?

22 A It was a front view of A [REDACTED].

23 Q State's 54?

24 A Now, I turned the camera to the right. So it's a
25 view of 1380 and the neighboring townhomes.

1 Q And this?

2 A A closer view of A .

3 Q State's 56?

4 A That is a projectile fragment on the patio sidewalk
5 in front of A .

6 Q State's 57?

7 A That is a suspected bullet defect in the chair on
8 the patio of A .

9 Q State's 58?

10 A Those are suspected bullet defects in the front
11 exterior wall of A .

12 Q State's 59?

13 A That is a photo of the patio with some ---

14 Q Sorry.

15 A --- projectile fragments.

16 Q Okay. Now, that's 59; now I'm back on track.
17 State's 60 is next.

18 A That's a closer view of a projectile fragment.

19 Q State's 61?

20 A It's another view of another projectile fragment.

21 Q State's 62?

22 A A projectile fragment.

23 Q State's 63?

24 A Projectile fragments.

25 Q State's 64?

1 A A closer view.

2 Q State's 65?

3 A That is a photo of the exterior front wall and door
4 of A [REDACTED], the suspected bullet defects.

5 Q And, again, when we say "suspected defects," could
6 you -- well, let me move closer. That's State's 66?

7 A That's a closer view to the suspected bullet defect.

8 Q State's 67?

9 A Another suspected bullet defect.

10 Q State's 68?

11 A View of the exterior wall with suspected bullet
12 defects.

13 Q State's 69?

14 A A closer view of the bullet defects.

15 Q State's 70?

16 A Another view of another bullet defect.

17 Q State's 71?

18 A That is the sidewalk where the sidewalk and the
19 patio meet. And I do believe there's a fragment right
20 there.

21 Q Okay. And we'll look a little closer --

22 A That is the projectile fragment.

23 Q Okay. State's 73?

24 A That was a photo of the exterior of A [REDACTED], the front
25 door.

1 Q Okay. Well, let me go back for a second to State's
2 73. Are there suspected defects -- bullet defects there?

3 A Yes, sir.

4 Q Okay. State's 74?

5 A That is a closer view of the suspected bullet defect
6 in the front door.

7 Q State's 75?

8 A Another bullet defect in the front door.

9 Q State's 76?

10 A Another bullet defect in the front door.

11 Q State's 77?

12 A Another bullet defect in the front door.

13 Q State's 78?

14 A That is a photo of D [REDACTED], which is to the right of
15 A [REDACTED].

16 Q Okay. And then State's 79?

17 A That is the grass and sidewalk near D [REDACTED].

18 Q State's 70 -- State's 80. Excuse me.

19 A A cartridge case that was located in the grass.

20 Q And State's 81?

21 A The front patio area of D [REDACTED].

22 Q State's 82?

23 A Fragments that were on the patio of D [REDACTED].

24 Q State's 83?

25 A That is after we placed markers near fragments in

1 front of A .

2 Q State's 84?

3 A It's another view of the markers that were placed
4 on-scene.

5 Q State's 85?

6 A Another view of the markers that were placed
7 on-scene.

8 Q State's 86?

9 A A closer view of the markers that were on the front
10 patio of A .

11 Q State's 87?

12 A A close-up of Marker 17.

13 Q And just to be clear, the first set of pictures -- I
14 think you testified to that you take pictures without the
15 marker and then you take them with the marker.

16 A Yes, sir.

17 Q Okay. State's 88?

18 A A view of Markers 18 and 19.

19 Q State's 89?

20 A A close-up view of Marker 18.

21 Q And for some reason, I also did State's 90 that way.
22 Is that also the same thing?

23 A Yes, sir.

24 Q All right. State's 91?

25 A A close-up view of Marker 19.

1 Q State's 92?

2 A A view of the markers placed in front of the
3 apartments.

4 Q State's 93?

5 A A close-up view of Marker 20.

6 Q That was State's 93. Now we move to State's 94.

7 A A close-up view of Marker 21.

8 Q Now, let's -- State's 95, what caliber does that
9 indicate?

10 A .45.

11 Q Okay. And so that's, I think, a Winchester .45, it
12 indicates? But, again, just to be clear, are you in the
13 position to say at what time any of these bullets were
14 fired?

15 A No, sir, I'm not.

16 Q Is there any way for you to determine whether they
17 were fired at the same time or fired at different times?

18 A No, there's not.

19 Q Now, State's 96.

20 A A close-up view of Marker 23.

21 Q State's 97?

22 A A front view of Apartment B .

23 Q State's 98?

24 A Fragment located on the ground in front of that
25 apartment.

- 1 Q Okay. It's approximately right there?
- 2 A Yes, sir.
- 3 Q State's 99?
- 4 A It's a fragment on the patio in front of B .
- 5 Q State's 100?
- 6 A A closer view.
- 7 Q State's 101?
- 8 A It's another view of the patio of B and fragments
- 9 on it.
- 10 Q State's 102?
- 11 A A closer view of the fragment on 1381.
- 12 Q State's 103?
- 13 A A photo after markers were placed near the items of
- 14 evidence in front of B .
- 15 Q State's 106?
- 16 A A close-up of Marker 22.
- 17 Q Oh, I'm sorry, State's -- I'm sorry; I said 106.
- 18 104. I apologize, State's 104.
- 19 Now, we move to State's 105.
- 20 A A close-up view of Marker 24.
- 21 Q State's 106?
- 22 A A close-up view of Marker 25.
- 23 Q State's 107?
- 24 A That is the entryway to A .
- 25 Q On the right side of the screen where I've got the

1 cursor going, are those actually -- are these some
2 suspected bullet defects that you testified to earlier?

3 A Yes, sir. That is the interior side of the front
4 door of A . Those are exit bullet defects on the
5 interior side.

6 Q Okay. And when you say "exit defects" again, that
7 would indicate that they were being fired from outside?

8 A Yes, sir.

9 Q Okay. Come on, I was doing so good. Well, now we
10 moved to State's 108.

11 A That is a view from the front door of A , just
12 looking directly in the front door, the living room.

13 Q State's 109?

14 A That is another view of the living room of A .

15 Q State's 110?

16 A That is another view of the couch. And I do believe
17 there's a fragment in that photo as well near at the
18 bottom of the (indiscernible).

19 Q And that segues to State's 111.

20 A It's a closer view of the fragment.

21 Q All right. State's 112?

22 A Those are bullet defects exiting from the interior
23 wall of A and entering the neighboring wall of A and
24 B .

25 Q I think that speaks for itself. State's 113?

1 A That is a closer view of the same bullet defects.

2 Q And to be clear, could you explain those defects
3 again? What the -- could you just explain that again for
4 us?

5 A Yes, sir. The defects on this side are the interior
6 front wall of A. Those are exit bullet defects. And
7 these are entrance defects on the neighboring wall of A
8 and B. So it's coming out the front and entering into
9 that neighboring wall.

10 Q 114?

11 A That is a view of the interior front wall of A --
12 front wall or the door.

13 Q And 115?

14 A That is a photo of the living room wall and kitchen
15 wall inside A, so it's like I'm standing in the front
16 door looking at the wall. That is a view of bullet
17 defects in the wall from the living room to the kitchen
18 inside A.

19 Q And let's see -- and of course, we note the baby
20 equipment right on each side.

21 A Yes, sir.

22 Q State's 116?

23 A That is a closer view of the bullet defects in that
24 wall.

25 Q And when we say "defects," we're not just talking

1 about one. Are we talking three? Two?

2 A Two bullet defects.

3 Q I'm sorry. Two.

4 And moving on to State's 117.

5 A That is another view of the interior side of the
6 front door of A .

7 Q And is that a view basically inside where the
8 bullets are coming into the apartment?

9 A Yes, sir.

10 Q And, again, I noticed their baby equipment right
11 there near the door.

12 A Yes, sir.

13 Q State's 118?

14 A That is a view of a fragment near the door/entryway
15 of A .

16 Q Now we move to State's 119. This is the kitchen?

17 A Yes, sir.

18 Q Okay. And I kind of jumped in, but please explain.

19 A That is a view of the kitchen, the shared living
20 room/kitchen wall. So that is just looking at that shared
21 wall on the kitchen side.

22 Q Okay. And so, in other words, we've now moved from
23 the front room into the kitchen area. And in moving to
24 State's 120, could you explain how this -- the kitchen
25 area became an important part of this investigation?

1 A That is a closer view of the kitchen counter, which
2 has a bullet defect at the top where the counter and the
3 wall meet, and it exits that wall into the kitchen.

4 Q And is that where I've got the cursor?

5 A Yes, sir.

6 Q Okay. We'll move to State's 121.

7 A That is a closer view of that suspected bullet
8 defect.

9 Q State's 122?

10 A That is a view in the kitchen looking directly at
11 the front door and the kitchen wall showing the -- how it
12 lined up. It's just a different view of the kitchen and
13 front door.

14 Q State's 121. 24, sorry. States 120 -- excuse me,
15 State's 123.

16 A That is a photo of the laundry room, which was
17 connected off of the kitchen.

18 Q State's 124. Let me go back to State's -- that's
19 State's 124.

20 A Another view of the laundry room.

21 Q State's 125 is next.

22 A That is the floor in the laundry room with a cell
23 phone and suspected blood.

24 Q Well, let me back up. So, in this situation, as far
25 as inside the residence, was there a lot of blood? From

1 your observation and experience, was there a lot of blood
2 externally from the victim, from what you could see?

3 A No, sir.

4 Q Okay. State's 126?

5 A That is another view standing near the laundry room
6 in the kitchen, looking out the front door.

7 Q Now, State's 127 and 128, can you tell us about
8 those?

9 A That is on a bed upstairs in A . This is an ammo
10 box. And those are two photos of that ammo box on the bed
11 inside A .

12 Q And is that ammo 7.62?

13 A Yes, sir.

14 Q Okay. Now, let's go to State's 130.

15 A That's a photo of Marker 30 and the other markers in
16 the background over here in front of A . It's just
17 showing correlation of where the markers are on-scene.
18 It's on the west side of the building. Or if you're
19 looking at the building, on the right side.

20 Q And that's actually 129. Now I'm going to 130.

21 A Marker's 31 and 30.

22 Q And State's 131.

23 A It's a close-up view of Marker 30.

24 Q And what caliber is that?

25 A 7.62. That's a view of the headstamp.

1 Q Again, is that consistent with an AK-47?

2 A Yes, sir.

3 Q State's 133?

4 A It's another view of Marker 31 with the other
5 markers in the background.

6 Q And moving closer, State's 130 -- 134. Excuse me.

7 A That is a close-up of Marker 31.

8 Q State's 135?

9 A Another close-up view of Marker 31.

10 Q Because I'm fixated with close-up views.

11 State's 136?

12 A That is a view of the headstamp at Marker 31.

13 Q And what does that headstamp indicate as the caliber
14 of that shell casing?

15 A That is 7.62 as well.

16 Q Okay. State's 137?

17 A That is another view of the front of A after we
18 placed scale tape on the suspected bullet defects on the
19 exterior wall and the front door.

20 Q Now, why do you do that? If you could just explain
21 to the jury why you do that.

22 A We do that in case there's ever any shooting
23 incident reconstruction that needs to be done on the scene
24 at a later time, then you can use the measurements off of
25 the scale tape that are next to the suspected bullet

1 defects once we take close-up photos of it.

2 Q State's 138 -- excuse me, State's 139?

3 A That is a closer view of the front door.

4 Q State's 140?

5 A Getting closer to the front door of A [REDACTED].

6 Q That's actually State's 139. This is State's 140.

7 A That is a close-up view of the suspected bullet
8 defect.

9 Q Okay. State's 130 -- 142 and 143, I'm just going to
10 scroll through those. What do those indicate? This is
11 State's 143. What do those indicate?

12 A That was Defect B and Defect C.

13 Q Now, State's 144. I'm sorry. Now 144, what does
14 that indicate?

15 A Those are -- that's a mid-range view of the scale
16 tape on a suspected bullet defects.

17 Q And, again, are we still in Apartment A [REDACTED]?

18 A Yes, sir.

19 Q Okay. State's 145?

20 A A closer view with the scale tape.

21 Q State's 146?

22 A Closer view.

23 Q And State's 147. Where did this go through?

24 A This one did not go through to the other side.

25 Q Okay. Excuse me. State's 148?

1 **A** This is a mid-range view of the bullet defects on
2 the left side of the front wall.

3 **Q** Okay. And State's 149 and 150, what do those
4 represent?

5 **A** Close-up views of Defects H and I.

6 **Q** State's 151?

7 **A** That is the interior view of the suspected bullet
8 defects after we placed the scale tape on the defects --
9 near the defects.

10 **Q** And the defects, I count one, two, three, four,
11 five, six?

12 **A** Yes.

13 **Q** Okay. State's 152?

14 **A** That is a close-up view of Defect 81, which is going
15 to correlate to Defect A.

16 **Q** State's 153?

17 **A** Close-up view of Defect D1.

18 **Q** State's 154?

19 **A** Close-up view of Defect C1.

20 **Q** State's 155?

21 **A** And that is close-up view of Defect D1.

22 **Q** 156.

23 **A** Those are close-up views of Defects E and F -- E1
24 and F1, excuse me.

25 **Q** And, of course, State's 157?

1 A Closer view of those defects.

2 Q State's 158?

3 A Close-up view of that defect.

4 Q State's 159?

5 A A close-up view of that defect.

6 Q 160. And now 161?

7 A Those are -- that is a photo of the defects from the
8 ex- -- the interior front wall to the neighboring wall
9 with scale tape placed next to them.

10 Q State's 163. Excuse me. State's 162.

11 A That is another view of the same bullet defects.

12 Q State's 163?

13 A Another view of the same bullet defects.

14 Q State's 164?

15 A Another view of the front wall and the same bullet
16 defects.

17 Q Okay. And, again, are we still in Apartment A?

18 A Yes, sir.

19 Q Okay. And State's 165?

20 A Another view of the interior side of the bullet
21 defects.

22 Q State's 166?

23 A A close-up view.

24 Q State's 167 is next.

25 A That is supposed to be a close-up view of the bullet

1 defects.

2 Q And I don't know why I put that in there, but I was
3 probably getting sleepy. State's 169?

4 A So close-up view of the bullet defects.

5 Q 170?

6 A That is a closer view of the bullet defects on the
7 shared wall of one -- of A and B.

8 Q 171?

9 A A close-up view of that bullet defect.

10 Q I'm sorry. That's 171. Now, we are at 172.

11 A That is a view of the shared living room/kitchen
12 wall with the scale tape on it as well.

13 Q Okay. These two here?

14 A Yes, sir.

15 Q Now we move to State's 173.

16 A That is a photo of the couch that's in the living
17 room of A, and that is a suspected bullet defect on the
18 couch as well. So it was documented with photographs.

19 Q State's 174?

20 A Another view on the living room/kitchen wall of the
21 suspected bullet defects.

22 Q 175?

23 A A close-up view.

24 Q 176?

25 A Another view behind the baby toys of the bullet

1 defect.

2 Q And 177, 178, what are those?

3 A Close-up views of the bullet defects.

4 Q Now, moving to the kitchen. 179?

5 A That is a photo of the kitchen wall.

6 That is a close-up of the bullet defects coming out
7 of the counter.

8 Q 180. Now, that's 181. Now, please explain 181
9 because I think you had to explain it to me as far as what
10 that actually is. And could you explain to the jury, what
11 is 181? What is that?

12 A That is a photo of the bullet defect that struck the
13 oven. So because the trajectory was coming from the other
14 side of the wall, it came from the outside, traveled
15 through the inside of the front interior wall where those
16 were scaled and labeled, and then it struck the living
17 room kitchen wall, which was also scaled and labeled, and
18 then traveled through that wall into the back of the oven
19 and came to the oven door, which is why you see it
20 protruding outward, because the bullet came from inside
21 the oven, so it's protruding outward. And that's a photo
22 of the outside of the oven.

23 Q And we'll get into some more photos, starting with
24 182.

25 A That is the interior of the oven and the bullet

1 defect.

2 Q 183?

3 A That is a close-up view.

4 Q Now, 184?

5 A That is a photo after markers were placed in the
6 living room.

7 Q 185?

8 A A close-up of Marker 26.

9 Q 186?

10 A Another view of Marker 26.

11 Q 187?

12 A A view of Marker 27.

13 Q And the same with 188?

14 A A close-up view of Marker 27.

15 Q And, again, are those all shell case -- I mean, not
16 casings, fragments. Bullet fragments?

17 A Yes, sir.

18 Q Now, 189?

19 A That is a view of Marker 28 in the kitchen.

20 Q 190?

21 A That's a close-up view of Marker 28.

22 Q And is that a fragment?

23 A Yes, sir, it is.

24 Q Now, we're moving on to -- and this is 191. Are we
25 moving to B? Let's see. Now 192.

1 A So this is the interior of Apartment B. Whenever
2 you enter the door, this is a photo directly to your right
3 or that shared wall with A. That is another view of
4 the shared wall with A.

5 Q That's 193. 194?

6 A Close-up view of the bullet defect that exited their
7 wall.

8 Q 195?

9 A And a photo of the bullet defect in the wall and the
10 couch that was next to it.

11 Q 197?

12 A Another view of the couch that was next to the wall.

13 Q 198?

14 A Here's a closer view of the bullet defect.

15 Q I'm sorry, that's 197. This is -- next is 198.

16 A That is a photo of the projectile we recovered out
17 of that couch.

18 Q So, just to be clear, this is. I mean, excuse
19 me, B.

20 A B, yes.

21 Q Okay. And, finally, 199.

22 A That is a photo of where we recovered that
23 projectile from right there.

24 Q You may sit down now. Thank you so much for
25 indulging me.

1 Now, as it relates to your role in the
2 investigation --

3 THE COURT: Mr. Redmond, let's take a quick recess.

4 MR. REDMOND: Oh, certainly. Absolutely.

5 THE COURT: We'll give the jury a chance to take a
6 break.

7 MR. REDMOND: Yes, sir.

8 THE COURT: Mr. Foreman, if you need to report
9 anything to the bailiff, let me know. Okay?

10 All right. If y'all step out.

11 (The jury exited the courtroom at 3:15 p.m.)

12 (A recess was taken from 3:16 p.m. to 3:28 p.m.)

13 THE COURT: Sorry to break your train of thought,
14 Mr. Redman. We had to take a break.

15 Y'all ready for the jury?

16 MR. REDMOND: Yes, sir, we're ready.

17 MS. LITTLE: Yes, sir.

18 THE COURT: And I understand this is your last
19 witness for the day?

20 MR. REDMOND: This is my last witness for the day,
21 and I've been informed we won't have a long
22 cross-examination.

23 THE COURT: All right. Okay.

24 Madam Bailiff?

25 (The jury entered the courtroom at 3:29 p.m.)

1 THE COURT: All right. Thank you, ladies and
2 gentlemen of the jury. I appreciate your patience. This
3 is our last witness for the afternoon. We are close to
4 wrapping up.

5 MR. REDMOND: Thank you, Your Honor. May it please
6 the Court?

7 BY MR. REDMOND:

8 Q Agent Moore, last question -- actually, I want to
9 ask you, once you left the scene -- once you departed the
10 scene, did you collect the evidence and carry it back to
11 SLED?

12 A Yes, sir, we did.

13 Q Okay. And that's for further analysis, if
14 necessary?

15 A Yes, sir.

16 Q And so in other departments?

17 A That is correct.

18 Q Now, is that the extent of your role in this case?
19 Do you have any investigatory role, interviewing witnesses
20 or anything, or is your role just to process crime scene,
21 collect and photograph evidence, and carry back to where
22 it needs to be further analyzed, if necessary?

23 A Yes, sir. That's it.

24 Q That'd be all the questions I have, Agent Moore.
25 Thank you for your patience. And please answer any

1 questions that Ms. Copeland Little might have.

2 THE COURT: Ms. Little?

3 MS. LITTLE: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MS. LITTLE:

6 Q Agent Moore, I just wanted to follow up on one
7 thing, and I think I heard you say this, but I want to
8 make sure: Did you testify that -- in response to
9 Mr. Redmond asked you -- that you cannot say who or how
10 many people were shooting that night?

11 A Correct.

12 MS. LITTLE: Thank you. No further questions.

13 MR. REDMOND: No redirect, Your Honor.

14 THE COURT: Okay. All right, Agent Moore. You
15 ready to go?

16 THE WITNESS: Thank you.

17 THE COURT: Thank you for your testimony.

18 MR. REDMOND: Without objection.

19 THE COURT: All right. Have a safe trip back to
20 Columbia.

21 THE WITNESS: Thank you.

22 THE COURT: All right, Mr. Redmond. Anything
23 further for the benefit of the Court and this jury?

24 MR. REDMOND: Nothing further for today, Your Honor.

25 THE COURT: Ms. Little?

1 MS. LITTLE: No, sir.

2 THE COURT: All right. 9:30?

3 MR. REDMOND: Yes, sir, 9:30.

4 THE COURT: All right. Ladies and gentlemen of the
5 jury, this is the breaking point for the afternoon. I'm
6 going to ask that -- you can be excused at this time, but
7 remember, you're not to ever talk about the case, not to
8 discuss it among yourselves, discuss it among family,
9 friends. If anybody reaches out to you, tries to contact
10 you, let the clerk's office know or alert us first thing
11 in the morning. Okay?

12 If I can get you to come back -- if you can be in
13 the jury room by 9:15, and then we'll get you out of here
14 at 9:30 in the morning. Okay? I know of no preliminary
15 matters that we need to take up outside of your presence,
16 so that should not slow us down getting started in the
17 morning. With some grace, we might actually finish
18 tomorrow. I can't promise you that, never know with a
19 trial, but certainly we'll do that because we respect your
20 time, and we want to certainly make it as efficient as
21 possible.

22 All right. Nothing further?

23 MR. REDMOND: Nothing further from the State.

24 THE COURT: All right. Y'all are excused for the
25 afternoon. Have a good afternoon and evening. I look

1 forward to seeing you in the morning.

2 (The jury exited the courtroom at 3:32 p.m.)

3 THE COURT: Mr. Redmond, anything before we break
4 for the afternoon?

5 MR. REDMOND: Just a housekeeping matter. And let
6 me be clear. I know Ms. Gainey (ph) has done yeoman's
7 work. I mean, we appreciate everything she's done,
8 especially under adverse circumstances. So this is by no
9 means casting aspersions on her or the clerk's office, but
10 this -- if we could have a way -- because I almost caused
11 a problem because I didn't realize that the jurors were
12 coming in here this way, and I was trying to test out the
13 equipment. So I want to be -- thankfully, they stopped
14 me -- y'all stopped me before I made a huge mistake. But
15 if there is a way that we can -- because a lot of times
16 when we get here in the morning, we may be scuttle-buttin
17 about stuff and we don't want the jury to hear something
18 that could cause us a problem with the case.

19 And so -- and I don't have a solution, but if
20 there's a way we can try to at least have it so that the
21 jurors aren't walking right -- like, some of my notes may
22 be down and they might walk right by, and I didn't realize
23 that, you know, my notes are glaring right out there.

24 So that's all. If there's a way we can figure that
25 out. And, again, this is not casting aspersions on

1 anyone. It's just trying to maintain the integrity of the
2 trial.

3 THE COURT: All right. Bailiff Hurst (ph) will take
4 care of all those matters in the morning, and you will not
5 have anything to worry about because she is in charge.

6 MR. REDMOND: Yes, sir. Thank you, Your Honor.

7 BAILIFF: I'm on it.

8 THE COURT: She's on it. Okay.

9 Ms. Little, anything from you?

10 MS. LITTLE: No, sir.

11 THE COURT: Okay. All right. Ladies and gentlemen,
12 thank y'all for the decorum and the dignity in the
13 courtroom. And I'll continue to expect that going
14 forward.

15 We're going to start back at 9:30 in the morning
16 with the jury getting in about 9:15. And we'll start --
17 Mr. Redmond, how many witnesses for tomorrow?
18 Anticipating.

19 MR. REDMOND: Possibly three. Definitely two,
20 possibly three. But, honestly, we start at 9:30, based on
21 how things have progressed, we'll be done before
22 lunchtime.

23 THE COURT: All right, sir. Okay. All right.
24 Nothing further, then we'll adjourn for the afternoon.

25 MR. REDMOND: Thank you.

1 THE COURT: Have a good afternoon and evening.

2 (The trial adjourned at 3:35 p.m.)

3 WEDNESDAY, SEPTEMBER 20, 2023

4 THE COURT: Mr. Redmond, are we ready to --

5 MR. REDMOND: Once we get the defendant in the
6 courtroom, we'll be ready to proceed.

7 THE COURT: Okay. All right.

8 MR. REDMOND: Your Honor, while we're waiting, I did
9 place a case -- another case that I found actually cited
10 by the Starnes case on the voluntary manslaughter issue.
11 It's a little long case, 23 pages, but it's State v.
12 Pittman. I did provide a copy to Ms. Copeland Little as
13 well, and I left a copy for you as well.

14 THE COURT: And that's as to voluntary?

15 MR. REDMOND: That's as to voluntary manslaughter on
16 the issue. And, of course, we'll obviously argue that
17 later on, but I just want to go ahead and give that to you
18 ahead of time.

19 THE COURT: Thank you.

20 (Pause in the proceedings.)

21 THE COURT: All right. Ms. Little, you ready?

22 MS. LITTLE: Yes, Your Honor.

23 THE COURT: Mr. Redmond, you ready?

24 MR. REDMOND: Yes, sir, Your Honor.

25 Before we start, just to save time, once we get into

1 it, skipping ahead to the next witness, but there are some
2 redactions the State and the defense agreed to. I've
3 shown this to Ms. Copeland Little as it relates to the
4 video statement of the defendant that's already in
5 evidence, but there's some redactions. I would ask to
6 make this a Court's exhibit just to show what portions we
7 are actually skipping over in that video.

8 THE COURT: All right. No objections?

9 MS. LITTLE: No objection.

10 THE COURT: Court's Exhibit No. 2?

11 MR. REDMOND: Yes, sir.

12 THE COURT: All right.

13 MR. REDMOND: Thank you, Your Honor.

14 THE COURT: So ordered.

15 (Court's Exhibit No. 2, Redactions, was marked for
16 identification and received into evidence.)

17 MR. REDMOND: And with that, the State is ready to
18 proceed.

19 THE COURT: All right. We're ready for our jury,
20 Madam Bailiff.

21 BAILIFF: Yes, sir.

22 THE COURT: Thank you.

23 (The jury entered the courtroom at 9:40 a.m.)

24 THE COURT: All right. Ladies and gentlemen of the
25 jury, I hope you had a good evening, and I appreciate you

1 being here this morning. I believe we are ready to
2 continue with the State's case.

3 MR. REDMOND: Yes, sir.

4 THE COURT: Mr. Redmond?

5 MR. REDMOND: Thank you, Your Honor. May it please
6 the Court?

7 Good morning, ladies and gentlemen, Ms. Copeland
8 Little. The State will next call Paul Greer.

9 THE COURT: Mr. Greer, would you place your left
10 hand on the Bible, please, and raise your right.

11 THE CLERK: State your name, please.

12 THE WITNESS: Hi, my name is Paul Greer.

13 PAUL GREER

14 after being duly sworn, was examined and testified
15 as to follows:

16 THE COURT: Okay, Mr. Greer, you can come on up over
17 here.

18 Your witness, Mr. Redmond.

19 MR. REDMOND: May it please the Court, Your Honor?

20 THE COURT: Yes, sir.

21 DIRECT EXAMINATION

22 BY MR. REDMOND:

23 Q Mr. Greer, by whom are you employed?

24 A I'm employed at the South Carolina Law Enforcement
25 Division, which is commonly known as SLED.

1 Q And in what capacity do you work with SLED?

2 A At SLED, I'm a firearms examiner in our Forensic
3 Services Laboratory.

4 Q And how long have you worked in the forensics lab at
5 SLED?

6 A I've been employed there at the forensics lab for
7 approximately 9-1/2 years.

8 Q And let's talk about your education and your
9 training to estab- -- to -- I guess, the predicates to
10 establishing you as an expert. Could you go through your
11 educational background and any training -- specialized
12 trainings that you've had to go through?

13 A Sure. I received a Bachelor of Science in
14 biological sciences from the University of South Carolina,
15 and upon my appointment at SLED in 2014, I began the SLED
16 firearm and tool mark course of instruction. This is an
17 apprenticeship-style training program that's conducted
18 in-house at SLED under the supervision of other qualified
19 examiners.

20 During this apprenticeship-style training program,
21 which it took approximately three years so there's lots of
22 material to learn, I conducted many microscopic
23 comparisons, I took multiple written and practical
24 examinations, and I assisted other examiners in our
25 department prep their cases and work on their cases.

1 At the conclusion of my training, I was given a
2 multi-part, comprehensive final exam that included some
3 mock-type casework. I successfully passed that and was
4 able to begin casework on my own at that time.

5 Q Okay. Now -- and as it relates to times appearing
6 in court, how many times -- if you can estimate, how many
7 times that you have appeared as an expert in courts in
8 South Carolina or anywhere as an expert in the field of
9 firearms analysis?

10 A Yes, sir. I've appeared in approximately 43 courts.

11 Q Okay. And have you been qualified as an expert in
12 those courts?

13 A Yes, sir, I have.

14 MR. REDMOND: With that, Your Honor, I would move to
15 have Mr. Greer qualified as an expert in the field of
16 firearms analysis.

17 MS. LITTLE: Without objection.

18 THE COURT: No objection. So ordered.

19 MR. REDMOND: Thank you, Your Honor.

20 BY MR. REDMOND:

21 Q Now, let's talk about how you go about doing what
22 you do briefly. And again, rudimentary, but if you could
23 tell us what equipment -- how do you go about analyzing,
24 doing firearms analysis?

25 A Sure. So firearms analysis or firearms

1 identification is simply a discipline within forensic
2 science where our main objective is to look at fired
3 ammunition components. So that could be a fired cartridge
4 case or a fired bullet in order to determine if they were
5 fired by a specific firearm.

6 In our laboratory, we're a full-service laboratory,
7 so evidence is submitted from all across the state. It's
8 logged into our LMS system, our laboratory management
9 system, where it's dispersed throughout the building.

10 When I receive evidence, I examine that evidence. I
11 document it with photography on departmental worksheets,
12 looking for any foreign material that may be on it as I'm
13 opening those firearms or those fired ammunition
14 components.

15 I look at those firearms or those components and
16 start to look at their characteristics. For instance, on
17 a fired bullet, I may look at its construction, what it's
18 made of, what its rifling is, and that's from it being
19 fired in the barrel of a firearm, counting the number of
20 lands and grooves that comprise that rifling, weighing and
21 measuring. And I document all of that on our worksheet.

22 For cartridge cases, I would do something similar to
23 examine those characteristics. And then, on the firearms,
24 because those are submitted from crime scenes as well or
25 as evidence in cases, I'll look to determine if it's safe

1 to fire, if it's working properly, and I'll actually
2 test-fire that in our water recovery tank within the
3 laboratory.

4 When it comes down to actually looking at these
5 specimens, we're going to compare them with each other on
6 a comparison microscope. So if you'll think back to like
7 a science lab you may have taken in school where you
8 looked at something through a little tiny microscope, what
9 we have is a comparison microscope, which is two
10 microscopes joined together through an ocular bridge. So
11 we're able to look at these tiny striations and scratches
12 and imperfections on the surface of those fired cartridge
13 cases and in the rifling of those fired bullets in order
14 to compare and match those patterns to see if they were
15 fired by a specific firearm.

16 Q Now, with that, did you utilize that procedure in
17 analyzing exhibits in this particular case?

18 A Yes, sir, I did.

19 Q Okay. And a lot of exhibits were presented to SLED,
20 but you were only asked to test a few items; is that
21 correct?

22 A That's correct.

23 Q All right. Now -- and of course, are you involved
24 in the investigation to understand why that request was
25 made the way it was?

1 **A** No, sir. Typically, we have cases submitted from
2 all over the state, from local agencies, from sheriff's
3 office, and from our federal agencies as well, and we
4 typically do not know much or anything about the
5 investigation.

6 **Q** And to be impartial, to keep it fair and impartial?

7 **A** Yes, sir.

8 **Q** Okay. Now, before we get into your specific report,
9 let me show you what has been marked as State's Exhibit
10 217.

11 **MR. REDMOND:** If I may approach the witness?

12 **THE COURT:** Yes, sir.

13 **BY MR. REDMOND:**

14 **Q** Did you do a report in this particular case?

15 **A** Yes, sir, I did.

16 **Q** And you could look at 217. Is that a copy of the
17 report that you prepared in this case?

18 **A** Yes, sir. This appears to be a copy of the report
19 that I issued on October 31st of 2022.

20 **Q** Now, in this particular case, what items were you
21 asked to analyze?

22 **A** In this case, I was asked to analyze Item 1, which
23 was a Taurus Model G2C semi-automatic pistol; Item 28,
24 which I determined to be one fired bullet; and Item 62,
25 which was also determined to be one fired bullet. And

1 those are the SLED item numbers.

2 Q I'm going to approach, with the Court's permission,
3 with State's 213. Now, I have not had it open because,
4 honestly, one of the issues I'm not sure if we have the
5 ties to make sure the trigger, it latches. So we've got
6 pictures of that.

7 A Okay.

8 Q So, at this point, I have not opened that up.

9 A Okay.

10 Q Looking at the markings, does that look familiar in
11 that item that you actually tested the gun specifically?

12 A Yes, sir. I do recognize this packaging. I was
13 looking for a few identifying features. When everything
14 -- when items are submitted to SLED, everything is given a
15 unique lab number. You can see that our lab number here
16 was L20-09236. And it also has my item number and
17 initials. And it does appear that this package is still
18 in the same condition as when I packaged it at our
19 laboratory, as I see that on the evidence tape. So this
20 appears to be the package containing Item 1.

21 Q Now -- and there were two bullets that you were
22 actually asked to view. One is Item 28. Is that the
23 bullet from the couch?

24 A Based on our submission paperwork, that was SLED
25 Item 28, was determined to be a bullet fired bullet, and

1 it was listed as from a couch in Apartment B .

2 Q And that particular bullet is, along with some other
3 bullets that have been -- that have been marked as
4 evidence at this time, but that's not actually the bullet
5 I'm interested in. But what I want to introduce -- I
6 don't think I've introduced it. I think I may have, but
7 just be on the safe side. This is State's 216.

8 MR. REDMOND: If I may approach the witness with
9 216.

10 THE COURT: Yes, sir.

11 BY MR. REDMOND:

12 Q Out of an abundance of caution, I'm going to ask you
13 to identify what that bullet is. And then I'll move it
14 into evidence, just to make sure that it is in evidence.

15 A Yes, sir. This is State's Exhibit 216, this was my
16 SLED Item 62, which was determined to be one fired bullet.
17 And that was listed on our submission paperwork as from
18 autopsy Q. Brown.

19 MR. REDMOND: Okay. Now, I would move 216 in
20 evidence at this time, Your Honor, if I had not already.

21 MS. LITTLE: No objection.

22 THE COURT: No objection? So ordered as -- 216?

23 MR. REDMOND: 216. Yes, sir.

24 THE COURT: All right. So ordered.

25 (Exhibit No. 216 was previously entered into

1 evidence.)

2 BY MR. REDMOND:

3 Q Now, before we get into your findings specifically
4 as it relates to Items 8 out of 28, which is the bullet
5 from the couch and Item -- your Item 62, which is the
6 bullet from Quanecia Brown's autopsy, let's talk about the
7 other shell casings and fragments and all that were
8 submitted, just in general.

9 Are those listed in your report?

10 A Yes, sir, I did list some of those items in my
11 report, to list them and explain what did or did not
12 happen to them.

13 Q Okay. And, specifically, were there items submitted
14 to you that were a, I guess, 3 looks like Item -- and
15 this is on your report that's in evidence Item 13, Item
16 15, and Item 16, what caliber shell casings were those?

17 A Those were listed in our submission paperwork as
18 headstamped Wolf 7.62 by 39. And that was where -- for
19 each of those. So based on those submission paperwork, I
20 would expect that to be a 7.62 by 39 caliber cartridge
21 case.

22 Q Now, looking further on your report, Items 2 through
23 it looks like -- Items 2 through 12 and 14. What caliber
24 shell casings were those -- cartridge casings were those?

25 A Yes, sir. Those were listed on our submission

1 paperwork again with having different headstamps, but all
2 of those also contained the words "9mm Luger." So I would
3 -- that would appear to be 9mm Luger caliber cartridge
4 cases based on that headstamp information.

5 Q So -- but, again, you were not asked to do any
6 testing on that as it relates to the firearm. And, again,
7 you're not involved in the investigation as it relates to
8 why that would be the case. But the bottom line is, were
9 you asked to do any testing on those cartridge cases?

10 A No, sir, not on those items.

11 Q Now, let's go to the bullets and your findings on
12 the bullets. I'm not going to ask you to calibrate yet,
13 but tell me whether or not you compared those with the gun
14 and if you were able to come up with any conclusions. And
15 if not, could you explain to the ladies and gentlemen of
16 the jury why you were not able to come up with any
17 conclusions.

18 A Yes, sir. Based on my examination of those two
19 bullets, it was determined that they shared the similar
20 characteristics. So I compared those two bullets with
21 each other on the comparison microscope. And I also
22 compared that with the test bullets that I recovered after
23 firing the Item 1 pistol.

24 Q And what were the results of -- what results were
25 you able to obtain, if any?

1 **A** Sure. Based on those microscopic comparisons, I was
2 unable to determine if SLED Item 28 and SLED Item 62,
3 which we have here as State's Exhibit 216, if they were
4 fired by the Item 1 pistol or if they had been fired by
5 another firearm or firearms with similar characteristics.
6 So the results of that analysis or those comparisons were
7 inconclusive.

8 **Q** Now, with that said -- and so as it relates to why
9 you're here testifying -- let's move on to the caliber --
10 the issue of the caliber. Before I ask you about the
11 bullets, let's talk about the 7.62 shell casings. We have
12 got three of those. What kind of weapon fires a 7.62
13 shell casing? Shells, excuse me.

14 **A** Sure. Typically, in our laboratory setting, what we
15 see commonly is something along a rifle or you may see it
16 in a pistol variation now. But we see those commonly in
17 our laboratory setting as being fired from some type of
18 AK-type or SKS-type firearm. There are other firearms
19 that could fire that caliber, but that's what we see
20 commonly in our laboratory.

21 **Q** Now, a 7.62 and a 9mm shell -- bullet, are they
22 fired from the same firearms?

23 **A** Those are two different calibers. When we're
24 looking at the characteristics of those calibers, those
25 type bullets share different weights and different

1 measurements. So I know -- no, sir, I would not expect
2 those to have come from the same firearm or ever be fired
3 from the same firearm.

4 Q And that leads us and segues us to the caliber of
5 bullets that were taken from the couch -- and the caliber
6 from the couch in Apartment B, and the caliber bullet
7 that was taken out of Quanecia Brown. What caliber
8 bullets were those?

9 A Based on their overall observable physical
10 characteristics, it was determined that those were most
11 consistent with bullets loaded into some 9mm Luger caliber
12 cartridges.

13 Q 9mms?

14 A Yes, sir. That's what it is consistent with.

15 Q Thank you.

16 MR. REDMOND: That'd be all the questions I have.
17 Please answer any questions that Ms. Copeland Little has.

18 THE WITNESS: Thank you.

19 CROSS-EXAMINATION

20 BY MS. LITTLE:

21 Q Good morning.

22 A Good morning.

23 Q I just have a quick question. Following up, there's
24 a lot of talk of item numbers and things like that, and I
25 just want to make sure this jury understands exactly what

1 items we're talking about here.

2 A Yes, ma'am.

3 Q So specifically, can I ask you about -- what's on
4 the SLED report is Item 62, one fired bullet listed as
5 from autopsy, Q. Brown?

6 A Yes, ma'am.

7 Q So that would have been the -- that was submitted to
8 you as coming from Ms. Brown's autopsy. And you compared
9 that with -- can you explain to the jury again what you
10 compared that with?

11 A Sure. I compared that bullet that was listed as
12 from the autopsy Q. Brown, which was SLED Item 62, State's
13 Exhibit 216, with Item 28, which was the fired bullet
14 listed as from the couch. So I compared those with each
15 other, and I also compared each of those with those test
16 bullets that I fired from the Item 1 Taurus pistol. And
17 based on those comparisons, the results were inconclusive.
18 I could not -- was unable to determine if they were fired
19 by this pistol or if they were fired by another firearm or
20 firearms with similar characteristics.

21 Q All right. So I see it. It was inconclusive. So
22 there weren't enough things there for you to compare; is
23 that correct?

24 A Yes, ma'am. Yes, ma'am. I'm sorry.

25 Q I'm sorry, I didn't say that right. There were not

1 enough similarities, so -- or you could not say for
2 certain what gun or whether or not they matched the
3 bullets fired from the submitted gun?

4 A That's correct. Due to insufficient corresponding
5 individual identifying characteristics, which is what
6 those tiny striations and scratches we're looking at in
7 the rifling and just limited marks of value -- value that
8 were exhibited on those bullets, I was unable to determine
9 if they were fired by this firearm or by the same firearm
10 or another firearm.

11 Q Okay. Thank you.

12 MS. LITTLE: No further questions.

13 THE WITNESS: Yes, ma'am.

14 MR. REDMOND: Just a clarification real quickly.

15 REDIRECT EXAMINATION

16 BY MR. REDMOND:

17 Q So when we say "inconclusive," you cannot say that
18 that gun may or may not have fired those shots?

19 A That's correct. It could have fired both of these.
20 It could have fired one of those. It's just inconclusive.
21 We don't know.

22 Q And, again, you're not an investigator, so,
23 obviously, you're not familiar with any video evidence or
24 any statements that may have been given or any other
25 evidence that may help answer that question?

1 A That's correct. I don't know the details of the
2 investigation.

3 MR. REDMOND: That will be all the questions that I
4 have. Thank you so much.

5 THE COURT: Mr. Greer, thank you for your testimony.
6 You can step down, sir.

7 THE WITNESS: Thank you, sir.

8 MR. REDMOND: The State next calls Brad Redfearn.

9 THE COURT: Brad?

10 MR. REDMOND: Redfearn.

11 THE COURT: Brad Redfearn?

12 Mr. Redfearn's sequestered?

13 MR. REDMOND: He is sequestered, yes.

14 THE COURT: Everybody good over there?

15 Nods head yes.

16 Good afternoon. If I can get you to come forward.

17 If you'd place your left hand on the Bible and raise your
18 right.

19 Madam Clerk?

20 THE CLERK: Would you state your name.

21 THE WITNESS: Bradley Taylor Redfearn.

22 BRADLEY REDFEARN

23 after being duly sworn, was examined and testified
24 as to follows:

25 MR. REDMOND: May it please the Court?

1 THE COURT: Yes, sir. Your witness, Mr. Redmond.

2 DIRECT EXAMINATION

3 BY MR. REDMOND:

4 Q Mr. Redfearn, by whom are you employed at this time?

5 A No one. I'm retired.

6 Q Retired. Okay?

7 A Yes, sir.

8 Q Well, before you retired, by whom were you employed?

9 A Cheraw Police Department.

10 Q And in what capacity were you employed with them?

11 A I was a detective with Cheraw Police Department.

12 Q And how long -- let's talk about your career in law
13 enforcement.

14 A Yes, sir.

15 Q How long have you been in law enforcement? And take
16 us through your law enforcement career.

17 A Over 25 years. I started off, after graduating from
18 the University of South Carolina, College of Criminal
19 Justice, I went to Rock Hill Police Department. I'll try
20 to go through this quick.

21 But I started on patrol, went into community
22 policing, then I became the training officer for the
23 department. At that point, I went and was the
24 accreditation manager where I wrote policies and
25 procedures for the police department that met national

1 standards.

2 Went on through, I was a detective, I was a
3 narcotics detective, I made my way up through ranks,
4 Sergeant, Lieutenant, assistant to the chief of police.
5 At the end -- well, I was a lieutenant back in the
6 detective division -- over the entire detective division
7 for Rock Hill Police Department.

8 Then I was over -- my last assignment to the chief
9 was -- I was over 240 employees, the day-to-day operations
10 of the police department, anything that came up, also did
11 the news media. I was a public information officer.

12 And then my father got sick with cancer, so I moved
13 back to Cheraw to help take care of him. This is where I
14 was from, Chesterfield County. Graciously, Cheraw Police
15 Department hired me at that point. I was a patrol officer
16 there for about six months, and then I was moved back to
17 the detective division as a detective, and then I retired.

18 Now, you were on duty on the 12th of July, 2020,
19 when you got a call to Dizzy Gillespie Apartments?

20 A Yes, sir. I was at my house. I was on call, and I
21 was the detective that was on call for the police
22 department, and I responded to that location.

23 Q And when you responded, take us through what you
24 observed, what you did once you responded to that
25 location.

1 A What I received over the telephone was that a
2 homicide had occurred and they needed me to come out, so I
3 responded to the incident location. At that point, there
4 were several uniform officers on-scene. They were
5 attempting to back the crowd up, lay out a crime scene,
6 and they were basically showing me what was going on. I
7 assisted in that, especially after we found out the second
8 homicide victim. And then we moved the parameters and
9 made the crime scene bigger at that point.

10 Then I was -- the other detectives, I contacted the
11 chief and the other detectives that were with Cheraw
12 Police Department. They came out, and then they handled
13 the crime scene, and I left and went to the police
14 department to conduct interviews.

15 Q Okay. And that's what we're getting into. The crux
16 of what your role was, was conducting the interviews and
17 following up on that, so...

18 A Yes, sir.

19 Q Let's talk about who you interviewed. Did you have
20 an opportunity, I think about 6:30 in the morning, to
21 interview Christopher Green?

22 A Yes, sir. I did.

23 Q Okay. And then about 7:30 in the morning, did you
24 interview John Michael Cooks, referred to as Mike Mike?

25 A Yes, sir, I did.

1 Q And then at about 10:59 that morning, did you
2 interview Bobby Lee Griham?

3 A I did, yes, sir.

4 Q And then finally, at about 1:38 p.m., did you have
5 the opportunity to interview the defendant?

6 A Yes, sir, I did.

7 Q And just for the record's sake, the person that you
8 interviewed, Raekwon Ellerbe, do you see him in the
9 courtroom?

10 A Yes, sir. The defendant sitting right over there.

11 MR. REDMOND: I'd ask that the -- that the record
12 reflect that he has identified Raekwon Ellerbe as the
13 individual he interviewed regarding this case.

14 BY MR. REDMOND:

15 Q Now, of course, we're not going to get into hearsay
16 issues about what those other folks told you, but I'll
17 just ask you this: After interviewing Christopher Green,
18 John Michael Cooks -- especially after John Michael Cooks
19 and Bobby Lee Griham, at that point, did you desire and
20 feel the need to have to interview the defendant?

21 A Yes, sir, I did.

22 Q Okay. Now, and did he come to the police department
23 himself?

24 A Yes, sir. He stated -- he came to the police
25 department. He stated his girlfriend brought him up

1 there.

2 Q Now, to be clear, after those interviews, are --
3 each of the individuals that I named had been charged with
4 something in this case. Was Christopher Green charged
5 with murder?

6 A He was, yes, sir.

7 Q And is that related to Kwon Johnson?

8 A That is.

9 Q Was -- after the interviews with Mike -- with John
10 Michael Cooks and Bobby Lee Griham, were they charged with
11 accessory before the fact of murder?

12 A Yes, sir, they were.

13 Q And then, finally, you had the chance to interview
14 the defendant. And, of course, we know that after --
15 well, I'll ask you: Was he charged with murder after your
16 interview?

17 A Yes, sir, he was.

18 Q And let's talk about that interview.

19 A Okay.

20 Q What -- and, of course, was that interview
21 videotaped?

22 A Yes, sir. And he was notified about that in the
23 room also.

24 Q And, in fact, did you go through his Miranda
25 warnings and all of that? And did he agree to talk to

1 you?

2 A That's after -- they were -- his Miranda was read,
3 he initialed, signed that he understood, and waived his
4 right to speak with an attorney. At that point, I
5 interviewed him.

6 Q And to be clear, on the video it reflects the fact
7 that he -- I think he indicated that -- did he indicate
8 that he heard that y'all were looking to talk to him so he
9 came to clear his name?

10 A Yes, sir.

11 Q Okay. Now let's talk about that. Let's get into
12 it. So when he is telling you what happened -- well, I'll
13 ask you this: From what you can recall -- of course we'll
14 have the video, but best you can recall to summarize, what
15 did the defendant tell you when he first got in there?

16 A Well, obviously we'll have it, but basically, he
17 told me the story up until the shooting. At the
18 beginning, he stated, you know, that he and three other
19 people -- well, Mike Mike, John Cooks was driving a
20 vehicle, that Mr. Johnson was the front seat passenger,
21 which he was the first person that was a murder victim out
22 there. And then Bobby Griham and Mr. Raekwon Ellerbe were
23 in the back seat of that vehicle.

24 They were coming back from Marlboro County, coming
25 over the river bridge, and he stated that a car came up

1 beside him and was pointing a gun in their direction. And
2 then he -- I'm not really sure if he told me names; we're
3 going to have to see on there. But then he went forward
4 and said, when they got to the intersection of basically
5 Powe and 2nd, where the Cheraw Community Center is and the
6 Safeway, the two cars split and went different directions.
7 At that point, he stated that they went to Dizzy Gillespie
8 and went from there.

9 Q Now, when he talks about getting to Dizzy Gillespie,
10 what did he tell you occurred once you got -- once he got
11 to Dizzy Gillespie?

12 A He and -- they rode by the incident location, by
13 A and B , Dizzy Gillespie, and went around the corner
14 where the mailboxes are, and he -- the defendant and Bobby
15 Griham were dropped off out of the back seat of the
16 vehicle at that point. He states that they go to his
17 girlfriend's or his baby mama's porch. And then, at that
18 point, they watched what happened with the first homicide.

19 And then he goes into the fact where they came and
20 told him on the porch -- Mike Mike came and told him and
21 Bobby that, you know, Mr. Johnson had been shot, and it
22 went from there.

23 Q Okay. Now, let's talk about how it went from there,
24 because, at that point, he acknowledged that he had fired
25 shots into that -- into the residence, B ?

1 A Yes, sir. A little later on, but yes, sir.

2 Q But before they -- later on, he did. But,
3 initially, did he acknowledge that he had actually fired
4 shots?

5 A No. Then, later on in the interview, he did.

6 Q Okay. And let's talk about that. So initially --
7 and, again, we all see this reflected on the video but did
8 -- was he confronted with video evidence?

9 A He was.

10 Q Okay. And let's -- let me back up a little bit.
11 When we say "video evidence," does Cheraw have a video
12 surveillance system around the town that where one is set
13 up near the community center?

14 A Yes, sir.

15 Q That intersection and in the Gillespie Apartments?

16 A Yes, sir. There's a camera system everywhere out
17 there.

18 Q Around Cheraw.

19 And so, were y'all able -- as a matter of fact, I
20 think even in the early morning hours after the incident,
21 were y'all able to start obtaining video evidence?

22 A Yes, sir, we were.

23 Q So by the time you interviewed the defendant, had
24 you received video evidence that reflected what took place
25 out at Dizzy Gillespie at the time of the shooting?

1 A I had.

2 Q When he initially talked with you about it, was
3 there a point in time where his version did not match what
4 was in that video?

5 A Yes, sir, there was.

6 Q And, at that point, was he confronted with the
7 video?

8 A Yes, sir. I had another detective bring the video
9 in, and we showed him what occurred out there.

10 Q And, as a matter of fact, was that at his request?
11 Did the defendant request to see the video?

12 A Yes.

13 Q And did y'all give him the opportunity to see the
14 video?

15 A We did. And he identified himself in the video.

16 Q Okay. So take us through -- once he's confronted
17 with that video, take us through what transpired. What
18 did he finally state?

19 A He finally stated that he did shoot, and he shot
20 multiple times.

21 Q And did he ever indicate that anybody else other
22 than him was shooting? Now, of course we know Christopher
23 Green, but after that shot, did he indicate that anybody
24 other than him was shooting?

25 A No, sir, he did not.

1 Q Have you had a chance to view the video from Dizzy
2 Gillespie Apartments?

3 A Yes, sir. I have.

4 Q Multiple times?

5 A Yes, sir. Many, many times.

6 Q Was there anybody else reflected on any of those
7 video cameras shooting into that apartment?

8 A No, sir. The only shots were from the defendant.
9 And then the first shot was from Christopher Green and the
10 first victim.

11 Q Okay. And again, the camera has an angle of that
12 apartment of the right -- where everything transpired; is
13 that correct?

14 A Yes, sir. The roadway and the front yard of the
15 apartment.

16 Q Now, so after being confronted with the video
17 evidence again, what did he tell you?

18 A He identified himself on the video, that that was
19 him shooting, and he stated that he did shoot.

20 Q Okay. Was there a point in time then, that you were
21 asking him about where the gun was that he used?

22 A Yes, sir. That's correct.

23 Q And tell us about that.

24 A Well, I asked him multiple times where the gun was
25 because we needed it for evidence, and we didn't want

1 anybody else to get hurt with that weapon. So he stated
2 that it was outside in the car that his girlfriend was in.
3 And so we went out there and retrieved that weapon.

4 Q And did you -- and I think we also see it reflected
5 on the video, but did you inform the defendant that, in
6 fact, Ms. Quanecia Brown had been killed?

7 A Yes, sir, I did.

8 Q Okay. Now, with the Court's indulgence -- oh, let
9 me ask you this. As it relates to -- I'm going to show
10 you some pictures. When y'all went to get the gun and
11 everything, were photographs taken when y'all went out to
12 the car to get the gun?

13 A Yes, sir.

14 Q Okay. And I think, was it his girlfriend that he
15 brought him up there?

16 A Yes, sir.

17 MR. REDMOND: With the Court's permission, at this
18 point, I think, Your Honor, I'm ready to publish a few
19 things. One is -- actually start with the pictures. Beg
20 the Court's indulgence. All right. With the Court's
21 permission --

22 THE COURT: Yes, sir.

23 MR. REDMOND: Can I dim the lights?

24 THE COURT: I just want the record to reflect how
25 much the Court and the jury appreciates her being here

1 today ---

2 (Courtroom laughter.)

3 THE COURT: --- as opposed to Mr. Redmond running
4 the technology.

5 MR. REDMOND: And Mr. Redmond echoes those
6 sentiments, Your Honor.

7 THE COURT: I know.

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1 BY MR. REDMOND:

2 Q And, Brad, if you need to step out, please feel free
3 to, if you need to. But could you tell the ladies and
4 gentlemen of the jury what that is.

5 A That's the vehicle.

6 Q Is that a vehicle that the defendant -- that the
7 defendant came in on?

8 A That is correct.

9 Q (Indiscernible)?

10 A Yes, sir.

11 MR. REDMOND: Next picture. And for the record,
12 these are already in evidence as State's Exhibits 202.
13 That was 202. Now, this is 203.

14 BY MR. REDMOND:

15 Q Could you tell us, is that a front picture of the
16 car?

17 A That is.

18 Q Okay. 204 is next. And what is reflected in that
19 picture?

20 A The hand -- there's a bag on the -- on the seat
21 right there in the back seat.

22 Q And 205?

23 A And there's the weapon.

24 Q And is that where he indicated it would be when you
25 talked -- interviewed him?

1 A Yes, sir, that is correct.

2 Q And 206?

3 A The same weapon that was in the bag in the back
4 seat.

5 Q And 207?

6 A Yes, sir. Same one.

7 MR. REDMOND: You can cut that out. All right.

8 THE COURT: Mr. Redmond.

9 MR. REDMOND: I'm getting in the way. I'm getting
10 in the way.

11 And, Your Honor, while Ms. Thurmond (ph) is setting
12 that up, at this point, with the Court's permission, we
13 are prepared to publish the interview with Mr. -- the
14 defendant, Mr. Ellerbe.

15 (Video played/Exhibit 219.)

16 MR. REDMOND: So, ladies and gentlemen of the jury,
17 we're having -- we were hoping to be able to scroll it so
18 that we can save time, but we're going to have to mute
19 certain parts of it for, obviously, some inadmissible
20 evidence and things of that nature that obviously under
21 the rules is not allowed to be published. So there are a
22 few parts where we're going to have to mute it and let it
23 play. And we're hoping to be able to scroll at the same
24 time, but this one is only about a minute that it'll have
25 to scroll. So if y'all will just bear with us.

1 (Video continued to play.)

2 MR. REDMOND: And, Your Honor, just for the record,
3 what we just played, the video statement of the defendant
4 is Exhibit 219. That was already in evidence.

5 THE COURT: All right. So noted.

6 MR. REDMOND: Now, at this point, I'm looking for
7 State's 221, that has all of the surveillance videos.
8 Your Honor, at this point, we would ask the -- we would
9 ask to publish the video from the intersection.

10 Just to let the Court and the jury know what's next,
11 the -- from the defendant testified about the cars being
12 at an intersection. Well, we got that video; it's pretty
13 short. Then we've got the next video where you see they
14 get dropped off at Dizzy Gillespie that he had testified
15 to; that was pretty short.

16 Now, the shooting video, that whole video, I think
17 approximately 20 minutes. And so I just want to let the
18 Court know and the jurors know that that's the time frame
19 we're looking at this point as far as the videos we want
20 to go ahead and play.

21 THE COURT: All right, sir. Maybe before that third
22 video they may be ready for a break. We'll see.

23 MR. REDMOND: Yes, sir.

24 THE COURT: All right. And those are in evidence?

25 MR. REDMOND: Those are in evidence, Your Honor.

1 And they are all on Exhibit 221. They are on the flash
2 drive. That is State's 221.

3 (Video played.)

4 BY MR. REDMOND:

5 Q And I'll just ask you this, I guess I want to say
6 Detective -- I'll still say "Detective"; right? I'll say
7 this, was that the video reflected at what the defendant
8 had told you in this statement?

9 A Yes, sir. That's the one right at Powe and 2nd
10 Street.

11 Q And are those the two cars that were involved in
12 that incident?

13 A Yes, sir.

14 Q And were those two cars also -- I think one of them
15 is a Chevy Cruze and the other one was the car that the
16 defendant -- that the -- that Chris Green was in?

17 A Yes, sir.

18 Q Okay. The dark car I think was the Cruze -- the
19 Chevy Cruze?

20 A Yes, sir.

21 Q Now, is this the section that we'll see related to
22 where they get dropped off at (indiscernible)?

23 A Yes, there is. When you go the first entrance and
24 you start around the curve, the mailboxes are there. And
25 this is where the defendant and Mr. Griham were dropped

1 off.

2 (Video continues to play.)

3 Q Now, is that where the Chevy Cruze turns around and
4 goes back and ends up in front of A and B?

5 A Yes, sir. That's correct. Just went down around
6 the corner, turned around, it's coming back, and it will
7 be parked. You'll see it on the other video where the
8 Cruze parks right in front of the house -- apartment.

9 MR. REDMOND: And, Your Honor, the last one again
10 (indiscernible) go to the video, we're going to play a
11 good portion of it for the jury. (Indiscernible) there in
12 the next vehicle, so there's some lags in there, but
13 overall, it's probably about 20 minutes. So if there's a
14 good time for a morning break, I'll leave that to Your
15 Honor.

16 THE COURT: All right. Let's take a 15-minute break
17 to stretch your legs. We'll come back out and watch that
18 video. All right? And watch your step. Don't discuss
19 the case among yourselves.

20 (The jury exited the courtroom at 10:49 a.m.)

21 (A recess was taken from 10:49 a.m. to 11:03 a.m.)

22 THE COURT: All right, Madam Bailiff.

23 (The jury entered the courtroom at 11:04 a.m.)

24 THE COURT: All right. We have our jury.

25 MR. REDMOND: (Indiscernible) before we get started,

1 the victim's family I noticed haven't come in yet, but
2 when they come in, I'll ask them to make sure they come in
3 -- okay, they're coming in now.

4 Oh, we're missing the clerk too, Your Honor.

5 (Pause in the proceedings.)

6 THE COURT: All right. Court will come to order.
7 We have the jury back in the courtroom, and I believe
8 Mr. Redmond is ready to proceed.

9 Mr. Redmond?

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

12 BY MR. REDMOND:

13 Q A couple of questions before we play this last
14 video. Detective Redfearn, was there -- well, first of
15 all, let me ask you this, we're about 3:45. Have you had
16 a chance to view the video?

17 A Yes, sir, I have.

18 Q Now, the car that the -- that Chris Green and his
19 friends had come in, is it already there? The car that
20 they had come in on, is it already there?

21 A It's not parked in front of the apartment yet.

22 Q No, no, not the defendant's. I'm talking Chris
23 Green and ---

24 A Okay.

25 Q --- I think it's Chris and (indiscernible) and

1 whoever else (indiscernible) --

2 A Yes, sir. It looks like it is already there.

3 Q I think it's the tan car or the second car there.

4 A Yes, sir.

5 Q Well, I don't have a pointer there, but you'll see
6 it when they pull up.

7 THE COURT: Do you to reduce the lighting?

8 MR. REDMOND: Oh, I do, Judge. Thank you.

9 BY MR. REDMOND:

10 Q Now, that right there?

11 A Yes, sir.

12 Q Okay. I just want to clarify that. I realized I
13 had one other thing I wanted to clarify. There's a part
14 in the video right before the shooting and right after the
15 shooting, there appears to be a light from a car that --
16 and could you explain? There's a glare, but can you
17 explain that particular part? Because, at one time, was
18 there a question of whether those were gunshots?

19 A Yes, sir. We watched it over and over again, and
20 it's actually the side mirror of the vehicle, a light
21 hitting off of it is what it is. And I think you'll be
22 able to see that in the video.

23 Q And, in fact, in the video, do you see when it pulls
24 up -- when it pulls up, when it backs up, you see the
25 glare?

1 A Yes, sir.

2 Q And as it pulls up again a few seconds later, do you
3 also see that same glare?

4 A Yes, sir. You do.

5 Q And that will help everybody realize that that was a
6 glare out that mirror?

7 A That is.

8 Q Okay. Thank you. I just wanted to clarify that.

9 MR. REDMOND: So, with that said, at this time, Your
10 Honor, we'd like to go ahead and play State's Exhibit 221,
11 the portion where it's labeled, "The shooting video."

12 (Video played/State's Exhibit 221.)

13 BY MR. REDMOND:

14 Q And that car that just passed is -- what's the
15 significance of that car?

16 A That is the vehicle that they came to Dizzy
17 Gillespie in.

18 Q When you say "they" --

19 A The defendant and Mike Mike, Bobby Griham, the
20 defendant, and Mr. Johnson.

21 (Video continued to play.)

22 Q Okay. And is this the car -- the same car after
23 having dropped off the defendant and Bobby Griham?

24 A Yes, sir, it is.

25 Q Just to clarify, is there any audio on any of these?

1 A No, sir. The victim's apartment is to the left and
2 Christopher Green's apartment is right there to your left
3 in front of this car, a little bit to the left. You'll
4 see the building right there. So they're right in front
5 of A and B, is where they are, Dizzy Gillespie.

6 Right now, basically what's happening is the first
7 victim and Mike Mike are out of the vehicle, and they're
8 fussing with Christopher Green right now, and never get in
9 a physical altercation, but they're back and forth.

10 (Video continued to play.)

11 Q And based on your investigation, is that Christopher
12 Green walking back into his apartment?

13 A Yes, sir. And the first victim will walk to the
14 passenger's side of this vehicle, which is the closest
15 one, obviously, to the sidewalk and sit down. And then
16 that's when the first homicide occurs.

17 Q Okay. Now, I'll just let...

18 (Video continues to play.)

19 Q I ask you this, but do you see, is the defendant out
20 there during this time?

21 A I don't see him right now. No, sir. He -- the
22 building right past this, behind that vehicle and on the
23 left, is where they came up behind that building and then
24 went to at some point, like in the vid- -- in the
25 interview stated they went on the porch of that and they

1 could see what was going on.

2 (Video continues to play.)

3 Q Now, can you tell where the defendant is?

4 A I can't. I can't see it. I'm sorry.

5 As you see the people standing on that porch in the
6 background.

7 Q All right. And did we just -- what did we just see?
8 What did -- for the ladies and gentlemen, what did we just
9 see occur?

10 A Well, you see the first victim walked back to the
11 vehicle. And can you rewind it just a hair and let me
12 watch that again, please? I was looking for --

13 Q And if you need to step down to get a better view,
14 please feel free.

15 A If you don't mind, I could stand up.

16 Q Yes. Go ahead.

17 A Thank you.

18 That is Christopher Green coming around from the
19 rear of the residence and shooting the first homicide
20 victim in the head, right there in front of you.

21 Q And, at this time, where is the defendant and Bobby
22 Griham?

23 A They are two -- behind that and to the left, the
24 other apartment building.

25 (Video continues to play.)

1 Q And do you see -- and did you see -- were you able
2 to see where -- where, let me stop it right there.

3 (Indiscernible) I'm sorry. I was gonna ask you about
4 Christopher Green.

5 MR. REDMOND: Can you play it right --

6 UNIDENTIFIED SPEAKER: I am, yes.

7 BY MR. REDMOND:

8 Q You see where Christopher Green is?

9 A He's walking -- he walks back between the
10 apartments, going around to the back of the apartment
11 again after he does the shooting.

12 Q Did you see what appeared to be two more muzzle
13 flashes?

14 A Yes, sir.

15 Q And was that from the AK-47?

16 A That was.

17 Q That was Christopher Green?

18 A That is correct.

19 (Video continues to play.)

20 A That's Mike Mike walking over to where the defendant
21 and Bobby were. So that gives you a reference as to what
22 I was talking about, where the apartment was. And he's
23 walking back out towards the vehicle. Now here comes
24 people. They're coming up, checking on Mr. Johnson that
25 was shot on that side.

1 Q Who's fallen on the ground out there?

2 Let me -- that is -- they see the shooting. There's
3 a shooting going right now. See all the muzzle flashes?

4 Q (Indiscernible)?

5 A Yes.

6 (Video continues to play.)

7 MR. REDMOND: Pause it, please.

8 A And gets off the ground, and he just starts just
9 shooting rounds towards A and B right there. The
10 defendant did.

11 And then see the glare that we were talking about is
12 not -- it's not gun shots; it's actually from that
13 vehicle. But you'll see the two running. When I did the
14 interview, he talked about them running through that path
15 back over towards the railroad tracks. So that's where
16 they ran away from the scene and got out of there.

17 BY MR. REDMOND:

18 Q And, to be clear at this point, how many people do
19 you see actually firing a weapon?

20 A There are two people that fired weapons, Christopher
21 Green, when he came outside and shot the first victim, and
22 then the defendant firing rounds. That's the only other
23 person that fired that evening.

24 Q And that segues to my next question. Who -- do you
25 see anyone else shooting into those apartments?

1 A No, sir.

2 Q Okay. Who was the only person you see shooting into
3 those apartments?

4 A The defendant.

5 And he identifies himself also in that video as that
6 being him that was doing the shooting, whenever I did his
7 interview.

8 Q And I appreciate you mentioning that. Let me ask
9 you this based on that, is this the same video that he was
10 shown when he finally confessed that he was doing
11 shooting?

12 A Yes, sir, that is correct.

13 Q This exact same video that the defendant was
14 watching when he finally admitted that that was him?

15 A That is correct.

16 (Video continues to play.)

17 A Basically, what you're seeing here -- I'm sorry it's
18 so long, but it's just people gathering and Mr. Cooks,
19 which they call Mike Mike, he's the one that's dancing
20 around all over the place with the shorts on. He was
21 making a scene out of everything. He was the actual
22 driver of that vehicle, and so he's still out there
23 wandering around. And these are just people coming up to
24 figure out what was going on and what happened.

25 Q With that, let me ask you this: So Mike Mike

1 actually stayed out there?

2 A Yes, sir.

3 Q The scene -- when anybody got to the scene, did
4 anybody from Cheraw PD and encounter the defendant that
5 night?

6 A No, sir, not that I'm aware of.

7 Q So -- and based on what you see in the video, Mike
8 Mike actually stays. Did the defendant stay or did he
9 leave?

10 A He did not. And you can see him run away in the
11 video. And he stated in my interview with him that he had
12 run from the scene. Mike Mike was the only one that
13 stayed and that it was -- even Christopher Green was
14 trying to get out.

15 Q And was Bobby Gilham [verbatim] also with them that
16 night?

17 A I'm sorry?

18 Q Bobby Gilham -- Bobby Griham.

19 A Bobby Griham. Yes, sir. And Bobby and him ran off.
20 Those were the two that ran in the video.

21 Q Thank you?

22 (Video continues to play.)

23 Q Now -- and of course, we're pausing that because the
24 shooting has already occurred, but shortly thereafter,
25 within the next couple of minutes, do you see Cheraw

1 Police start to arrive?

2 A Yes, sir, you do.

3 Q Now, we --

4 MR. REDMOND: Beg the Court's indulgence. Beg the
5 Court's indulgence.

6 Your Honor, I believe that's all the questions I
7 have for Detective Redfearn. Please answer any questions
8 that Ms. Copeland Little has.

9 THE WITNESS: Yes, sir.

10 THE COURT: Ms. Little, you need use of the video?

11 MS. LITTLE: Your Honor, I would just like to leave
12 that up in case I go to some areas in the -- but I don't
13 need a lot. I just -- I don't want to play it, and I
14 don't mind having the lights back on.

15 THE COURT: Okay. All right.

16 MS. LITTLE: Just for location purposes.

17 THE COURT: All right. And we'll see how we can
18 view the -- I think we -- and if you need to dim them for
19 a particular purpose.

20 MS. LITTLE: Well, let me just ask a few questions.

21 THE WITNESS: Yes, ma'am.

22 MS. LITTLE: I just have a few questions.

23 CROSS-EXAMINATION

24 BY MS. LITTLE:

25 Detective Redfearn --

1 A Yes, ma'am.

2 Q How are you doing?

3 A I'm doing well.

4 Q Detective, you testified that Mr. Green came from
5 between those two buildings; is that correct?

6 A That is correct. Yes, ma'am.

7 Q Now, were you able to see Mr. Green firing his
8 weapon when he was in that area?

9 A As he was walking back, you could see the muzzle
10 flashes. After -- you see him shoot the first victim, and
11 then, as he's walking back, you can see two more flashes.
12 He was basically shooting in the air, is what he was
13 doing.

14 Q And, well, could you actually view where he was
15 going, or are you just assuming he was shooting here?

16 A I believe there's a -- another video from the rear
17 of that apartment where you can -- you see where
18 Christopher Green comes around and comes and does the
19 shooting and then comes back to the back side of his
20 apartment.

21 Q Where does he go after he comes back to the backside
22 of his apartment?

23 A Who's that.

24 Q Christopher Green, the first shooter.

25 A The first shooter. Yes, ma'am. The first shooter

1 for the first homicide. He goes around to the back of his
2 -- after he does the shooting, he goes to the back of his
3 residence, comes back out. From what I remember -- I have
4 not refreshed my memory on this video. I have not watched
5 this video again since that night, but I think he comes
6 out to where the -- there's a shrubbery and he's sitting
7 there and then goes back into his apartment.

8 And then after the shooting occurs where Mr. Ellerbe
9 shoots into the front of the residence, he actually
10 leaves. Christopher Green actually leaves and takes the
11 weapons that he had away and then comes back.

12 Q Here's a video that shows everything that happened
13 on that side of the apartment?

14 A It shows the back side of that apartment, yes,
15 ma'am, from my -- from my remembering the situation.
16 There was another camera -- there's cameras all over Dizzy
17 Gillespie.

18 Q Okay.

19 A And they can view a lot of different places. That
20 was -- what you're asking about is related to the first
21 homicide. It has no relation to the second --

22 Q You know, what I'm asking about is, right after he
23 shoots my client's cousin, he goes around, and what I'm
24 trying to ask you is: Does he go back into his apartment?
25 Do you know the answer to that?

1 A I believe he does. Yes, ma'am.

2 Q And then when you testified, he leaves the
3 (indiscernible) and goes away, takes away weapons?

4 A And then he comes back, if I'm remembering the video
5 correctly. I have not watched it since that I was -- I
6 watched these videos to get ready for trial, but I have
7 not watched that video.

8 Q Okay. Well, can you tell me, was Mr. Green --
9 Christopher Green -- who shot first victim?

10 A Yes, ma'am.

11 Q Was -- were the weapons -- were his weapons
12 recovered?

13 A Yes, ma'am.

14 Q All right. And so -- but I believe you just said he
15 was trying -- I believe you testified earlier, Christopher
16 Green was trying to get off. And you also stated that he
17 took those weapons away?

18 A Yes, ma'am. That's correct.

19 Q How many weapons did he take away?

20 A I believe there was two.

21 Q Okay. And do you know -- and you said, at one
22 point, you know, he went back into the apartment, then he
23 left, and he came back to the apartment. Do you know if
24 he had any other weapons inside the apartment?

25 A I did not process that crime scene. I didn't have

1 anything to do with that. When SLED got contacted, I went
2 through the police department, and I conducted the
3 interviews.

4 Q Okay. All right. So -- well, this is the only
5 video that the State has put into evidence. So let me ask
6 you this: If there was a shooter -- and I think you're
7 right -- I'm going to stand right here (indiscernible).
8 If somebody was across the street, outside of where this
9 camera shows, would there be a video that showed if
10 anybody was shooting from over there?

11 A It possibly could be, ma'am. I'm not sure.

12 Q So you can't tell this jury if anybody else was
13 shooting except for in this area that you see on camera
14 right now?

15 A That's what I'm testifying to is this video, yes,
16 ma'am.

17 MS. LITTLE: Court's indulgence for one moment.

18 BY MS. LITTLE:

19 Q When you were interviewing my client, do you recall
20 him stating that there were multiple shots being fired?

21 A We can go back and watch it. I'm not really sure.
22 I know he stated that he did fire the weapon and he
23 identified himself in the video.

24 Q Right, I understand that. What I'm asking you is,
25 did you ever hear -- or do you recall in the video

1 interview when my client said that, after Chris Green
2 shot, there were multiple other shots?

3 A Yes, I do remember that.

4 Q Okay.

5 A I'm sorry; I didn't understand the question you
6 asked me before.

7 Q I'm sorry; it's probably the way I said it.

8 So -- and did you follow up on that and ask him who
9 else was firing or where they might have been firing from?

10 A I don't remember that. I can go back and watch it
11 again.

12 Q This jury will probably be able to watch it as many
13 times as they want to, but I guess what I'm asking you is:
14 Did you ever ask my client who else was firing that night
15 or if he heard any other gunshots that night?

16 A I don't recall.

17 MS. LITTLE: Beg the Court's indulgence.

18 No further questions.

19 MR. REDMOND: Beg the Court's indulgence. Brief
20 redirect.

21 REDIRECT EXAMINATION

22 BY MR. REDMOND:

23 Q Christopher Green, it's obviously -- he was involved
24 in the other shooting, but to be clear, was it a shotgun
25 -- was a shotgun and rifle was what was recovered from

1 Christopher Green?

2 A That's correct.

3 Q Okay. Just to be clear. Shotgun, rifle, not a 9mm?

4 A No. No pistol did we recover.

5 Q Okay. Thank you. I wanted to clarify that.

6 Second thing is, you were asked about -- and of
7 course, the video is in evidence, but do you recall the --
8 I'll ask you like this: Did the defendant claim that
9 there were other shots after Christopher Green shot?
10 After Christopher Green shot, did the defendant say that
11 he heard other shots before you showed him the video?

12 In other words, when he made that comment, did he
13 make that comment before he was shown the video and then
14 ultimately told that he shot?

15 A I'm not sure.

16 Q Okay.

17 A I'd have to watch the video again; I apologize for
18 that. I don't remember the time frame. I don't remember
19 if it was before we showed him the video or after we
20 showed him the video when he made that statement.

21 Q And that's fair. The video is in evidence.

22 A Yes, sir.

23 Q Now, you were also asked about the, I guess, as far
24 as what the defendant was asked --- whether he was asked
25 about whether or not anybody else fired shots. Did he

1 also say that -- at first did he also say nobody in his
2 group had a gun?

3 A That is correct.

4 Q Once he finally admitted that he had a gun, did he
5 indicate anybody other than him had a gun?

6 A No, sir.

7 Q Did he ever indicate that anybody else was firing
8 shots from right there across the street, out of camera
9 view?

10 A No, sir.

11 Q Okay. And if that were to have happened, in your
12 experience as a law enforcement officer, if that were the
13 -- well, no, I won't ask you that. That's a hypothetical.
14 I withdraw that question.

15 Bottom line is: Did this defendant ever claim
16 anybody other than himself and Christopher Green had a
17 weapon out there that night?

18 A No, he did not.

19 MR. REDMOND: That'd be all the questions I have
20 now.

21 THE COURT: Ms. Little?

22 RE CROSS-EXAMINATION

23 BY MS. LITTLE:

24 Q Well, yeah, I just want to clarify that, because you
25 did say earlier that -- did you remember him saying that

1 there were multiple shots?

2 So that's not really a correct statement, is it,
3 that only he and Mr. Green were shooting. I just want to
4 make that clear.

5 A He never said specifically that. What he said was
6 he knew -- he saw Chris come out and, you know, and do the
7 shooting, obviously. And then he -- as he was walking
8 away, more gunshots. Okay?

9 And then this is -- that's when he comes over to the
10 vehicle and then he lays on the ground, gets up, and
11 starts firing into the apartment.

12 Q All right. Well, I'll leave you with that. No
13 further questions.

14 A Yes, ma'am.

15 MR. REDMOND: Nothing further, Your Honor.

16 THE COURT: All right. Detective, you may step
17 down.

18 THE WITNESS: Thank you, sir.

19 THE COURT: Good luck.

20 MR. REDMOND: Yes. And, Your Honor, since he is
21 retired, the State has no objection to Detective --
22 Retired Detective Redfearn being excused, if there's no
23 objection.

24 MS. LITTLE: No objection.

25 THE COURT: All right. No objection, so ordered.

1 Good luck, sir.

2 THE WITNESS: Thank you, Your Honor. Thank you.

3 MR. REDMOND: Your Honor, if I could just have a
4 brief moment to consult with the court reporter to make
5 sure all my exhibits that I want in evidence are in, and
6 then I think I might be prepared to rest.

7 (Pause in proceedings.)

8 MR. REDMOND: With that, Your Honor, the State's
9 prepared to rest at this time.

10 THE COURT: All right. Looking at the hour,
11 Ms. Little, you anticipate calling your first witness?
12 How long do you think that witness would take?

13 MS. LITTLE: Um...

14 THE COURT: Is that witness vital?

15 MS. LITTLE: I'm not certain, Your Honor.

16 THE COURT: Okay. All right, let's do this --

17 MS. LITTLE: It will probably be a little while.
18 Yes, sir.

19 THE COURT: All right, let's do this. I have 11:40.
20 We're going to recess for early lunch. If I can get you
21 to come back and be in the jury room, say 12:50. We'll
22 get you out here at 1:00. So if you can come back, ladies
23 and gentlemen of the jury, be in there about 12:50. Okay?
24 And then we'll resume with this trial and maybe finish
25 this afternoon. We'll have to see. Okay?

1 All right. You're excused for lunch. If you'd
2 follow the instructions of the bailiff.

3 (The jury exits the courtroom at 11:41 a.m.)

4 THE COURT: All right. The jury's been excused for
5 lunch.

6 Mr. Redmond, I believe you indicated all your
7 exhibits are in evidence that you wanted to --

8 MR. REDMOND: Yes. With the exception of three that
9 I purposely kept for ID only, everything else is in
10 evidence.

11 THE COURT: All right. Ms. Little, anything you
12 want to take up with the Court now, or do you want to take
13 up when we come back from lunch?

14 MOTIONS/MATTERS OF LAW

15 MS. LITTLE: I do have a few. Well, I'll go ahead
16 and just move at this time for a directed verdict of
17 acquittal on all charges.

18 THE COURT: All right. Mr. Redmond?

19 MR. REDMOND: Your Honor, we would say that the
20 State has produced evidence that would allow this jury to
21 find the defendant guilty of murder and assault and
22 battery of a high and aggravated nature, possession of a
23 weapon during a violent crime, and two counts of
24 discharging a firearm into a dwelling.

25 We think that the State at this point has met the

1 burden at this point to get us to the jury and past the
2 directed verdict point.

3 Additionally, Your Honor, I would actually -- and I
4 was going to ask this as it relates to an instruction.
5 Based on what Counsel said in her opening, which I know is
6 not evidence, the thought came to me about accomplice
7 liability, "hand of one, hand of all."

8 Based on her question to Sergeant -- Detective --
9 excuse me, Detective Redfearn as it relates to another
10 shooter possibly being outside, I think that has opened
11 the door for me to request an accomplice liability or
12 "hand of one, hand of all" instruction.

13 I say that now as it relates to also the directed
14 verdict motion because I think I need to at least make the
15 record complete in that regard. So when there's an
16 indication that there may be somebody else that may be
17 shooting into the same apartment, a jury is entitled to
18 infer certain things, and they can infer, we would argue,
19 that if they believe that was the case -- now, mind you,
20 we submit the evidence doesn't show that. But since that
21 is obviously something Counsel is arguing, I think we are
22 entitled to that.

23 So I say that in the context of the directed verdict
24 motion as to why we should be able to overcome that, but I
25 also am going to ask the Court for an instruction on "hand

1 of one, hand of all," in light of the defense's
2 presentation.

3 THE COURT: All right. Ms. Little, nothing
4 further?

5 MS. LITTLE: No, Your Honor.

6 THE COURT: Okay. All right. With respect to your
7 motion for directed verdict, I would, in the light most
8 favorable to the State, I would find that there is
9 sufficient evidence for the matter to go before the jury.

10 There were multiple witnesses who testified, there
11 was testimony or video played of the defendant indicating
12 that he, in fact, did fire shots, and the video then
13 corroborated that.

14 So I would respectfully deny the motion for directed
15 verdict.

16 And then, with regard to Mr. Kernard -- Mr.
17 Redmond's request for charge on "hand of one, hand of
18 all," Mr. Redmond, I'm going to respectfully just ask that
19 you renew that motion ---

20 MR. REDMOND: Yes, sir.

21 THE COURT: --- at the conclusion of -- I mean,
22 you're protected on the record. You've raised it. I'll
23 make a note of it. But at the conclusion of all testimony
24 and before we get to charging, obviously, if you renew
25 that motion ---

1 MR. REDMOND: Yes, sir.

2 THE COURT: --- and give Ms. Little a chance --
3 Ms. Little an opportunity to respond in kind, and then
4 I'll address that more formally on the record.

5 MR. REDMOND: Absolutely. Yes, sir.

6 THE COURT: All right. Okay. All right.

7 Ms. Little, just in terms of logistics, what do you
8 need from the Court to be ready when we get started?

9 MS. LITTLE: Nothing at this time, but....

10 THE COURT: All right. We're going to shoot --
11 they're going to be back at 12:50. We'll shoot for 1:00,
12 understanding you have some limitations. You know, we'll
13 just try to deal with it accordingly.

14 But if there's nothing further, we'll recess for
15 lunch. I'll see y'all in a little bit.

16 MR. REDMOND: Thank you, Your Honor.

17 THE COURT: All right.

18 (A lunch recess was taken from 11:47 a.m. to
19 1:15 p.m.)

20 THE COURT: All right. Mr. Redmond, do you have
21 anything important before we bring the jury out?

22 MR. REDMOND: Nothing from the State, Your Honor.

23 THE COURT: Okay. Ms. Little?

24 MS. LITTLE: Your Honor, at this time, by agreement
25 and stipulation, I want to enter into evidence Defense

1 Exhibit 1 and 2.

2 For the record, 1 is the CAD report, the 911 CAD
3 report. And Exhibit 2 is a photo of deceased Kwondashian,
4 Mr. Johnson, yes.

5 THE COURT: All right. Number 2 is what?

6 MS. LITTLE: A photo of Kwondashian Johnson,
7 deceased.

8 THE COURT: All right. No objection?

9 MR. REDMOND: No objection, Your Honor.

10 THE COURT: All right. That'll be Defendant's 1 and
11 2. So ordered.

12 (Defendant's Exhibit No. 1, 911 CAD Report, was
13 marked for identification and received into evidence.)

14 (Defendant's Exhibit No. 2, Photograph of
15 Deceased/Kwondashian Johnson, was marked for
16 identification and received into evidence.)

17 THE COURT: All right. Before I bring them out, can
18 y'all approach real quick?

19 MR. REDMOND: Yes.

20 BENCH CONFERENCE

21 (A bench conference was held off the record and
22 outside the hearing of the jury and others.)

23 (Open court resumes:)

24 THE COURT: Okay. So we have a criminal defendant.
25 He has a right to testify and a right not to testify. He

1 chooses not to testify. That cannot be held against him,
2 and we'll charge the jury to the effect.

3 UNIDENTIFIED SPEAKER: Uh-huh, right.

4 [Open court resumes:]

5 THE COURT: All right. At this time, I understand
6 that defendant's ready to proceed with their case. And I
7 would like -- while the jury is out of the courtroom, I'd
8 like to address the issue of the defendant's right to
9 testify, to be sure that he understands such rights.

10 DEFENDANT'S RIGHTS

11 THE COURT: And so, Mr. Ellerbe, I'm going to ask
12 you, if you'd please stand.

13 Mr. Ellerbe, I'm going to place you under oath. The
14 questions that I ask you are for the limited purposes of
15 understanding your right to testify. Once we have
16 resolved that, then any other testimony that you give,
17 whether you do or you don't, you will be placed under oath
18 again. Okay? So I don't want you to feel like you're
19 going to -- you expose yourself in any way.

20 All right. Mr. Ellerbe, can you raise your right
21 hand.

22 RAEKWON ELLERBE

23 after being duly sworn, was examined and testified
24 as to follows:

25 THE COURT: You can put your hand down.

1 Mr. Ellerbe, at this time, I'm going to explain to
2 you certain rights. If you do not understand anything I
3 say, please let me know. If you want me to explain
4 anything in more detail, please let me know.

5 We have reached the stage of the trial where you may
6 present your defense. You have the right to claim the
7 protections given to you by the Fifth Amendment to the
8 Constitution of the United States. This amendment states
9 in part that no person shall be compelled in any criminal
10 case to be a witness against himself. This means that you
11 cannot be required to testify in this case. You have the
12 right to testify on your own behalf; however, no one can
13 make you testify. This is a personal right, and no one
14 can waive this right except you.

15 If you decide to testify, you'll be subject to the
16 same rules that govern other witnesses, and you may be
17 examined and cross-examined on any relevant issue in this
18 case.

19 In addition, if you have any convictions involving
20 dishonesty or false statements or for crimes punishable by
21 imprisonment for more than one year and this Court
22 determines that the probative value of admitting this
23 evidence outweighs its prejudicial effect to you, the
24 solicitor will be able to introduce your record to attack
25 your credibility. If you decide to testify this decision

1 on your part must be freely, voluntarily, intelligently
2 made with knowledge of the protections given to you by the
3 Fifth Amendment and the consequences of your decision to
4 testify. If you decide not to testify, I will instruct
5 the jurors that they cannot give the fact that you did not
6 testify any consideration whatsoever, and that there is to
7 be absolutely no prejudice to you because you did not
8 testify. It is left entirely up to you whether or not you
9 testify. You may talk with your attorney, your family,
10 friends, or anyone else, but the final decision will be
11 left entirely up to you. Do you understand what I've
12 explained to you?

13 THE DEFENDANT: Yes, sir.

14 THE COURT: Do you have any questions that you would
15 like further explained?

16 THE DEFENDANT: No, sir.

17 THE COURT: You've discussed these matters with your
18 lawyer, whether you should or should not testify?

19 THE DEFENDANT: Yes, sir.

20 THE COURT: Do you wish to talk to your lawyer any
21 more at this time regarding your right to testify? Sir?

22 THE DEFENDANT: No, sir. I apologize.

23 THE COURT: Okay. He indicates that he does not
24 need to talk to his lawyer further about his rights to
25 testify.

1 All right then, sir. Is it your -- and do you wish
2 to testify or not to testify?

3 THE DEFENDANT: Yes, sir.

4 THE COURT: He indicates he wishes to testify.

5 Okay. Ms. Little, is there anything that you want
6 to put on the record regarding that?

7 MS. LITTLE: No, sir.

8 THE COURT: Okay. All right. If there's nothing
9 further, so you can be seated. Thank you for that.

10 All right. At this time, Madam Bailiff, if you
11 would bring our jury out.

12 (The jury enters the courtroom at 1:26 p.m.)

13 THE COURT: All right. Court will come to order.
14 We have our jury back in the jury room.

15 Folks, I hope you had a good lunch. There were a
16 couple of pretrial matters or trial matters we needed to
17 take up outside of your presence. I believe, at this
18 time, the State has rest its case and the defense is ready
19 to go forward at this time.

20 MS. LITTLE: Thank you, Your Honor. Defense calls
21 John Michael Cooks, Jr.

22 THE COURT: Mr. Cooks, if I can get you to place
23 your left hand on the Bible. Would you raise your right.
24 Madam Clerk?

25 THE CLERK: Would you state your name, please.

1 THE WITNESS: John Michael Cooks.

2 JOHN MICHAEL COOKS

3 after being duly sworn, was examined and testified
4 as to follows:

5 THE COURT: Mr. Cooks, would you tell me your name
6 in that microphone, to be sure we can hear you okay.

7 THE WITNESS: John Cooks.

8 THE COURT: Thank you, sir.

9 Your witness.

10 MS. LITTLE: Thank you, Your Honor.

11 DIRECT EXAMINATION

12 BY MS. LITTLE:

13 Q Good afternoon, Mr. Cooks.

14 A Good afternoon.

15 Q Would you mind if I call you Mike Mike, which is, I
16 believe, your nickname?

17 A No, ma'am.

18 Q Okay. Mike Mike.

19 Mike Mike, just briefly, can you tell the jurors
20 where you're from?

21 A Cheraw.

22 Q Been there all your life?

23 A Kind of.

24 Q Last several years there?

25 A Yes, ma'am.

1 Q Okay. And how old are you, Mike Mike?

2 A 29.

3 Q 29? Okay.

4 Mike Mike, do you know the defendant in this case,
5 Raekwon Ellerbe, who is sitting at the defense table?

6 A Yes, ma'am.

7 Q How long have you known him?

8 A About all my life.

9 Q And are y'all related?

10 A No, ma'am.

11 Q So just friends?

12 A Yes, ma'am.

13 Q All right. Did y'all go to school together?

14 A No.

15 Q I want to take you back to the night that we're here
16 about today, and I believe it was July 12th, 2020. Do you
17 recall meeting up with my client, Raekwon Ellerbe, that
18 night?

19 A Yes.

20 Q Okay. Can you tell the jury how you came -- how you
21 came to meet up with him that night? Where y'all were and
22 what the circumstances were?

23 A We was in Wallace at a club. They didn't have a
24 ride, so they rode back with me and Kwon.

25 Q Okay. And so they didn't go there to the club with

1 you?

2 A No, ma'am.

3 Q And do you remember approximately what time it was
4 that y'all left the club in Wallace?

5 A Probably 12:00, sometime around 1:00, maybe.

6 Q All right. And who was driving?

7 A Me.

8 Q All right. And whose car were you driving?

9 A Kwon's.

10 Q Meaning Kwondashian Johnson?

11 A Yes, ma'am.

12 Q Who is now deceased?

13 A Yes, ma'am.

14 Q All right. So you were -- you were driving. Who
15 was in the front passenger seat?

16 A Kwon.

17 Q All right. And where were my client -- and who else
18 was in the car and where were they sitting?

19 A Well, Tune (ph) -- well, Raekwon was behind the
20 driver -- the passenger, and Bobby was behind me.

21 Q Okay. All right. And so -- and do you know where
22 y'all were headed to when y'all left? Where you were
23 taking my client?

24 A We was supposed to go to Dizzy.

25 Q Dizzy?

1 A Yes, ma'am.

2 Q Okay. Mainly Dizzy Gillespie apartment complex?

3 A Yes, ma'am.

4 Q Okay. And so, did anything significant happen on
5 the trip from the club in Wallace before you got to Dizzy
6 Gillespie?

7 A Yes, ma'am.

8 Q Can you tell the jury about that?

9 A Well, on the way from the club, we was crossing the
10 bridge, and I passed the car, and that same exact car
11 caught up with us, and when I looked, the driver and the
12 passenger was pointing weapons at us.

13 Q Okay. And at that time, did you know who the driver
14 and the passenger were?

15 A No, ma'am. Not until we stopped at the light.

16 Q Okay. Well, continue on and tell us what happened
17 next.

18 A We got to the light. I seen it was my cousin
19 driving and his friend, and Chris was in the back seat.

20 Q Okay. All right. Your cousin was driving. What's
21 his name?

22 A Nunc (ph).

23 Q Sorry?

24 A Nunc, Nunca.

25 Q I did not understand what you said. I'm so sorry.

1 A Nunca. But that's what we always called him.

2 Q What's his real name?

3 A To be honest, I ain't never called him by his real
4 name.

5 Q Okay. All right. So he was driving. And who else
6 was in the front with him?

7 A Oh, Jaleel.

8 Q Jaleel.

9 And then him -- who else was in the car?

10 A Chris. He was in the back seat on his phone the
11 whole time.

12 Q Chris Green?

13 A Yes, ma'am.

14 Q All right. Was anybody else in the car?

15 A No, ma'am.

16 Q All right. So, what happened after you said that
17 you saw them pointing guns at y'all?

18 A We rolled the windows down, and I had told him to
19 stop playing like that. And that's when we went to a
20 friend's house before I dropped them off.

21 Q Okay. All right. So, at the stoplight, and you
22 told them don't be playing like that?

23 A Mm-hmm.

24 Q Then tell us -- you went somewhere else?

25 A Yes, ma'am, before we went to Dizzy.

1 Q Okay. Not that it really matters, but -- well, just
2 go ahead and tell us about when you got to Dizzy.

3 A Oh, when we got to Dizzy, I was supposed to drop
4 Raekwon off at his baby mama house, but I passed it, so I
5 dropped him off at the mailbox. And that's when they saw
6 a friend.

7 Q That's when what now?

8 A And that's when they saw a friend. So they got out
9 right there. And so me and Kwon, so when we pulled in --

10 Q Hold on. All right. I'm going to go back to -- you
11 were saying that you had dropped off Raekwon and Bobby;
12 correct?

13 A Yes, ma'am.

14 Q All right. And then what happened next?

15 A That's when I told Kwon I was about to go say
16 something to my cousin about what they had did. So I
17 turned around in the Boys and Girls Club and went back and
18 parked. And that's when I got out and I started arguing
19 with Jaleel and Nunc.

20 Q All right. I'm going to ask you right now: Now,
21 did my client, was he encouraging you to go argue with
22 these people or did he --

23 A No. He didn't even know I was turning around.

24 Q Okay. So did he did he give any intention that he
25 was going to go over there and start any trouble with

1 these people?

2 A No, ma'am.

3 Q Okay. All right. Go ahead. So then tell us once
4 you -- tell us where you went and what happened next.

5 A I pulled on the curb. I got out and I started
6 arguing with Jaleel and Nunc. And we was arguing. And
7 that's when Chris had got out the car, and the only thing
8 he said was, "Y'all just chill." And I said, "It ain't no
9 chilling because you don't play like that." So I was
10 talking to my people anyway, not him.

11 So we was arguing. In the midst of us arguing,
12 Chris goes in the house for about five, five-plus minutes,
13 and we still arguing. We arguing. We just arguing. Kwon
14 just standing there.

15 And as soon as we got finished arguing, they got in
16 the car. Kwon was already in the car. I was standing by
17 the back door on the driver's side. And that's when Chris
18 came from around the apartment with the gun. And I told
19 them --

20 Q Could you tell what kind of gun it was or what did
21 it look like?

22 A It's just big and long. For me, it was either an AK
23 or SK, from my knowledge.

24 Q Okay. All right. So you saw him coming around from
25 the back of the apartment?

1 A Yes, ma'am.

2 Q Okay. Go ahead.

3 A He had the gun. He had the gun pointed -- it looked
4 like it was pointed at me. So I just stood there. I told
5 him if it was my time, it was my time, because I wasn't
6 about to turn my back towards him with that gun pointed at
7 me.

8 So he had it by his waist. He was fidgeting with
9 it, and then that's when it went off. And I jumped and I
10 just stood there. And that's when he went back around the
11 apartment. And he shot two more times in the air. So I
12 didn't think nothing of it. And I got in the car was
13 about to go, until I saw Kwon. That's when I ran to
14 Raekwon and Bobby.

15 Q Okay. So you saw Kwon and what did you realize at
16 that time?

17 A I thought he was just shot. I didn't think he was
18 dead.

19 Q Okay. You thought he'd been shot?

20 A Mm-hmm.

21 Q All right. So, all right, tell me again. So then
22 you went -- you did what? You went where?

23 A Well, prior to us -- well, in the midst of us
24 arguing, I guess, Bobby and Tune (ph) -- Raekwon heard us
25 arguing. So they ran across the field and they stood on

1 his baby mama porch the whole time we was arguing.

2 Q All right. I'm going to stop you right there.

3 MS. LITTLE: Your Honor, may I approach the witness?

4 THE COURT: Yes, ma'am.

5 BY MS. LITTLE:

6 Q I'm going to show you what's been marked as State's
7 Exhibit 214 and on the first page -- and I'm going to show
8 you -- this is actually a diagram.

9 First off, can you tell me what this is a diagram
10 of? I'll just let you look at it for a second. I don't
11 even know if you've ever seen this. Can you tell what
12 this is? Well, let me tell you what this is.

13 A I'm about to say, it looks like -- well, it looked
14 like the -- I guess that's the road, the apartments right
15 there to Dizzy.

16 Q Right. Right.

17 And so I want to call your attention to right here.
18 This car is the approximate location of where the car you
19 were driving is parked. Okay? So that might help you get
20 your bearings. The car is facing this way.

21 A Mm-hmm.

22 Q Can you tell that?

23 A Yes, ma'am.

24 Q So if you look at this, can you tell -- you see
25 where this car is. Can you sort of point out where Chris

1 is -- I'm sorry. Where Raekwon's baby mama apartment is?

2 A Like up in this green area.

3 Q Okay. All right. So there's this apartment and
4 then there's, like, a field. Is that a field right there?

5 A Yeah, kinda. Kinda.

6 Q So, if you're not sure, I'm not going to -- I'm not
7 going to go in it -- I'm not going to go in it anymore. I
8 don't want to try to convince you, but -- so if you're
9 looking at Dizzy Gillespie apartment complex, okay, and
10 you're in the road and you're looking at Dizzy Gillespie,
11 which side is where -- right or left would be where
12 Raekwon's baby mama porch is?

13 A On the right.

14 Q So -- and is it in the same building as where Chris
15 Green went in, or is it in a separate building?

16 A A separate building.

17 Q Okay. So you said -- so, at some point, you
18 realized that Raekwon and Bobby were standing on that
19 porch?

20 A Yes, ma'am.

21 Q Okay. So after you see that Chris has been shot, go
22 ahead and tell us again what you did at that time. You --
23 where did you go? Where did you run to?

24 A I ran to the porch and I got Raekwon and Lul Bob.
25 And I told 'em, "We need to go to the hospital."

1 Q Okay. Did you tell them Kwon was shot?

2 A Yeah. I didn't say he was shot. I was just like
3 "Kwon, Kwon." I never actually said he was shot. I was
4 just saying his name.

5 Q Okay. All right. So then what happened next?

6 A We get to the car. I enter the car again, and
7 Raekwon and Bobby was outside the car. Raekwon and Bobby
8 was outside the car, and Raekwon had pulled -- he pulled
9 Kwon up. He -- give me a second.

10 Q Just take your time.

11 A He had pulled Kwon up and that's when -- that's when
12 all his remains had fell out in the car. And prior to
13 that, we're in the midst of that, that's when I started
14 hearing more gunshots -- multiple gunshots while I was in
15 the car.

16 Q Okay. So did you stay in the car or did you get out
17 of the car?

18 A I stayed in the car.

19 Q All right. And did you see what happened next?

20 A No, ma'am.

21 Q So did you actually see anybody firing a weapon?

22 A No, ma'am.

23 Q All right. Can you -- well, I imagine you were
24 pretty upset. Were you and Kwon very close?

25 A Yes. Yes, ma'am.

1 Q All right. So you said you heard a lot of gunshots.
2 Could you tell where they were coming from?

3 A No, ma'am. Not exactly. It was just loud.

4 Q And if you don't know, that's fine. I mean, could
5 you say, was it a lot of shots, a few shots, or you don't
6 know?

7 A It was a lot of shots.

8 Q A lot?

9 A Yes, ma'am.

10 Q And did it sound like they were all in one area or
11 different areas or do you know?

12 A I don't know. It was just a bunch of loud noises.
13 Gunshots, I mean...

14 Q So it's your testimony today that you don't know for
15 sure who was shooting?

16 A No.

17 Q All right. Do you remember who all else was out
18 there at the time? Or do you even know if anybody else
19 was around, I guess? Do you know what was really going on
20 around you right then?

21 A Not at the time of the -- not at the time of the
22 gunshots, but when I got -- after the gunshots, when I got
23 out of the car and I started running around the car and
24 yelling, I saw people, but I really couldn't tell you who
25 they was.

1 Q All right. All right. Thank you, Mike Mike, for
2 coming today. And please answer any questions that
3 Mr. Redmond has.

4 A Yes, ma'am.

5 MR. REDMOND: Your Honor, may it please the Court?

6 THE COURT: Yes, sir.

7 CROSS-EXAMINATION

8 BY MR. REDMOND:

9 Q First of all, do you know Lonnie Lake (ph) with
10 Cheraw PD?

11 A No, ma'am -- no, sir.

12 Q Do you -- you might recall getting a subpoena from
13 Cheraw PD about being in court Monday?

14 A Yes, sir.

15 Q Okay. But you didn't come Monday, did you?

16 A I was here.

17 Q Okay. Did you let anybody know from the State that
18 you were here as far as the State subpoena?

19 A Well, I ain't --

20 Q Did you see me or anybody (indiscernible)?

21 A Well, I've been calling the phone that they gave me,
22 so nobody picked up, so I just showed up.

23 Q But did you talk to me or anybody?

24 A I ain't know you to talk to you.

25 Q Okay, no, but did you ask for Kernard Redmond?

1 Everybody knows me. Did you ask for --

2 A No, sir.

3 Q Okay. And that's fair. I'm not trying to trick
4 you. I'm just --

5 A Oh, you fine.

6 Q I'm not trying to trick you.

7 So -- but the reason I ask that is because,
8 obviously, we would love to talk to you, too. But since
9 you're here, let's talk now. And I'm not going to keep
10 you long.

11 Now, isn't it true that you actually confronted
12 them? You were the one that initiated the confrontation?

13 When I say that, let me be clear. At Dizzy
14 Gillespie Apartments. I know what your testimony is
15 about, what happened at the intersection. But when it
16 came to Dizzy Gillespie Apartments, isn't it true that you
17 were the one that stopped your car and got out and engaged
18 in the argument with your cousins?

19 A Yes.

20 Q And if I recall your testimony earlier that at the
21 time -- at that, I guess at that intersection, the people
22 who were pointing guns were not Chris. Chris didn't point
23 a gun at that time. The first time you saw him with a gun
24 is I guess when he came out of Dizzy with the S -- with
25 the AK-47?

1 A Yes, sir.

2 Q Now, you also indicated that you saw that Chris,
3 after the first shot -- obviously that hit Kwon. After
4 that shot, he fired twice in the air, I think as he was
5 going back behind his apartment building.

6 A He fired behind the apartment. I didn't say it was
7 in the air.

8 Q I think you said "in the air." Your testimony was
9 that he fired a couple of times in the air as he was going
10 behind the building.

11 A I'm assuming he was behind the building. Wasn't
12 nobody back there.

13 Q All right. So now the other thing that's important
14 for me as a legal standpoint is, as far as -- you never
15 mentioned anything about the defendant being involved in
16 the argument with Jaleel or Chris or anything. He was
17 over his baby mama's (indiscernible) in that building?

18 A Yes, sir.

19 Q So he was not involved in the argument?

20 A No, sir.

21 Q Okay. And of course, your testimony is that, when
22 the shooting took place, you don't know who shot? You
23 can't say that he did or didn't shoot (indiscernible) --

24 A No, sir.

25 Q Okay. Because based on your testimony, you don't

1 know?

2 A No, sir.

3 Q Okay. Of course, you are not there and not aware of
4 what the defendant may have told the police. You aren't
5 aware of what video evidence may exist to show who was
6 shooting. You don't know that, do you?

7 A No, sir.

8 Q But you heard a lot of shots you said; right?

9 A Yes, sir.

10 Q A lot of shots.

11 While you were out there afterwards, in the
12 aftermath, did you become aware that people had been shot
13 in A -- Apartment A?

14 A No, sir.

15 Q Because you were focused on what was going on with
16 Kwon.

17 A Yes, sir.

18 Q All right. And then at what point that night did
19 you leave the area -- did you leave that area?

20 A I did and the police took me out the car.

21 Q Okay. Exactly. So they took you. But here's the
22 thing: To your credit, you stayed, didn't you?

23 A Yes, sir.

24 Q All right. The person that you came with, who you
25 dropped off at Dizzy Gillespie Apartments, after those

1 shots were fired, did you ever see him that night?

2 A Not from my knowledge, no. I wasn't looking for
3 him.

4 Q Well, you weren't looking for him, but yet, when you
5 saw Kwon, you went to get him -- I think Bobby -- I always
6 mess up his name, Bobby Griham were over at that other
7 building; right?

8 A Yes, sir.

9 Q You went to get him. So when you saw Kwon, you were
10 freaked out enough that you went to get him and Bobby?

11 A Yes, sir.

12 Q And so, again, after the shots were fired -- after
13 you go and get them, they come to the car, shots were
14 fired. After those shots were fired, did you see the
15 defendant anymore that night?

16 A No, sir.

17 MR. REDMOND: That will be all my questions.

18 MS. LITTLE: No redirect.

19 THE COURT: All right. All right, sir. Thank you
20 for your testimony. You're free to go.

21 He's under here -- he's here under subpoena?

22 MR. REDMOND: I think --

23 MS. LITTLE: He's under my subpoena.

24 THE COURT: All right. Any objection to him being
25 released?

1 MS. LITTLE: No.

2 MR. REDMOND: No, not from the State.

3 Your Honor, may I approach? There is a matter that
4 I need to take up with counsel. If I could approach
5 before we decide to let the jury out, I just want to make
6 the Court aware of something.

7 THE COURT: All right, sir.

8 BENCH CONFERENCE

9 (A bench conference was held off the record and
10 outside the hearing of the jury and others.)

11 (Open court resumes:)

12 THE COURT: All right. Ladies and gentlemen of the
13 jury, I need to take up some matters with counsel outside
14 of your presence. I'm going to ask that you step in the
15 jury room. It should not take long. Thank you.

16 (The jury exited the courtroom at 1:47 p.m.)

17 THE COURT: Ms. Little, while you cover that, well,
18 everybody can stand at ease. And then I'll give you --
19 you just let me know when you're ready.

20 MS. LITTLE: Okay. All right. Thank you, Your
21 Honor.

22 THE COURT: All right.

23 MR. REDMOND: Your Honor --

24 THE COURT: Do you need the court? You need the
25 court's attention?

1 UNIDENTIFIED MALE SPEAKER: No, sir.

2 (Indiscernible).

3 THE COURT: Okay. All right.

4 (Pause in the proceedings.)

5 THE COURT: I understand counsel is ready to proceed
6 at this time.

7 MS. LITTLE: Yes, Your Honor.

8 THE COURT: All right. Let them in, Madam Bailiff.
9 If they're ready, just let me know.

10 (The jury entered the courtroom at 1:54 p.m.)

11 THE COURT: All right. We have our jury back in the
12 courtroom.

13 Ms. Little, are you ready to go forward at this
14 time?

15 MS. LITTLE: Yes, Your Honor.

16 THE COURT: All right. You can call your next
17 witness.

18 MS. LITTLE: The defense calls the defendant,
19 Raekwon Ellerbe.

20 THE COURT: Mr. Ellerbe, can I get you to step
21 forward. Mr. Ellerbe, will you place your left hand on
22 the Bible. Would you raise your right.

23 RAEKWON ELLERBE

24 after being duly sworn, was examined and testified
25 as to follows:

1 THE COURT: Thank you, sir. You can be seated. I'm
2 sorry. The instincts just kicked in. I'm sorry.

3 THE CLERK: Watch your step here.

4 THE COURT: Mr. Ellerbe, would you state your name
5 for the record, please.

6 THE WITNESS: Raekwon Ellerbe.

7 THE COURT: All right. Just make sure you speak in
8 that microphone so everybody can hear you. Okay?

9 THE WITNESS: Yes, sir.

10 THE COURT: Okay. Your witness, Ms. Little.

11 MS. LITTLE: Thank you, Your Honor.

12 DIRECT EXAMINATION

13 BY MS. LITTLE:

14 Q All right. Raekwon, can you tell the jury where
15 you're from?

16 A Cheraw.

17 Q And did you grow up in Cheraw?

18 A Yes, ma'am.

19 Q All right. Did you go to Cheraw High School?

20 A Yes, ma'am.

21 Q All right. What year did you graduate, Raekwon?

22 A 2017.

23 Q And did you play any sports?

24 A Basketball, football. Yes, ma'am.

25 Q And, football, what position did you play?

1 A I mean, I played every year. I played quarterback,
2 running back, wide receiver, corner. I played a lot of
3 positions.

4 Q And did you go to college?

5 A No, ma'am.

6 Q Raekwon, can you tell the jury -- I'm trying to
7 think of where I want to start here first. Kwondashian
8 Johnson, what was your relationship with him? How did you
9 know him?

10 A That's my cousin. I mean, he like a brother to me.
11 I can hit him up, and he'll just pull up right away if I
12 need him. Yes, ma'am.

13 Q So you would say y'all were pretty close, I guess?

14 A Yes, ma'am, we were.

15 Q All right. And then I want to also ask you about
16 your relationship with Ms. Quanecia Brown.

17 A I mean, off of the strength of my brother, he's a
18 Brown, which makes them family. I mean, they all look at
19 me as family. So, I mean, I ain't really conversated with
20 her like that or nothing, but when I'm around them, I'm
21 treated like family. They treated like family.

22 Q So did you treat Quanecia like family?

23 A When she's around, yes, ma'am.

24 Q All right. And did you bear her any sort of ill
25 will?

1 A No, ma'am.

2 Q Raekwon, tell us about the night of July 12th, 2020.
3 Just tell us -- start off with, what you were doing that
4 night and where you went.

5 A Okay. My brother's -- my brother's father, which is
6 the victim's family, family member, had just got home from
7 doing a bid and they threw him a party in Wallace.
8 Everyone was there. Everyone had a good time.

9 I can say about 1:00/midnight, the party was over,
10 but Tarren Simmons (ph), who is also deceased today, may
11 God bless his soul, he wanted me and Bobby Griham to go to
12 the afterparty with him at this club called Kelly's that's
13 also in Wallace.

14 So we go and it's -- when we get there, it's the
15 same as the party we just left. Everyone's having a good
16 time, everyone's there, no negative energy, but somehow
17 Tarren Simmons leaves. He said it's an emergency, and me
18 and Bobby had rolled with him there, so we needed a ride.
19 And I seen my cousin Kwon Johnson and Mike Mike -- his
20 friend, Mike Mike Cooks. I asked him, could they give us
21 a ride. And they said, yeah.

22 So party's over, club's over, everybody had a good
23 time, no negative energy nowhere. We're getting on the
24 bridge -- I mean, well, when you leaving Wallace to get in
25 Cheraw, you gotta come across a bridge. But I'm gonna

1 pause right there because, that night, I ain't gonna lie,
2 I did have a gun on me at the party at the club. But, I
3 mean, I'm not the type that just go around showing my gun
4 like I'm a thug because I'm not. Yeah, I was wrong for
5 not letting the police know that in the interrogation
6 room. But, you know, they -- I mean, when you get in that
7 interrogation room, you can -- you -- they will scare you
8 now and make you not want to say things you don't want to.
9 So, yes, I was wrong then.

10 Q All right. Okay. Thank you for that.

11 And so, I think the reason you're telling that
12 because you're getting ready to tell something ---

13 A I mean --

14 Q -- about some guns.

15 A No. Yeah. I mean, no -- I mean, I was -- yeah, I
16 was wrong for not telling them that I had a gun on me that
17 night.

18 Q Right?

19 A Which I did, but I was never --

20 Q Did you put --

21 A I basically had it -- I mean, I basically had it for
22 -- not saying that I start trouble or bring trouble or
23 nothing, but I just had it on me for protection just in
24 case anything wrong happened.

25 Q All right.

1 A I mean, but I'm not pretty sure that the guys that
2 was in the car with me knew that I had a gun.

3 Q Okay. All right. And I'll ask -- I might ask you
4 some more about that, and I'm sure Mr. Redmond will ask
5 you some questions about that.

6 So you're telling the jury you did have a gun. On
7 that trip and in the car, did you pull that gun out at
8 all?

9 A No, ma'am, I didn't.

10 Q Okay. So I believe you said this, you don't even
11 know if anybody else in the car knew you had that gun?

12 A No, ma'am.

13 Q And do you know if anybody else in the car with you
14 had a gun?

15 A No, ma'am.

16 Q Okay. So, y'all are going -- I'm going to take you
17 back. Sorry; I didn't mean to interrupt you. Y'all were
18 going across the bridge. And where -- tell me who's
19 driving, who's in the front seat, back seat and all that.

20 A Okay. Mike Mike's driving, Kwon in the passenger
21 seat, Bobby is behind him, and I'm behind Kwon.

22 Q Okay. All right. And what, if anything,
23 significant happened on that trip?

24 A Oh, yeah. We just conversating and then talking
25 about the good time we just had. The car, like -- well,

1 like, Mike Mike said, the car passed us. And I mean we --
2 we really not paying it any attention because we
3 conversating, but everyone still looking ahead for safety.
4 But all I seen was guns hanging out the window towards our
5 car. We in the car ducking down. Mike Mike swerve off
6 the road. We still on the bridge now. He might -- I
7 mean, he about went off the bridge but coming -- coming
8 into Cheraw getting off the bridge, there was a red light
9 we had to stop at.

10 So Mike Mike pull beside them, and we got our
11 windows rolled down trying to see who it is. So it's
12 Jaleel Gordon in the passenger seat, Jermaine Redfern (ph)
13 driving, and Chris Green in the back seat.

14 Q All right. Okay. And all of those three, I mean,
15 did you see -- how many did you see who had a gun or
16 who --

17 A Oh, I mean, they got the music loud, still showing
18 their guns off. We stucked up, meaning they have guns,
19 they were showing their guns, and ran the red light.

20 Q All right. So going back now, do you know for sure
21 who was show- -- who in the car was showing guns?

22 A Chris in the backseat and Jaleel in the passenger
23 seat.

24 Q Okay. And -- all right. And so then you said they
25 ran the red light?

1 A Yes, ma'am.

2 Q Okay. And tell us -- and then did y'all continue in
3 the same direction or where did y'all go next?

4 A I mean, when they ran the red light, it's like they
5 had turned left down and went downtown way and we just
6 kept straight.

7 Q Okay. All right. And so, I guess, from what I
8 heard anyway, did y'all stop at a friend's house for a few
9 minutes?

10 A Yes, sir [verbatim]. My cousin, London Ellerbe.

11 Q Okay. And after y'all left there, where did you go
12 next?

13 A To my baby mother's apartment, Shaquan Bloomfield
14 (ph). In this apartment --

15 Q Oh, go ahead, tell us --

16 A In this apartment complex called Dizzy Gillespie. I
17 have family out there, a aunt, cousins, a sister, and
18 mainly kids. I be out there, and there's not an apartment
19 out there that I can't go to.

20 Q So you know a lot of people at Dizzy?

21 A Yes, ma'am.

22 Q All right. So -- and this is -- you know, this is
23 like -- what time of day is this?

24 A It's like 3:00 in the morning.

25 Q Okay. All right. So when you got to -- did -- when

1 Mike pulled into Dizzy Gillespie, what happened next?

2 A I'm texting my baby mother off Kwon phone to let her
3 know that I'm on the way. But by the time I picked my
4 head up -- well, Mike Mike not knowing where she live at;
5 by the time I picked my head up, he done pass the
6 apartment. I told him she lived right there, but he like,
7 "Don't worry about it, I'll just circle the block again."
8 But by the time he got by the mailboxes, I seen my brother
9 Kevin Brown and his friend Stefan Harrington. So I told
10 him, we'll get out right there.

11 Q All right, so who's "we"? Who got out the car?

12 A Me and Bobby Griham.

13 Q Okay. And did you see where Mike Mike went after
14 that?

15 A Yes, ma'am. They turned into the Housing Authority,
16 backed up, and went back the way we came in.

17 Q Okay. All right. So just to set the scene, so
18 you're there with Bobby Griham and y'all are talking to
19 your brother and his friend. And then where'd you go
20 next?

21 A To the parking lot where my brother and his friend
22 was. And I was talking to them, telling them where we
23 just came from. And by the time I can let them know
24 what -- like what happened on the bridge, the little
25 altercation on the bridge, well, we hear an altercation

1 from across the field. It's late, 3:00 in the morning,
2 and everyone's asleep. So you can hear from a distance
3 because it's quiet out there.

4 Q Right.

5 A So, I mean, I really had in mind -- I already knew
6 that they was going over there. So, me and Bobby ran over
7 there and we knew -- I mean, when we ran over there and we
8 seen Mike Mike and them having a little altercation going
9 on back and forth about the situation on the bridge.

10 Q Okay. All right. I'm just going to stop you for a
11 minute. And so, at this point, where did you and Bobby
12 actually go to? At this point, are y'all over there where
13 the argument is, or where are you?

14 A We had stopped. We had stopped right there at
15 first, but when things kind of calmed down, my baby mother
16 opened the door for us. Then we walked to the porch.

17 Q Okay. So you would be on the porch of your
18 girlfriend's house. And what street number was that? Do
19 you remember or you don't know?

20 A I can say [REDACTED].

21 Q Okay. Well, at any rate, so you're out there on the
22 porch. And then tell us what you see. What happens next?

23 A Well, after they had a little argument going, but
24 when things kind of calmed down, as soon as I stepped foot
25 on my baby mother porch, Chris comes from behind the

1 apartment complex with an AK. Like 3 to 4 feet from the
2 car Kwon and Mike Mike in. Ain't nobody pulled no gun out
3 on y'all, y'all better get up out my parking lot. And
4 just fired near the car.

5 But my back is towards my baby mother porch because,
6 through the little hole, I can see him with the gun, but
7 he's not paying me and Bobby Griham no attention because
8 we're on my baby mother porch. But he's -- his main focus
9 is the ones in the car.

10 Q Right.

11 A So when the shot went off, I looked but I couldn't
12 tell if he shot in the air or towards the car. But when I
13 looked, Jermaine and Jaleel had already been backed up and
14 left.

15 Q Okay. Wait a minute. Just make sure everybody
16 knows who that is. So, all right, you see Chris come
17 around. You see him go shoot. And who are you saying
18 left?

19 A Jermaine Redford and Jaleel Gordon.

20 Q And originally they were -- who was in the car with
21 them originally?

22 A Yeah, them the two who was in the car with him.

23 Q With Chris?

24 A Yes, ma'am.

25 Q Okay. All right. So Chris's friends leave?

1 A Yes, ma'am.

2 Q And is that before or after Chris fired that weapon?

3 A That was after he fired it.

4 Q Okay. All right. So after he fired, did you see
5 what Chris did next or where he went?

6 A When I -- when I looked and Jaleel and Jermaine had
7 done left, I'm thinking he shot in the air because I heard
8 the last two shots that he fired again. So then he go
9 back to -- towards the back of his apartment. Then --

10 Q Okay.

11 A Well, I didn't see Mike Mike and Kwon move out the
12 car, so I mean, I ain't really know what was going on at
13 the time, but my back is still towards my baby mother
14 porch because I seen him with the big gun.

15 Q Yes. So -- all right. So you heard a shot and then
16 you heard some more shots and you weren't sure exactly
17 what was going on. And then what happened next?

18 A Mike Mike got out of the car, came to my baby
19 mother's porch, like he said, and was just saying Kwon
20 name. Then I ran to the car, opened the passenger seat
21 door and seen him. Like I ain't -- I mean, I ain't never
22 seen nothing like that before. It just -- I shook his leg
23 and I called his name multiple times, but I knew he was
24 gone by the time I seen the bullet wound on the side of
25 his head.

1 Q All right. Now -- do you need a minute? All right.
2 All right, Raekwon. It's not gonna be much longer.

3 THE COURT: I have a tissue there if you need it.

4 THE WITNESS: I'm okay, I'm okay. No, I'm good.

5 BY MS. LITTLE:

6 Q All right. Raekwon, come on; you can get through
7 this.

8 All right. So around this -- okay. So at this
9 time, I'm trying to -- I hate to take you back to the
10 scene, but anyway, that's where we are. You just realized
11 Kwon's dead. So can you remember exactly what you did
12 next?

13 A I hit the car.

14 Q You hit the car?

15 A Yes, ma'am. I hit the car and yelled, "Somebody
16 call the police." I started to get in the driver's seat
17 and rush him to the hospital, but just seeing him like
18 that, that did something to me.

19 Q Okay. Now, during all this time, was anything else
20 going on that caused you some concern?

21 A A car had stopped. A car had pulled beside us and
22 had stopped. But by the time I ran around the car, shots
23 started coming at me, Bobby, and Mike Mike. All I could
24 think of was I was finna be next and my kids.

25 And like I said, I had that gun. It was Chris on

1 his baby mother porch shooting. I took that gun off my
2 hip and I returned fire to where I seen and heard the
3 shots coming from.

4 Q And do you -- do you know how many -- well, okay,
5 let me -- let me go back. You said you heard shots coming
6 -- or you said you heard them coming towards you. Do you
7 have any idea how many shots were -- you heard at that
8 time or tell me what --

9 A No, ma'am, I can't say, but it was multiple.

10 Q Okay. And what did you think? I mean, I think you
11 just said. What did you think?

12 A My -- of my kids and my life. So I just took the
13 gun off my hip and returned fire.

14 Q After that happened ---

15 A I started --

16 Q --- what did you do next?

17 A I started to run to my baby mother porch, but I
18 didn't want to put my -- her or my kids' life in danger.
19 So I ran across the street behind this apartment complex.
20 I seen someone back there, and I told them to call the
21 police. My cousin just got shot. They said that they was
22 going to do it.

23 But, I mean, I don't remember who it was, though,
24 but I'm back there pacing back and forth on what really
25 just happened. But when I finally came back to my senses

1 that my cousin is outside really in that road, deceased, I
2 went back over there. And it's on camera. It's on camera
3 that I came back over there to my baby mother porch.

4 Q Okay. And did you leave again after that?

5 A No, ma'am.

6 Q Did you spend the night there?

7 A Yes, ma'am.

8 Q All right. And so the next day, tell us what's
9 going on, what happened, where you went.

10 A The next day, my baby mother wake me up saying we
11 have to go to the police station because they said I had
12 something to do with it and my name was in it. I was
13 happy to get up and go down there and tell them my side of
14 the story. Her aunt had took me.

15 We get down there and, yes, like the man said, they
16 read me my rights and they questioned me and they told
17 me --

18 Q Hang on, I'm going to stop you there before you --
19 just try to keep you on focus.

20 So let me just go back a little bit. So you get
21 word that you need to go to the police department, and
22 somebody said you were involved and you want to go clear
23 your name; is that right?

24 A Yes, ma'am.

25 Q All right. And, at this time, do you have any idea

1 that anything has happened to Ms. Quanecia Brown and her
2 baby?

3 A No, ma'am, I did not.

4 Q So when you got to the police department and you --
5 they started questioning you -- I mean, this will be a
6 good time to go into this. Did you tell the truth
7 immediately about any shots that you fired that night?

8 A No, ma'am. I ain't gonna lie. I was a little
9 nervous in the interrogation room.

10 Q Okay. And so, basically, you denied having a gun,
11 just like you said a while ago?

12 A Yes, ma'am.

13 Q All right. And then we all saw that. We saw your
14 video. We all saw the interview. So you go on, and then
15 at some point, you're told that Ms. Quanecia Brown was
16 killed; is that correct?

17 A Yes, ma'am.

18 Q And that her baby had been hit, too.
19 Were you shocked?

20 A Yes, ma'am, I was. I ain't never, ever been scared
21 like that before in my life.

22 Q All right. And did you ever -- and you already said
23 this. You never had any ill will towards Quanecia Brown?

24 A No, ma'am, I never did.

25 Q And certainly not her baby?

1 A No, ma'am.

2 Q And you did not think that you had anything to do
3 with that lady's death, did you?

4 A No, ma'am, I didn't.

5 Q In fact, we all saw it and you're saying, "No, no, I
6 didn't do that. I didn't hurt those people"?

7 A No, ma'am. But when I -- when I finally came back
8 to my senses from being behind that apartment ---

9 Q Yes.

10 A --- I mean, everyone out there in the apartment
11 complex around, surrounding my cousin. But I'm on my baby
12 mama porch crying of what really just happened. But not
13 one time did Chris ever come outside and see his baby
14 mama, bless her soul, or --

15 MR. REDMOND: Your Honor, I may have misheard. If
16 he's saying something somebody said or might have said, I
17 would object to that.

18 MS. LITTLE: He's saying they didn't say. He never
19 said --

20 THE WITNESS: No, I say --

21 THE COURT: Hold on a sec, sir.

22 MS. LITTLE: I believe he's saying --

23 THE COURT: Y'all approach. Y'all approach.

24 MS. LITTLE: Okay.

25 BENCH CONFERENCE

1 (A bench conference was held off the record and
2 outside the hearing of the jury and others.)

3 (Open court resumes:)

4 THE COURT: Okay. All right. With regard to the
5 objection, I would sustain it as a hearsay concern.
6 Counsel can rephrase the question.

7 BY MS. LITTLE:

8 Q All right. And, you know, we talked about this, and
9 just try not to say anything anybody else said, and you
10 didn't, so --

11 A No, no, I didn't -- no. I ain't say --

12 Q No, I know --

13 A Oh, I apologize.

14 THE COURT: Let Ms. Little ask the questions.

15 THE WITNESS: Yes, sir.

16 BY MS. LITTLE:

17 Q Yeah, just let me ask you a question. While you're
18 out there on that porch and the police come and
19 everything, did you ever see Christopher Green come back
20 out of his apartment?

21 A No, ma'am.

22 Q And did -- while you were out there, did anybody
23 give any indication that anything had happened to that
24 lady or the baby?

25 A No, ma'am.

1 MS. LITTLE: All right. Raekwon, answer any
2 questions that Mr. Redmond has.

3 THE COURT: Mr. Redmond.

4 MR. REDMOND: May it please Court, Your Honor?

5 CROSS-EXAMINATION

6 BY MR. REDMOND:

7 Q Isn't it true that today is the first time that you
8 told anybody with law enforcement -- or with law
9 enforcement present -- that you were having to return
10 fire? That the reason you shot -- so you admit -- let's
11 be clear on this, you admit that that was you shooting and
12 you were shooting in the direction of that apartment;
13 right?

14 A Yes, sir.

15 Q But isn't it true that today is the first day that
16 you've mentioned publicly, at least, that -- and
17 especially with anybody in law enforcement or with law
18 enforcement present, that you had to return fire because
19 Chris Green's shooting at you with AK-47?

20 A Nah, I didn't --

21 Q You said you were scared. You said you were
22 scared that he came out in the front and he was shooting.

23 A Yes, sir. I didn't say AK, though, but, yes, sir.

24 Q But he was shooting?

25 A Yes, sir.

1 Q And you had to return fire?

2 A Yes, sir.

3 Q And, again, can we agree, that's the first time you
4 mentioned that? You didn't say it on your video?

5 A No, sir.

6 Q In fact, in the video -- and of course the ladies
7 and gentlemen of the jury and they'll have a chance to see
8 it any time and as many times as they would like while
9 they're deliberating. But you never at one time -- you
10 said that you were thinking about your child and
11 everything. But when the officers explained it to you,
12 even when they showed you the video, tell me what I missed
13 on there. At what point did you tell the officer, "Hey,
14 right over there, he was shooting at me"?

15 A It was -- it was a lot of things I didn't tell them
16 in the interrogation room because I had got a little
17 nervous --

18 Q You got a little nervous, but at the same time, you
19 had the sense to lie at first. I mean, you lied and
20 claimed you didn't have a gun. And then when you were
21 confronted -- you asked to see the video. You asked to
22 see the video.

23 So in asking to see the video, if what you're saying
24 is true, that video would have been the time to tell them,
25 "Hey, no, this is what really happened." But you didn't

1 do that, did you?

2 A No, sir.

3 Q As a matter of fact, like I said, today is the first
4 time that this version, your version, has come out, this
5 version has come out. Isn't today the first time that
6 you've said that?

7 A Yes, sir. Just wanted to let everyone know the
8 truth.

9 Q Okay. Well, you say you want to let everybody know
10 the truth, but, again, you had plenty of opportunities
11 before now to do that. But of course, today, in front of
12 this jury, you tell a whole different version now, don't
13 you?

14 A Of the truth. Yes, sir.

15 Q A whole different version of the truth -- of your
16 truth, I guess. In your mind, I guess.

17 Now, I noticed something else too. You talked about
18 being treated like family, that Quanecia treated you like
19 family and things of that nature, and that they treated
20 you like family and everything. And I'm not making light
21 of the fact that you saw your cousin, you know, in that
22 situation. I'm not making light of that.

23 But you didn't have to compose yourself when it was
24 brought to your attention today or when it was discussed
25 the fact that your cousin, who treated you like family,

1 Quanecia Brown, is deceased; that her six-month-old son
2 was shot. You didn't need a moment to compose yourself on
3 that issue, did you?

4 A I mean, I --

5 Q No, you didn't.

6 A I really didn't get to that part. Really, she ---

7 Q Well --

8 A --- was talking to me.

9 Q Actually, you were asked about it, and she
10 specifically asked you about those two, and you didn't
11 need a moment to compose yourself there. But that's
12 neither here nor there. Let me move on.

13 So, to be clear, putting everything in context, you
14 actually saw when he went around the back. So you saw
15 Chris go around the back?

16 A Yes, sir.

17 Q Okay. And so as you are -- and of course, let me --
18 I forgot to mention the fact that you lied about having a
19 gun, and you didn't admit that you had a gun until you
20 were confronted. Is that because you were nervous, too?

21 A Yes, sir.

22 Q Okay. So you're nervous. Once you're confronted,
23 then, of course, you tell the truth.

24 So -- oh, and I did -- speaking of telling the
25 truth, I forgot to mention the fact that, isn't it also

1 true that I think in 2017 -- and this is as it relates to,
2 you know, you're expecting this jury to believe you, but
3 in 2017, isn't it true that you received a suspended YOA
4 sentence for assault and battery second degree?

5 A Not the YOA, no, sir.

6 Q But you did receive a suspended sentence -- a
7 probationary sentence, excuse me, for assault and battery
8 in the second degree?

9 A Yes, sir.

10 Q So, again, you know, I say that because, obviously,
11 you're expecting this jury to believe you, but, obviously,
12 they can take certain things into consideration in that
13 regard.

14 Now, you said -- now -- and this is where I'm
15 confused. I'm confused by a lot of what you said, but one
16 of the things you said is, before you go into the version
17 about him standing out and shooting, you say that, you
18 know, after seeing him, you grab the gun, and you were
19 just, you know, you -- I think you said something along
20 the lines of that you were obviously kind of out of sorts,
21 that you had -- I think you mentioned having to kind of
22 get your bearings back, get your -- you know, get
23 everything back about you. Didn't you talk about that?

24 A You say --

25 Q Didn't you mention that when your lawyer was talking

1 to you about it?

2 A Yes, sir.

3 Q All right. So, in looking at the video and looking
4 at people around and everything, you're returning shots.
5 You say you're returning fire. I don't recall seeing
6 anybody duck and shots being fired from that direction.
7 The only thing we see is you shooting. But I don't see --
8 we don't see anybody else scrambling, anybody else
9 ducking. But, yet, you claim this is the truth, and what
10 you're telling is the truth; right?

11 A Yes, sir.

12 Q Even though -- so in other words, you're telling us
13 not to believe our lying eyes. Because on the video, the
14 video doesn't show anything that you've just talked about,
15 does it?

16 A You can't see Apartment A on the video.

17 Q But do you see anybody that you can see ducking and
18 scurrying because somebody's out there shooting?

19 A No, sir. No, sir.

20 Q You don't see that, do you?

21 A But you can see them running.

22 Q You're shooting. Don't you see that you are steady
23 firing shots? You're not even ducking down. You're
24 steady firing shots.

25 MS. LITTLE: Your Honor, is that a question? I'm

1 objecting to that.

2 BY MR. REDMOND:

3 Q Isn't it true --

4 THE COURT: Ask a question.

5 MR. REDMOND: I'll rephrase it.

6 BY MR. REDMOND:

7 Q Isn't it true that you're not even ducking down?

8 You steady firing shots and then you run off?

9 A Then I run off. What -- can you say that again,
10 boss man? I run off.

11 Q With all due respect, am I your boss man? I'm not
12 your boss man.

13 THE COURT: Mr. Redmond, ask a question, please.

14 BY MR. REDMOND:

15 Q Let me be clear on this: Isn't it true that, as you
16 were shooting, you were not ducking or anything? You ran
17 off after you finished shooting, approximately 12 times by
18 my count?

19 A Yes, sir.

20 Q That's when you ran?

21 A Yes, sir. Then I ran off because I was being shot
22 at.

23 Q But yet you did not -- you had the opportunity to
24 say, "Oh, I had to defend myself." You never said that,
25 and the first time you said that is in this courtroom

1 because you are on trial for murder; isn't that true?

2 A No, sir.

3 Q It's the first time you said it, isn't it?

4 A No, sir.

5 Q This is the first time that you have said that you
6 were having to fire in self-defense. That's what you're
7 trying to claim now, isn't it?

8 A Oh, yes, sir, because that's what we're going to --
9 we're here to trial for; right? Self-defense.

10 Q So now -- exactly --

11 A Right.

12 Q Now you're saying -- you're on trial and you're
13 trying to convince this jury that you were acting in
14 self-defense --

15 MS. LITTLE: Your Honor, asked and answered.

16 BY MR. REDMOND:

17 Q But today -- isn't it true that today is the first
18 time that you've uttered the word "self-defense" anywhere?

19 A Yes, sir, because we're going to -- we're here at
20 the trial today for self-defense. Yes, sir.

21 THE COURT: Ask a question.

22 MR. REDMOND: I'm sorry.

23 BY MR. REDMOND:

24 Q Isn't it true that you -- and you just said it
25 yourself. The reason you're saying that is because you

1 are on trial, so you want this jury to believe that you
2 are acting in self-defense?

3 A Yes, sir, which I was.

4 THE COURT: Ms. Little?

5 MS. LITTLE: I'm going to object to ---

6 THE COURT: Asked and answered.

7 MS. LITTLE: --- to the form of that question.

8 THE COURT: Sustained. Asked and answered.

9 MR. REDMOND: That'll be all the questions I have.

10 THE COURT: Asked and answered. All right.

11 Ms. Little, do you have anything?

12 MS. LITTLE: Just briefly.

13 REDIRECT EXAMINATION

14 BY MS. LITTLE:

15 Q Raekwon, you and I have been discussing this case
16 for the past three years, haven't we?

17 A Yes, ma'am.

18 Q Okay. So, anyway, did you -- did I ever tell you
19 you should go talk to law enforcement and give them
20 another statement?

21 A No, ma'am.

22 Q Just briefly. Back -- and I meant to ask you about
23 this a while ago, and I apologize. We talked -- you and I
24 talked about this. Back in 2016 -- what's that, seven
25 years ago, you were convicted of a misdemeanor assault and

1 battery second degree; is that right?

2 A Yes, ma'am.

3 Q And you did some probation?

4 A Yes, ma'am.

5 Q And that assault and battery second degree, that
6 didn't have anything to do with dishonesty, did it?

7 A No, ma'am.

8 Q All right. And you weren't -- that -- they're not
9 saying that you shot anybody or shot anybody for that
10 charge, are they?

11 A No, ma'am.

12 Q All right. And since 2016, have you ever been
13 convicted of any other crime?

14 A No, ma'am.

15 Q All right. Thank you?

16 THE COURT: Mr. Redmond, anything else?

17 MR. REDMOND: No.

18 THE COURT: Mr. Ellerbe, thank you for your
19 testimony. You can step down.

20 Can I get counsel to approach, please?

21 BENCH CONFERENCE

22 (A bench conference was held off the record and
23 outside the hearing of the jury and others.)

24 (Open court resumes:)

25 THE COURT: All right. Ms. Little?

1 MS. LITTLE: Your Honor, at this time, defense
2 rests.

3 THE COURT: Okay. All right. Mr. Redmond, any
4 rebuttal?

5 MR. REDMOND: No rebuttal, Your Honor.

6 THE COURT: All right. Now, then, ladies and
7 gentlemen of the jury, it's 2:30, and I've got some
8 matters I need to take up with counsel.

9 This is how the process works from here so that
10 you'll have an idea. It's going to be necessary for the
11 lawyers to -- they're going to offer their closing
12 statements to you, and that will be the next phase. And
13 then I would tell you the law. I would read you the
14 charges as to each of these indictments, and there's some
15 other charges that I have to present to you.

16 This will take a little bit of time. My fear is, is
17 that by the time we get through all that process, we're
18 going to be late in the afternoon. So what I'm going to
19 do is I'm going to go ahead and send you home for the
20 afternoon, and I'm going to ask you to come back at 9:30
21 in the morning.

22 They have rested their case. Everything that's in
23 evidence is in evidence. You've heard everything, but you
24 haven't heard from the lawyers, and you haven't heard from
25 the Court as to the law. So it would be inappropriate for

1 you to discuss this case with anybody or among yourselves.
2 And don't do any research on your own. We have a number
3 of matters we'll be working here on this afternoon. No
4 sense in keeping you here back in the jury room.

5 So if you'll come back and be here by 9:30 in the
6 morning, you'll hear from the lawyers and you'll hear from
7 the Court, and then we'll send you back to deliberate with
8 the evidence. And at that time, I'll tell you to start
9 discussing the case among yourselves.

10 Okay. Any questions, Mr. Foreman?

11 MR. FOREMAN: No, sir.

12 THE COURT: We're good? All right.

13 All right. Madam Bailiff is going to escort you
14 across the jury room, and if you have anything in the
15 back, that you can get that as well. And so at this time,
16 I'll excuse you. Y'all have a nice afternoon.

17 (The jury exited the courtroom at 2:33 p.m.)

18 MOTIONS/MATTERS OF LAW

19 THE COURT: All right. Mr. Redmond, Ms. Little, we
20 have some things we need to work through as far as
21 charges. And I think you're going to make -- you're going
22 to renew your motion in the morning with regard to --

23 MR. REDMOND: Your Honor, I'm going to -- I'm going
24 to think about the "hand of one, hand of all" in light of
25 his testimony. I think, in light of his testimony and as

1 far as confusing the issues, he basically acknowledged
2 shooting in that direction. But he -- his reasons why may
3 open themselves up possibly to a self-defense argument.
4 I'm not conceding that, but I'm saying that that might be
5 an issue.

6 But I think that actually also kind of ties into the
7 fact that I don't think it's an involuntary manslaughter,
8 and it takes me into the mind of Cook v. State about now
9 we're in a situation where the instruction the State
10 believes possibly should be murder. And based on what
11 he's testified to -- and I'd have to do some -- make sure
12 the prongs are met, but at least the issue is there for a
13 self-defense instruction.

14 But I don't think -- I think we're pretty much now
15 out of voluntary manslaughter. That's the State's
16 position at this time. And, of course, we could argue
17 that further, but just to kind of give the Court and the
18 defense an idea of where -- what I'm thinking at this
19 point in time based on what has come out in the defense
20 case.

21 THE COURT: Ms. Little?

22 MS. LITTLE: Your Honor, I didn't realize we were
23 getting ready to argue about that right now.

24 MR. REDMOND: Okay. And we don't have to, Judge. I
25 was just making everybody aware of the issue, where we're

1 coming from.

2 MS. LITTLE: For the record, at this time, I would
3 like to renew my motion for a directed verdict.

4 THE COURT: All right. Mr. Redmond?

5 MR. REDMOND: And we would argue that, even with the
6 defense testimony, that the evidence in the record is such
7 that, in the light most favorable to the State, that we do
8 have enough to go forward to a jury on all counts.

9 THE COURT: All right. And I respectfully deny the
10 motion for directed verdict. I believe, in the light most
11 favorable to the State, there is sufficient evidence for
12 the matter to go before the -- to the jury.

13 And did you want to offer anything as to -- you
14 don't have to, but --

15 MS. LITTLE: I would like to -- offer anything as to
16 what? The charges?

17 THE COURT: Yes, ma'am. I mean, we're going to --

18 MS. LITTLE: Can I have a few minutes to think about
19 that?

20 THE COURT: Well, this is what I anticipate us doing
21 is -- this afternoon -- that we at least agree on what
22 charges are appropriate, and then if there's some that
23 need to be left to the discretion of the Court, we can do
24 that.

25 MS. LITTLE: Certainly.

1 THE COURT: And we can put all this on the record in
2 the morning so that everybody's covered.

3 MS. LITTLE: I'm certainly -- certainly we can agree
4 on all except for maybe one or two without me even
5 thinking about it.

6 THE COURT: Okay.

7 MS. LITTLE: I'm not going to go into it any
8 further. I'd just like a few minutes to get my thoughts
9 together and read these cases.

10 THE COURT: All right. So it sounds like the two
11 issues is whether the Court would charge self-defense and
12 voluntary.

13 MS. LITTLE: Yes, sir.

14 THE COURT: All right.

15 MR. REDMOND: Yes, sir. And the more I think about
16 it at this point, based on the testimony, the "hand of
17 one, hand of all" is out based on the defendant's
18 testimony.

19 THE COURT: Okay. Well -- and that's what you were
20 wanting charged initially.

21 MR. REDMOND: Exactly. I wanted to not have the
22 voluntary and then, after certain questions from the
23 defense, I was, at that point, leaning toward asking for
24 "hand of one," based on the defendant's testimony, I think
25 we're out of "hand of one, hand of all." I think, in the

1 State's mind, it's murder, whether or not voluntary
2 manslaughter is going to get instructed, and whether or
3 not self-defense will be instructed.

4 THE COURT: Okay. Because I don't think you've even
5 raised the issue of "hand of one, hand of all,"
6 Ms. Little.

7 MS. LITTLE: No, sir, I would --

8 THE COURT: I wouldn't be -- certainly wouldn't be a
9 point in that. Okay.

10 MS. LITTLE: It's a moot point.

11 THE COURT: Anything else?

12 MR. REDMOND: Nothing further from the State, Your
13 Honor.

14 THE COURT: Ms. Little, your exhibits --

15 MS. LITTLE: I'm sorry?

16 THE COURT: Your exhibits are in the record? I
17 mean, they're in the record, but we have them?

18 MS. LITTLE: Yes, sir. Yes, my exhibits are in.

19 THE COURT: All right. Okay. In that event, then,
20 I'm going to adjourn for the afternoon, and then we'll
21 have some conversations about the jury charges. Okay?

22 MR. REDMOND: Yes, sir.

23 MS. LITTLE: Yes, sir.

24 THE COURT: All right.

25 MR. REDMOND: Just so Your Honor knows, I see

1 Mr. Speedy (ph); I think there's some matters that the
2 Court may have -- if the Court would allow, I think
3 there's some matters that they might want to have heard if
4 the Court is able and willing to do so.

5 THE COURT: Well, the right, wise, and honorable
6 Judge Henderson always told me that when Mr. Speedy comes
7 in the courtroom, give him when he wants.

8 (Courtroom laughter.)

9 THE COURT: Nobody objected to that.

10 MR. REDMOND: Not at all. I concur, Your Honor.

11 MS. LITTLE: I'm not going anywhere. I'm just going
12 to put some of my things up.

13 MR. REDMOND: And I'll be right here too.

14 THE COURT: Okay. All right. I'm going to take a
15 quick break, and then we'll take up any matters that we
16 need to hear, and then we'll discuss our charges.

17 MR. REDMOND: Thank you, Your Honor.

18 (The trial adjourned at 3:34 p.m.)

19 THURSDAY, SEPTEMBER 21st, 2023

20 THE COURT: Okay. Court will come to order.
21 Counsel, we are about to bring our jury in. I do believe
22 we need to take up a couple of preliminary matters before
23 we bring them out. We'll bring them out, you'll close,
24 and I'll charge.

25 We've discussed in chambers the charges that are

1 going to be read to the jury. I believe you have those
2 charges. And there's only -- give me one sec.

3 (Conferring with law clerk.)

4 I'm just going to announce the charges on the record
5 and ask if there are any objections and ask if there's
6 anything you'd like to add so the record is clear. Give
7 me one second.

8 (Pause in the proceedings.)

9 THE COURT: So, ladies and gentlemen in the
10 audience, what we're going to -- the Court's going to have
11 some conversations with the lawyers here in a moment
12 regarding what charges will be given to the jury. Also --

13 (Conferring with law clerk.)

14 And then the next step is we're going to have
15 closing arguments, and then we will -- I'll have some
16 charges to read to the jury, and then they'll begin
17 deliberation. So it's absolutely important that we
18 maintain dignity and decorum in the courtroom. And
19 certainly when the jury comes out with the verdict, we
20 cannot have outbursts. We can't have any of that because
21 that disrupts the Court and its ability to conduct court.

22 I recognize it's emotional for a lot of people; I do
23 not minimize that at all, and I'm certainly sorry for
24 everybody who is here, who -- for both defendant and the
25 victim. But if you feel you can't be composed, you'd have

1 an opportunity to exit the courtroom at the appropriate
2 time.

3 Okay. So, Mr. Redmond, the Court, obviously, is
4 going to charge murder. The Court is going to charge --
5 the issue of self-defense has come up, and the Court's
6 prepared to argue self-defense. And I'll give you a
7 chance to be heard after I've read the list. Okay?

8 The Court is going to charge assault battery of a
9 high and aggravated nature. I'm going to charge on a
10 possession of a weapon during a violent crime, discharge
11 of a firearm into a dwelling, credibility of witnesses,
12 charge regarding expert witnesses.

13 (Pause in the proceedings.)

14 While he's pulling that up, I'm going to ask that
15 you come forward. Hold one second. I'm sorry.

16 (Pause in the proceedings.)

17 Okay. Reasonable doubt. The standard duties of
18 jury and trial judge. Direct and circumstantial evidence.
19 Criminal intent. And the Court is prepared to charge
20 voluntary manslaughter.

21 I believe that counsel's had the benefit of
22 reviewing all the jury charges prior to this morning and I
23 know there had been conversations about one or two of
24 those, and I'll let counsel be heard.

25 As to self-defense, there was testimony yesterday

1 regarding that.

2 Mr. Redmond, is there an objection to that charge
3 being read to the jury?

4 MR. REDMOND: No, sir. I think, in light of the
5 defendant's testimony -- obviously, the State is going to
6 argue that it is not credible, but since it is in the
7 record, the State would concede that he is entitled to
8 that instruction. Obviously, we've got a burden -- the
9 burden of disproving that, and we'll be prepared to do
10 that.

11 THE COURT: Ms. Little, no objections?

12 MS. LITTLE: No, Your Honor.

13 THE COURT: Okay. All right. With regard to
14 voluntary manslaughter, the Court finds that it's in the
15 Court's discretion, and so I find and I conclude that the
16 elements of voluntary manslaughter are present in a light
17 most favorable to the defendant. The Court finds that it
18 can be shown that there was an unlawful killing of a human
19 being in the sudden heat of passion upon sufficient legal
20 provocation; heat of passion and legal provocation are
21 present at the time of this killing. Whether or not the
22 facts constitute sudden heat of passion is an appropriate
23 question I think to be answered by this jury.

24 And whether this jury finds that it is in the
25 record, then they may so conclude or may not. The

1 defendant has witnessed the shooting. It was testimony to
2 that. It's in the record. He responded to his friend.
3 He engaged with his friend who had been shot.

4 By the benefit of the video shown, it was clear that
5 he was upset. It is clear that he fell to the ground and
6 was laying in the roadway, apparently emotional, but that
7 would be a decision for the jury.

8 There was testimony both -- from two witnesses at
9 least, that they heard shots. This defendant acknowledged
10 on the stand that he did fire his weapon, and he indicated
11 he did so. Under that context, there's some case law that
12 would distinguish that voluntary manslaughter can't be
13 used against a third party. And I've considered that.
14 And, specifically, there's a case where a grandson killed
15 a grandmother who had not been the perpetrator of any kind
16 of misdeeds toward him, and involuntary manslaughter did
17 not apply in that case.

18 But, here, the victim was -- this victim was not
19 associated, or these victims -- certainly the decedent
20 victim was not associated with anything that occurred out
21 in the parking lot; however, that is where the assailant
22 in the first murder resided, was in front of, and around.

23 And so the Court believes that the acts of this
24 defendant to be directed -- to be determined at this
25 defendant -- at this -- at this assailant, and that the

1 victim was an inadvertent victim. She was not the target,
2 obviously, at least that was the perception of the Court
3 based upon the interviews, the video I watched, as
4 everybody else did, and the response of the defendant when
5 it was made clear to him that someone had died as a result
6 of the -- these events.

7 So voluntary manslaughter turns on the facts, and if
8 the facts disclose any -- I stress "any" -- basis for the
9 charge, the charge must be given. And I know that the
10 State has an objection to it specifically, and perhaps the
11 defense does too, but based upon that, the Court feels
12 that it has no other choice except to charge this based
13 upon I've already read into the record.

14 So I do find that the jury may consider voluntary
15 manslaughter. The record shows, or could be at least
16 seen, that the defendant acted in an uncontrolled manner
17 after the death of his friend with legal provocation; that
18 his friend had been killed or that shots were being fired.

19 So I'll be happy to hear -- and certainly no offense
20 to be taken by the Court for any objections or arguments
21 to the contrary.

22 MR. REDMOND: Just briefly, Your Honor. Actually,
23 if the Court -- Court would indulge me. The Court notes,
24 prior to Cook v. State, that case coming down, the State
25 would actually be joining in asking for voluntary

1 manslaughter. It was common practice, of course. Of
2 course, Cook v. State comes down and sort of changes the
3 dynamics on that.

4 From a practical standpoint, the State would not be
5 opposed to it based on the circumstances, but in light of
6 Cook v. State, I have to at least make this objection
7 because Cook v. State and the finality that was
8 represented by the decision in Cook v. State. With that
9 said, Your Honor, I think -- and correct me if I'm wrong,
10 but I'm looking at the instructions and the law as it
11 relates to manslaughter.

12 Obviously, we're going to be arguing that it is
13 murder, and I'm going to continue that argument, and we
14 are prepared to incorporate into our closing argument
15 regarding the issues of voluntary manslaughter, but if --
16 I just want to make sure for the record's sake that I
17 heard the Court correctly that because, of course, the
18 evidence is that, when it comes to being related to the
19 victim, the passage in the instructions that says must
20 come from some act of or related to the victim, the fact
21 that they lived in the same apartment complex -- I mean
22 the same apartment -- "they" being the two victims and
23 Christopher Green -- I think I am interpreting that as the
24 Court saying that that would fall into the related
25 category in that instruction.

1 And if that's the case, that would still be -- we
2 would still be objecting to it, but just so that the
3 record is clear, depending on the outcome of the case, I
4 guess I'm somewhat muted in my argument against voluntary
5 for that reason and in reading the instruction as it comes
6 down.

7 So, officially, I have to object because of Cook v.
8 State, but based on the reasoning, if I understood the
9 Court correctly, that passage where it says "related to,"
10 I think the argument could be made that, since they were
11 in the same apartment -- there's evidence that he was in
12 that apartment, obviously, that that was his apartment,
13 and that was the apartment that defendant fired into --
14 then, hopefully, that will stand the test of time
15 determined -- depending on the outcome and the jury's
16 verdict.

17 So I've got to object officially, but the State is
18 saying we understand the Court's ruling based on that
19 particular instruction.

20 THE COURT: Thank you, sir.

21 Ms. Little?

22 MS. LITTLE: Nothing from the defense on that
23 charge, Your Honor.

24 THE COURT: Okay. All right. Then, in that regard,
25 then I would respectfully deny -- I think it's objecting

1 to the charge, and I would respectfully acknowledge --
2 note the objection. And I'm going to charge -- I'm going
3 to charge the voluntary anyway.

4 Okay. All right. So we're going to do a couple of
5 -- I need my jury charges printed. I thought they were
6 printed so the Court could go ahead and bring them out,
7 have you close, and then I charge. I still don't have
8 them in front of me. We're working on that.

9 I have the verdict forms. If y'all would approach
10 and look at the verdict forms.

11 (Pause in the proceedings.)

12 We ready for the jury?

13 MR. REDMOND: The State's ready, Your Honor.

14 MS. LITTLE: Defense is ready.

15 THE COURT: All right, Madam Bailiff.

16 (The jury entered the courtroom at 10:45 a.m.)

17 THE COURT: Okay. Court will come to order.

18 Good morning, ladies and gentlemen of the jury.
19 Unfortunately, we did have some pretrial matters to go
20 over that are very significant and that are necessary
21 before we brought you out because what we'll do is --
22 there will not be another break. What we'll do is we'll
23 have the lawyers engage in their closing arguments. I'm
24 going to read you the law. I'm going to give you a copy
25 of the jury charges, which is the law, Mr. Foreman, so

1 you'll have the benefit of those when you're in
2 deliberations. And I'll also give you the verdict form.
3 So we had to have all that paperwork straight for your
4 benefit. And that is the order of events.

5 And once we give that to you, you'll be excused, and
6 that'll be your first break. Okay? And then not until I
7 give you the green light to deliberate are you allowed to
8 begin deliberating in this case.

9 All right. With that said -- and I do thank you for
10 your patience this morning.

11 Mr. Redmond, are you ready to go forward?

12 MR. REDMOND: The State is ready to proceed, Your
13 Honor.

14 THE COURT: All right, Mr. Redmond. Be happy to
15 hear from you.

16 CLOSING ARGUMENT ON BEHALF OF THE STATE

17 MR. REDMOND: Thank you, Your Honor. May it please
18 the Court, Ms. Little?

19 Ladies and gentlemen, "I know what I did. I know
20 what I did." Not my words. That's what the defendant
21 said, if you recall in his video statement. "I know what
22 I did."

23 And at no point did he ever claim self-defense until
24 when? Yesterday, in front of you, while he's on trial.
25 That is absolutely something that you must take into

1 consideration when you are deliberating as it relates to
2 the defendant's guilt.

3 But we'll get into that a little more in just a
4 minute. First thing I want to do is thank you. Thank you
5 for your patience. Thank you for your service. You had
6 to go in and out, and as his Honor just indicated, there
7 are matters that we have to take up as matters of law
8 outside of your presence that sometimes delay things, and
9 you may have to sit back longer than we want you to. And
10 we just ask that you not hold that against anybody. That
11 is all a part of the process to ensure that justice is
12 done. Sometimes, again, it may be inconvenient, but we do
13 appreciate your patience and rest assured that that is not
14 lost on us, and again, very much appreciated.

15 The defendant, as I indicated, is charged with
16 murder, assault and battery of a high and aggravated
17 nature, two counts of discharging a firearm into a
18 dwelling, and possession of a weapon during the commission
19 of a violent crime. Let's talk about those because I am
20 required to cover the law and the facts of the case with
21 you at this point, then you'll hear from Ms. Copeland
22 Little. And, after that, I'll have an opportunity to
23 address you briefly in reply.

24 But with that said, the elements of each of these,
25 let me just briefly touch on them. His Honor is going to

1 have instructions for you that he's going to read to you,
2 but also, you'll be entitled to take back with you those
3 instructions that he gives you. Nothing I say, nothing
4 Ms. Copeland Little says is the law. The law is as his
5 Honor gives it to you. So if we misstate something, you
6 go with what his Honor says and what's provided in the
7 instructions.

8 Possession of a weapon during the commission of a
9 violent crime. You've seen the gun evidence. Obviously,
10 that is a deadly weapon, possession of a weapon during the
11 commission of a violent crime. That weapon was used in
12 discharging a firearm into, not one, but two dwellings.
13 You've heard testimony about the two apartments, A and
14 B. You've seen evidence of the bullets that went into
15 those apartments. So that charge is pretty
16 self-explanatory.

17 Assault and battery of a high and aggravated nature
18 against C.J. You've seen the evidence of his shot -- of
19 him being shot. You've heard the evidence about him being
20 shot. And because he was shot with a gun by means that's
21 likely to cause or could cause great bodily injury or
22 death, I think we can all concede that a gun can cause
23 death, as it, in fact, has in this case. So, obviously,
24 the State will contend that we've met those elements.

25 Then we get to the murder. And as his Honor is

1 going to instruct you, he's going to also talk about
2 voluntary manslaughter. I'm going to address each, but
3 I'm going to explain as we go forward why this is not a
4 voluntary manslaughter case. This is, in fact, murder.

5 But with murder, murder is the killing of another
6 with malice aforethought.

7 Malice. Malice is defined in several ways, but as
8 you'll see, part of that is the total disregard for human
9 life. When you point a gun and fire into an apartment, an
10 occupied apartment several times -- like I said, I counted
11 at least 12 muzzle flashes -- that is total disregard for
12 human life. And we'll talk about that more as we proceed.

13 So we submit to you that, because we are able to
14 establish that the defendant acted with malice, that the
15 death of Quanecia Brown, one, is attributed to him and is
16 attributed to him as murder.

17 Now, voluntary manslaughter, you'll be instructed
18 on. And the reason that the State contends that this is
19 not voluntary manslaughter is what did Quanecia Brown do
20 to him? She didn't do anything to him that night. She
21 wasn't involved in anything that happened that night.

22 As you will see in the instructions, it has to be
23 the legal provocation. What voluntary manslaughter is, is
24 acting in the heat of passion and with legal provocation.
25 You can't just act in heat of passion without that legal

1 provocation.

2 But the legal provocation has to be against the
3 victim. In other words, what did she do to constitute
4 legal provocation for him shooting into her apartment and
5 taking her life? Therein lies the issue as to why this is
6 not voluntary manslaughter. It is, in fact, murder.

7 And he also -- the defendant yesterday, as I
8 indicated, for the first time mentioned self-defense. It
9 is my burden to disprove self-defense, but I've had help
10 with that from the defendant himself.

11 You will hear and see in his video statement why
12 this is not self-defense, and you'll also see the video as
13 to why this is not self-defense. You've seen it, but I'm
14 going to show you snippets again in just a few minutes to
15 highlight the fact that he is not entitled to
16 self-defense.

17 Self-defense is a situation where, if he was being
18 fired upon, as he claims he was being fired upon, there
19 are certain factors that still have to apply. He cannot
20 have had a role in bringing about the difficulty. He has
21 to have been able to -- there has to be what we call a
22 duty to retreat. He has to believe that he was a danger
23 of imminent harm.

24 But the problem is, and one of the elements -- I
25 guess one of the unsaid elements is, it actually has to be

1 true. That has to be something that actually happened.
2 In this situation, it didn't happen. There's nothing on
3 that tape reflecting what this defendant tried to feed to
4 you yesterday. And there's nothing that he said in that
5 interview that even hinted that he was being fired upon.
6 And, again, I'll play parts of that to show why this is
7 not a self-defense case. This is something this defendant
8 constructed yesterday, again, to try to feed you a bill of
9 false goods.

10 Speaking of that, that segues to my discussion on
11 credibility of witnesses and specifically the defendant's
12 credibility as it relates to his, like I said, last-minute
13 claim of self-defense. I stress: Last-minute claim of
14 self-defense. Had not uttered it anywhere else that
15 you've seen that's in evidence until yesterday.

16 You can take into account -- and, again, these are
17 things His Honor is going to instruct you on. You can
18 take into account his demeanor. You can take into account
19 his prior criminal history as it relates to whether you
20 want to believe him. And you can take into account the
21 fact that he's had multiple stories.

22 Keep in mind, when he's first interviewed by Brad
23 Redfearn, what did he do? Denied anything had happened,
24 that he didn't have a gun, nobody he was with had a gun.
25 Denied. Until when? Until he's confronted with video

1 evidence.

2 Once he's confronted with that evidence, what does
3 he say? "Yeah, that was me shooting." And then -- and
4 you'll, again, see this, but then you get to that part
5 shortly thereafter where they offer to let him keep seeing
6 the video, he says he doesn't need to see anymore, "I know
7 what I did. I know what I did." At no time -- at no time
8 did he ever, ever mention being fired upon.

9 Now, yesterday he said, "Well, I didn't say because
10 I was scared or I was nervous." You have already seen and
11 you'll see again that that's just not true. He did not
12 say it then because it did not happen.

13 Let me repeat: He did not say it then because it
14 did not happen.

15 In the three years since then, it formulated in his
16 head, and ultimately yesterday, for the first time, he's
17 claiming self-defense. And why is that? When it comes to
18 the credibility of witnesses, another thing you can take
19 into consideration is how certain testimony could be
20 self-serving.

21 And, in this situation, this is the epitome of being
22 self-serving because, as he acknowledged, he's up there
23 trying to convince you that he acted in self-defense. He
24 is on trial. You sit in judgment of him. Of course, he's
25 going to try to convince you that it's self-defense, but

1 the evidence and the facts say otherwise. This was not a
2 self-defense case.

3 Now, let's talk about first the video and what the
4 video shows. Because, based on his testimony, this case
5 got streamlined as it relates to -- we know he shot. We
6 know he was the one shooting, so none of that is at issue.

7 The issue is whether he acted in self-defense,
8 whether it was murder. So let's get into that a little
9 more. Let's talk about the video and what does it show.

10 The video shows him -- see -- obviously seeing his
11 friend. And let me be clear on this point. Let me be
12 clear on this. Chris Green is charged with murder, and
13 rightfully so, and he will have his day in court, but that
14 in no means and by no means excuses this defendant's
15 actions for literally blindly shooting into an apartment
16 complex without any regard for who's on the other side.

17 And as he himself said, he knows there are kids in
18 that apartment complex. He knows the people in that
19 apartment complex. He even said he could go to any
20 apartment complex because he knows everybody there.

21 So he -- when I say "total disregard," that is,
22 again, absolutely total disregard. And he knew it. He
23 knew they were kids in this apartment complex. But in
24 that moment, it didn't matter to him. That is the very
25 essence of total disregard.

1 Now, what else does the video show you? When you
2 look and you see, he claims that Christopher Green fired a
3 shot at him from the front porch, which you don't see.
4 You do not see that at all.

5 Now, can you see that part of the porch? No. But
6 you can infer from the context of what was going on. And
7 here's the thing: He walks from behind the car, upright.
8 If somebody's shooting at you, you got cover right there.
9 At no point do you see him trying to take cover. In fact,
10 he's standing upright as he is shooting. The only evasive
11 action he took was in his flight after he empties his
12 clip. Then he runs from the scene. But before that time,
13 there is absolutely nothing indicative of him acting in
14 self-defense.

15 So now let's look, go to his statement. He comes
16 in, I think it was after 1:00, just before 2:00 that same
17 day: the 12th of July, 2020. First, he lies, as I
18 indicated before. He lied to the officer. He lied to
19 Brad Redfearn about even having a gun. So he's confronted
20 with the video.

21 Once he's confronted with the video, as I've said --
22 and keep this in mind: "I know what I did." Not, "I was
23 trying -- I was being shot." At that moment -- at that
24 moment, if he was being shot at, there was nothing that
25 you'll see in this video that prevented him -- that

1 there's nothing that Brad Redfearn did to prevent him from
2 being honest about whether or not he was being shot at.
3 He was not being shot at. He was actually honest in that
4 particular -- in that particular part of the interview
5 where he said, "I know what I did." "I don't need to see
6 anything else because I know what I did. I know what I
7 did." Not that "I was shooting, I was returning fire, I
8 was being shot at." None of that came out, none of that
9 was even mentioned until yesterday.

10 Now, the only explanation he actually gives about
11 why he did it -- because he's asked why he did it, and of
12 course you'll hear this. He's asked, "Why did you do it?"
13 And the only explanation is because he saw his cousin's
14 face. He saw his cousin's face, and when he saw his
15 cousin's face, he reacted. That's why he did it.

16 He didn't shoot -- he wasn't shooting at that
17 apartment because he was acting in self-defense. He --
18 that's what we call a Hail Mary. That's his attempt at
19 self-preservation. Don't fall for it, ladies and
20 gentlemen. Do not fall for it.

21 Now, I'm not going to be long up here at all
22 because, like I said, the issues got streamlined with him
23 testifying. We know he was the one shooting. Now, it's
24 an issue -- now he's asking you to claim self-defense --
25 he's trying to claim self-defense. And I'm about to show

1 you reasons why -- I know I've said it, but it's better
2 for me to show you why, in fact, this is not self-defense.

3 So if I could -- if you could indulge me, let me
4 first play the video from the scene that night. And if we
5 could dim the lights, with the Court's permission.

6 THE COURT: Yes, sir.

7 (Video played.)

8 MR. REDMOND: At no point do you see him acting as
9 if he's been fired upon. He is absolutely the aggressor
10 in that situation. Like I said, it's right there for you
11 on video. Now, beg Your Honor's indulgence, let me play
12 his interview.

13 (Video played.)

14 MR. REDMOND: While she's doing that, let me just
15 highlight the fact that you hear, it's almost a sense of
16 resignation where he's caught, his lie is exposed, and
17 he's like, "I don't need to see the rest of it. I know
18 what I did." And at no time, even when he's demonstrating
19 where he's shooting, where does he mention Christopher
20 Green? Where does he mention shooting at Christopher
21 Green? And what did Brad Redfearn do to prevent him from
22 telling him that he was having a shoot at Christopher
23 Green? Again, credibility of the witness. It's not
24 credible what he's trying to feed you.

25 (Video played.)

1 MR. REDMOND: Now, again, he says that he saw his
2 cousin's face, when he was asking him about the whole
3 shooting and him doing this. His response is he saw his
4 cousin's face. And no time did this defendant ever
5 mentioned because Chris Brown -- excuse me, "because Chris
6 Green was shooting at me." Does not mention that. His
7 rationale for it is because he saw his "effing cousin's
8 face," not "I was being shot at," not "I was acting in
9 self-defense." Again, that did not happen until yesterday
10 while he's on trial. That's when that happened. Again,
11 absolutely not true.

12 Now, let's talk about the victims. First of all,
13 this case is the epitome of total disregard for human
14 life, as I explained murder. When you get the
15 instructions from murder, part of the malice consideration
16 is the total disregard for human life. This is the
17 epitome of that.

18 When you shoot into an occupied dwelling that many
19 times, just constantly firing, that absolutely -- not
20 just -- I don't have to tell you; you can see the
21 disregard that he had for anybody in that apartment
22 complex. That's murder, ladies and gentlemen. That's
23 murder.

24 But let's talk about the innocent victims, because
25 this case is also (indiscernible) of innocent victims and

1 why it is so important that we press this issue as a
2 murder case. Let's talk about Quanecia Brown first. And
3 I'm almost done, believe it or not, ladies and gentlemen,
4 because like I said, I'll have a chance to briefly reply.

5 But Quanecia Brown was 22 years old, raising a
6 six-month-old child -- son, C.J. She will never see him
7 grow up because she's not here. She was taken away from
8 him. She had absolutely nothing to do with what was going
9 on. Her name was not even brought up as it relates to the
10 argument or the dispute or whatever was going on. She was
11 in that apartment with her son when -- and you've seen the
12 pictures -- when the bullets just come streaming in there,
13 ripping through that apartment. Not to be too graphic,
14 hitting and ripping through her, ripping her subclavian
15 artery, filling her chest cavity with blood. Talk about
16 total disregard for human life.

17 But then let's talk about C.J., because when it
18 comes to the victims, he's the littlest victim, but he's
19 also, in a sense, the most tragic victim because, as you
20 see, what did C.J. do to the defendant? What did C.J. do
21 to deserve a bullet wound in his arm?

22 The blessing in this, if there is a blessing, is
23 that, at six months old, he's not going to remember what
24 happened to him. He might have been scars that somebody
25 will have to explain to him, but, on the flip side of the

1 blessing, his mother was taken away from him. And the
2 saddest part of this whole case is that, at six months
3 old, because of the actions of this defendant, he will
4 never, ever have an active memory of his mother. He will
5 never know his mother from his own. Hopefully pictures
6 from family members, but he will never have a memory of
7 his mother. What did he do to deserve that? What did she
8 do to deserve that? That's the issue in this case, ladies
9 and gentlemen, and that's why this defendant is, in fact,
10 guilty of all the charges, especially murder. Total
11 disregard and total disregard for this child.

12 Thank you.

13 THE COURT: Ms. Little?

14 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

15 MS. LITTLE: Solicitor Redmond, ladies and gentlemen
16 of the jury, may it please the Court?

17 Hello. I want to thank you for all being here, and
18 I want to start off by saying nothing that I say here
19 today -- I don't want anything I say here today to make
20 you think that I don't have complete sympathy for the
21 victims in this case. That was a tragedy that happened
22 that night.

23 But let's talk about what really set those events in
24 motion. Everything that happened that night started with
25 Christopher Green. Christopher Green made the decision to

1 execute Kwon Johnson, and once he did, that just set into
2 motion everything that happened afterwards. And so,
3 obviously, he's not on trial here today, and it's my hope
4 that he will be one day, and that the person who's
5 responsible for everything that happened that night is
6 brought to justice.

7 I want to bring about a few things. First, let's
8 talk about the burden of proof. We've said it over and
9 over. The burden of proof is on the State. They have to
10 prove each and every element of every crime beyond a
11 reasonable doubt. That's a very high burden.

12 I'm going to bring about some points before I really
13 go into detail, just some things that came to my mind last
14 night when I was thinking about the evidence and some
15 things that you probably have thought of that I haven't,
16 but some things that don't make sense or may leave you
17 with questions, and I believe those questions will lead
18 you to find reasonable doubt.

19 You heard testimony that there were multiple shots
20 that night. You also are going to see the evidence. You
21 heard from the people -- the SLED people that there were
22 four different types of ammunition found. There were
23 .40 caliber, .45 caliber, 9mms, and then the AK with
24 ammunition. And they're everywhere. You're going to see
25 the photos of the markers. I mean, there's bullets

1 everywhere. There's markers of shell casings everywhere.
2 And you can look at those diagrams. This particular --
3 State's Exhibit 214 is going to go back with you to the
4 jury room, and you'll see all the areas where bullets,
5 shell casings, fragments were located.

6 You heard from Mike Mike that there were multiple
7 shots. You heard my client testify there were multiple
8 shots. You also heard -- I believe Detective Redfearn
9 said that Chris Green fired a couple of times from the
10 back of the apartment. Incidentally, you'll see in the
11 evidence that the back of the apartment, not the front
12 where the door is, is where Ms. Brown was when she was
13 found to be injured.

14 And I'm going to briefly talk about the fact that --
15 and I think you can -- you'll see this and you'll remember
16 this from the evidence. All the focus was, for quite some
17 time, on the victim Kwon Johnson, who was out front in the
18 car. EMS, you saw the body cams. There was quite some
19 time before anybody even knew that Ms. Brown and the baby
20 were injured.

21 And you heard Detective Redfearn say that -- I'm
22 sorry, just one moment. You heard Detective Redfearn say
23 that Chris Green ran, took the guns, was back there trying
24 to hide guns. Well, I mean, was he back there? He's back
25 there hiding guns, trying to cover up his crime, and his

1 girlfriend is in there bleeding, and he's doing nothing to
2 get medical attention for her. I mean, we don't know if
3 he had went out hiding his guns while she was in there
4 bleeding. Maybe if she got medical attention sooner, if
5 he'd have been in there taking care of his family instead
6 of out there hiding guns, she might be with us today.
7 Because there was -- you can look at the 911 reports.
8 They're in evidence. There were several, many, many
9 minutes before anybody let EMS know that there was another
10 person injured that night, and that would have been
11 Ms. Brown. And then, later, they discovered the baby had
12 been injured.

13 Now, I want to talk about a few other points that
14 are just miscellaneous things. You can give them the
15 weight you want to, or I just want to bring them to your
16 attention. In the video, you can see Mr. Green's
17 companions leave the view of the camera. So this is
18 before -- I believe it's -- you can look at the video; I
19 believe it's before Mr. Kwon Johnson was even shot, or
20 around the time he was shot. Anyway, Chris Green's
21 companions go off in the car, out of camera view. But
22 where did they go? There's been no testimony. Where did
23 they go? We know they had guns. We don't know what kind
24 of guns they had.

25 There's testimony about the bridge. On the bridge,

1 they were flashing guns. Well, did anybody test them for
2 gunshot residue? There's been no evidence that their car
3 was searched. What happened to their guns? What kind of
4 guns were they?

5 And for that matter, I don't remember any testimony
6 saying that Chris Green's apartment was searched for
7 weapons. We don't know -- we don't know what kind of
8 weapons were in that house that night, or what kind of
9 weapons Chris Green had and that he was shooting that
10 night. You'll see right there in the area, there's, I
11 believe, it's a 45-caliber shell casing. Who fired that?
12 Because it's right there in the middle of everything. And
13 you'll see all that when you review the evidence.

14 And as far as -- one other point I want to make is
15 on the burden of proof. As I state over and over, the
16 State has the burden of proof. Now, in this case, they're
17 relying on that video. It's a video of a limited area,
18 and there's no sound, there's no audio. So they're
19 relying solely on what you see in that video, when there
20 were eyewitnesses out there, there were people there who
21 saw what happened with their own eyes, who heard -- did
22 the State bring you -- we heard about Bobby. Where's
23 Bobby? What did he have to say? He was there. They
24 didn't even bring Mike Mike; I had to get him here to
25 testify.

1 Chris's companions, where are they? Nobody said
2 anything about them. Or neighbors, any other witnesses
3 who may have heard or seen what happened that night.
4 Nobody. What they have is that camera and that camera.

5 And as far as -- let's talk about murder. Well, I'm
6 going to talk about self-defense just briefly. The burden
7 of proof is on the State to disprove self-defense in this
8 case. He's made a big deal that my client did not
9 immediately say that he was being fired upon. In the
10 video, you will hear him say there were multiple shots
11 going off.

12 That night, they had been out partying until early
13 wee hours of the morning, drinking. I believe my client's
14 interview was the next day. And I'll be honest with
15 y'all, I've been doing this for a long time, and I've --
16 most people are not completely honest when they get
17 interviewed by police. And they're not under oath. Okay?
18 They're answering questions to law enforcement, but almost
19 -- I can't ever tell you of a single case where a person
20 has told everything at their first interview with police.

21 And if you'll recall, even though my client said
22 there were multiple shots fired, Detective Redfearn never
23 asked him, "Well, who was shooting? Who else was
24 shooting?" He never asked my client, "Was anybody
25 shooting at you?"

1 But when my client came here yesterday, he stood
2 right there, put his hand on the Bible and took an oath to
3 tell the truth. And so I have to believe that what he --
4 his testimony to you was true. The solicitor has to prove
5 it wasn't true --

6 MR. REDMOND: Your Honor, actually, I rarely object,
7 but I've been bitten by this in the past. We have to be
8 careful about saying what we believe as counsel. There's
9 a better way to phrase that. Now, the only reason I raise
10 that is I was --

11 THE COURT: So noted.

12 MS. LITTLE: Okay. Your objection's noted. Thank
13 you.

14 And remember, what I say and what Mr. Redmond says,
15 it's not evidence. We're just trying to tell you what we
16 think the evidence shows. And we'll tell you what we
17 think the law is. But the one person who's going to --
18 who has the full authority to explain the law to you is
19 his Honorable Judge Holt.

20 And so if I say anything that disagrees with the law
21 that the judge gives you, please, by all means, don't
22 listen to me. The man there is the one who will tell you
23 what the law is.

24 So, again, he has to -- he has to disprove
25 self-defense. My client testified he was being fired

1 upon. And you, as jurors, are the judge of the facts in
2 this case. So I will leave you with that as far as the
3 issue of self-defense. My client testified under oath,
4 and you can decide whether or not you believe his
5 testimony.

6 Now, to find my client guilty of either malice --
7 murder, the voluntary manslaughter, or even assault and
8 battery of a high and aggravated nature, you must find
9 beyond a reasonable doubt that the bullet that killed
10 Ms. Brown came from my client's gun. And there's simply
11 no proof of that.

12 In fact, the State's own witness -- he's an expert.
13 They brought him here. He's from SLED. He's an expert in
14 the field. He's got years of education, experience. He's
15 tested thousands and thousands of guns and bullets. He
16 couldn't tell you that my client's bullet killed
17 Ms. Brown.

18 And with evidence of all the other shootings --
19 shooter's gun shots, who's to say that one of those other
20 bullets is not the bullet that took her life?

21 You're going to see photos that the State has in
22 evidence of the front door of that apartment, and they
23 made a big deal about the holes in the front door of that
24 apartment, and I understand because it is a big deal. It
25 was terrible what happened that night. But use your

1 common sense. Even just looking at the photos of that
2 door, they look like different sizes. They don't even --
3 common sense tells you that more than one type of bullet
4 went into that door. And so I would ask you to use your
5 common sense on that. That was one of the first things I
6 noticed when I saw the photos. And I believe that you
7 will also -- I'm asking you to take a good look at that.

8 Malice. The State's asking you to find my client
9 guilty of murder. And one of the major elements of
10 murder, other than the fact that you have to prove that
11 his bullet actually killed her, is malice. Malice
12 aforethought, meaning before he fired his weapon, there
13 was malice in his heart. Ill will. Hatred. There's no
14 evidence that my client had a beef with anybody. He
15 wasn't even in the argument. Remember? He was dropped
16 off, goes over to his baby mother's porch. He's over
17 there. They're over there arguing. He's not mad at
18 anybody.

19 He -- you heard him testify. He knew Ms. Brown. He
20 felt like she was family. He cared about her. He had no
21 malice or ill will towards Ms. Brown. And there's no
22 evidence of my client's malice towards anyone that night.

23 The only malice that we know of -- malice -- was on
24 the part of Chris Green. His willful, intentional,
25 malicious behavior started this whole chain of events when

1 he made the decision to execute Kwon Johnson, who was my
2 client's best friend and cousin.

3 All right. We've talked about a lot of things that
4 I'm going to ask you to consider when you decide whether
5 or not my client is guilty. I want to remind you in
6 closing, my client did not have ill will or malice in any
7 manner towards Ms. Brown and that baby. There's no
8 evidence that he intended to hurt or kill either one of
9 those people.

10 I'm going to ask you -- the solicitor is going to
11 ask you to find him guilty of murder. There's simply no
12 proof. Can't prove that his gun -- the bullet from his
13 gun killed Ms. Brown. Can't prove he felt any malice, ill
14 will, hatred towards Ms. Brown or that child.

15 Ladies and gentlemen, you're going to have to find
16 my client not guilty. He's not guilty. Thank you.

17 THE COURT: Mr. Redmond?

18 FINAL CLOSING ARGUMENT ON BEHALF OF THE STATE

19 MR. REDMOND: Thank you, Your Honor. May it please
20 the Court?

21 Briefly, I'm one that loathes having to use notes
22 when I'm talking with jurors because sometimes it takes
23 away, but because of the nature of reply, sometimes you
24 have to kind of see what the defense is going to say and
25 obviously write down notes. And so I will have to refer

1 to them. Throughout the course of my career, I'm always
2 loathe to have to use them, so please indulge me, if you
3 will.

4 First of all, when Ms. Copeland Little was talking
5 about the other cases, the -- I think it was Ms. Moore
6 from SLED had testified that there's no way to tell when
7 those shell casings were fired. I mean, as a matter of
8 fact, the diagram that is being referred to, they were --
9 I think some of the shell casings -- the other caliber
10 shell casings were found down the street, but they
11 collected and documented everything that they found.

12 So, again, that is an attempt by the defense, quite
13 frankly, to sort of divert you away from what the real
14 issues are.

15 Now, Counsel also made the comment about the fact
16 that we are so- -- I think she said something along the
17 lines that we are solely relying on the video of the
18 apartment complex. But when I listen -- when arguments
19 are being given, I not only listen to what is said; I also
20 listen to what is not said. And no time did Ms. Copeland
21 Little mention the fact that we spent quite a bit of time
22 playing, watching, talking about the defendant's video
23 statements.

24 So, no, we're not solely relying on what we see at
25 the apartment complex, at Dizzy Gillespie, and I think I

1 recall saying in my closing argument at length about what
2 he says in his statement as well and, additionally, even
3 what he says from the witness stand. There's not an issue
4 that he's the one that's doing the shooting and that he's
5 the one doing the shooting at that apartment complex. And
6 he is the only one -- when you put all of that together,
7 the video, when you put his statement, and even his
8 testimony, again, it eliminates anybody else. He was the
9 one shooting at that apartment. He was the one shooting.
10 He does not mention anybody else shooting.

11 Again, these are things that you can take into
12 consideration, because I do agree with Ms. Copeland Little
13 with this: You do take your common sense with you. You
14 take your common sense with you into that -- well, you
15 take it everywhere you go, and specifically in this
16 situation, you will carry it back there with you in your
17 deliberations.

18 And the last thing I'll talk about is the fact that,
19 when we talk about reasonable doubt, I'll just say this --
20 and Your Honor will instruct you on this, but as it
21 relates to being firmly convinced, reasonable doubt is
22 that doubt -- because that's been bounced around, but let
23 me just explain it real quick.

24 Reasonable doubt is that doubt which leads you
25 firmly convinced of the defendant's guilt. You don't have

1 to eliminate all doubt, just any reasonable doubt. And I
2 submit to you, with everything that you seen and heard,
3 that you will find that the defendant is guilty of
4 discharging a firearm into a dwelling, two counts; one
5 count of possession of a weapon during the commission of a
6 violent crime; assault and battery of a high and
7 aggravated nature against C.J. [REDACTED]; and
8 finally, murder -- not voluntary manslaughter but murder
9 because he acted with total disregard for anybody's life
10 in that apartment.

11 Thank you, Your Honor.

12 Thank you, ladies and gentlemen.

13 THE COURT: Thank you, Mr. Redmond.

14 JURY CHARGE

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, it's now time for the Court to charge you on the
17 law. If you listen very carefully, once again, I do want
18 your attention; however, I am going to give you a copy of
19 this that you can reflect upon it in the jury room. Okay?

20 All right, Mr. Foreman, ladies and gentlemen of the
21 jury, you have seen and heard the evidence presented as
22 well as the arguments of counsel, and it now becomes my
23 duty and obligation to instruct you on the applicable law
24 in this case. It will then be your duty and obligation to
25 begin your deliberations, through which process you will

1 decide the facts, apply the law as instructed by the
2 Court, and determine whether the State has met its burden
3 of proof.

4 It's your exclusive duty to determine the facts in
5 this case. You do that based upon your own common-sense
6 examination and evaluation of the testimony and other
7 evidence received during the trial of this case. You 12
8 jurors alone will decide what weight, value, and effect
9 that is to be given to any particular testimony or other
10 evidence received. Your ultimate goal is to determine
11 whether the State has met its burden of proof in this
12 case, and in so doing, you will have fulfilled your
13 obligations as jurors, and that is to give both the State
14 and the defendant a fair and impartial trial based upon
15 the evidence presented and the law applicable to this
16 case.

17 In this case, the State of South Carolina, through
18 the circuit solicitor, has charged the defendant with the
19 following criminal offenses: Murder, assault and battery
20 with a high and aggravated nature, possession of a weapon
21 during the commission of a violent crime, and two charges
22 of unlawfully discharging a firearm into a dwelling.

23 The allegations charging the defendant with his
24 crime is set forth in the indictment that has been
25 previously explained to you. The indictment is not

1 evidence in this case and may not be considered by you as
2 evidence against the defendant. The indictment will be in
3 the jury room with you but serves only one purpose, and
4 that's to serve as the verdict form on which your
5 unanimous decision will be written. You'll be asked to
6 write a verdict form of guilty or not guilty for the
7 indictment.

8 As to the charges set forth in the indictment, the
9 defendant has entered a plea of not guilty. That plea of
10 not guilty is therefore placed upon the State the burden
11 of the proving the allegations that are set forth in the
12 indictment, the burden of proving each of the essential
13 elements of the crime charged, and, therefore, the burden
14 of proving the guilt of the defendant to the satisfaction
15 of you 12 jurors.

16 Second, a reasonable doubt -- beyond a reasonable
17 doubt before a verdict of guilty can be returned as to any
18 indictment, the burden is never upon the defendant to
19 prove that he is not guilty or to prove that he is
20 innocent, because, in some cases, that may not be
21 possible. The burden is always upon the State because
22 they have made the allegations to prove the defendant
23 guilty beyond a reasonable doubt.

24 You are further instructed that it is vital,
25 important, and a cardinal rule of law that every defendant

1 in a criminal trial, no matter how serious the offense
2 might be for which he stands charged, shall always be
3 presumed innocent of that charge, and that presumption of
4 innocence shall be with the defendant from the moment of
5 his arrest and throughout the course of the criminal
6 process and even throughout the course of the actual
7 trial. The presumption of innocence shall be with the
8 defendant even as you go into the jury room to begin your
9 deliberations, and that presumption of innocence shall be
10 with him there and be with him forever unless you 12
11 jurors determine that he is no longer entitled to that
12 presumption of innocence. It is only if, unless, and
13 until you are satisfied of the defendant's guilt beyond a
14 reasonable doubt that he would no longer be entitled to
15 the presumption of innocence.

16 The duties of a jury and a trial judge. I remind
17 you that, during this trial, you and I have certain duties
18 to perform. As the trial judge, it's my responsibility to
19 preside over the trial of this case, and I also have the
20 duty to rule on the admissibility of the evidence offered
21 during the trial. You are only to consider the competent
22 evidence before you. If there was any testimony ordered
23 stricken from the record, you must disregard that
24 testimony. You are to consider only the testimony which
25 has been presented from the witness stand and any exhibits

1 which have been made a part of the record in this case and
2 any stipulations of counsel, and that evidence will be
3 with you in the jury room.

4 I have the additional duty to charge you the law
5 applicable in this case. As the presiding judge, I am the
6 sole judge of the law of this case, and it is your duty as
7 jurors to accept and apply the law as I now state it to
8 you. If you already have any idea as to what the law is
9 or what the law ought to be and it does not agree with
10 what I now tell you the law is, you must abandon this idea
11 because you are sworn to accept the law and apply the law
12 exactly as I state it to you.

13 In every case tried in this court before a jury, the
14 jury becomes the sole and exclusive judge of the facts in
15 a case. A trial judge cannot intimate, state, comment on,
16 or make any statement to a trial jury about the facts in a
17 case.

18 Since you, the jury, are the sole judge of the facts
19 in this case, you are not to infer from what I've said
20 during the progress of this trial in ruling upon the
21 admissibility of evidence or otherwise or anything that I
22 say now during the course of this instruction to you that
23 I have any opinion about the facts in this case. I do
24 not. The law does not allow me to have an opinion about
25 the facts in this case. This is a matter solely for you,

1 the jury, to determine. And as jurors, it is your duty to
2 determine the effect, value, weight, and truth of the
3 evidence presented during the trial.

4 I'm going to read you the charge on murder. The
5 defendant is charged with murder. The defendant (sic)
6 must prove beyond a reasonable doubt that the defendant
7 killed another person with malice aforethought. Malice is
8 hatred, ill will, or hostility towards another person. It
9 is the intentional doing of a wrongful act without just
10 cause or excuse, and with an intent to inflict an injury
11 or under circumstances that the law will infer an evil
12 intent.

13 Malice aforethought does not require that malice
14 exists for any particular time before the act is
15 committed, but malice must exist in the mind of the
16 defendant just before and at the time of the act is
17 committed. Therefore, there must be a combination of the
18 previous evil intent and the act.

19 Malice aforethought may be expressed or inferred.
20 The terms "expressed" and "inferred" do not mean different
21 kinds of malice but merely mean the manner in which malice
22 may be shown to exist; that is, either by direct evidence
23 or by inference from the facts and circumstances which are
24 proved.

25 Express malice is shown when a person speaks words

1 which express hatred or ill will for another or when the
2 person prepared beforehand to do the act which was later
3 accomplished. For example, lying in wait for a person or
4 any other acts or preparation going to show that the deed
5 was within the defendant's mind would be expressed malice.

6 Malice may be inferred from conduct showing a total
7 disregard for human life. If facts are proved beyond a
8 reasonable doubt sufficient to raise an inference of
9 malice to your satisfaction, this inference would be
10 simply an evidentiary fact to be considered by you, the
11 jury, along with the other evidence in the case, and you
12 may give it the weight you decide it should receive.

13 Self-defense. The defendant has raised the defense
14 of self-defense. Self-defense is a complete defense, and
15 if it is established, you must find the defendant not
16 guilty. The State has the burden of proving self-defense
17 by proof beyond a reasonable doubt. If you have a
18 reasonable doubt of the defendant's guilt after
19 considering all the evidence, including the evidence of
20 self-defense, then you must find the defendant not guilty.

21 On the other hand, if you have no reasonable doubt
22 of the defendant's guilt after considering all the
23 evidence, including the evidence of self-defense, then you
24 must find the defendant guilty.

25 The following elements are required to establish

1 self-defense: First, the defendant must be without fault
2 in bringing on the difficulty. If the defendant's conduct
3 was the type which was reasonably calculated to and did
4 provoke a deadly assault, the defendant would be at fault
5 in bringing on the difficulty and would not be entitled to
6 an acquittal based on self-defense.

7 Imminent danger. The second element of defense is
8 that the defendant was actually in imminent danger of
9 death or serious bodily injury or that the defendant
10 actually believed he was in imminent danger of death or
11 serious bodily injury. If the defendant was actually in
12 imminent danger, it must be shown that the circumstances
13 would have warranted a person of ordinary firmness and
14 courage to strike the fatal blow to prevent death or
15 serious bodily injury. If the defendant believed he was
16 in imminent danger of death or serious bodily injury, it
17 must be shown that a reasonably prudent person of ordinary
18 firmness and courage would have had the same belief.

19 In deciding whether the defendant actually was or
20 believed he was in imminent danger of death or serious
21 bodily injury, you should consider all the facts and
22 circumstances surrounding the crime, including physical
23 condition and characteristics of the defendant and the
24 victim.

25 Third element: No other way to avoid danger. The

1 final element of self-defense is that the defendant had no
2 other probable way to avoid the danger of death or serious
3 bodily injury than to act as the defendant did in this
4 particular instance.

5 What was not informally indicted but is a lesser
6 included offense of murder is voluntary manslaughter, and
7 I'm going to read to you the jury charge on voluntary
8 manslaughter.

9 If you find that the State has failed to prove
10 beyond a reasonable doubt that the defendant committed
11 murder, you may consider whether the State has proved
12 beyond a reasonable doubt that the defendant committed
13 voluntary manslaughter. To prove voluntary manslaughter,
14 the State must prove beyond a reasonable doubt that the
15 defendant took the life of another in a sudden heat of
16 passion based upon significant -- I mean sufficient legal
17 provocation. Both heat of passion and sufficient legal
18 provocation must be present at the time of the killing to
19 constitute voluntary manslaughter. Sudden heat of passion
20 may, for a time, affect a person's self-control and
21 temporarily disturb a person's reason.

22 The sudden heat of passion must be the type that
23 would make an ordinary person unable to coolly reflect on
24 his actions and would produce an uncontrollable impulse to
25 do violence.

1 Sufficient legal provocation must be the type that
2 would make a person of ordinary -- make a person of
3 ordinary reason and caution to become enraged and lose
4 control temporarily. The provocation needed for voluntary
5 manslaughter must come from some act of or related to the
6 victim. Words alone, however vulgar or insulting, are not
7 enough to be legal provocation. Where death is caused by
8 the use of a deadly weapon, the words must be accompanied
9 by some overt threatening act which would have produced
10 the heat of passion.

11 The exercise of a legal right, no matter how
12 offensive it is to another, is never sufficient legal
13 provocation for voluntary manslaughter. If the heat of
14 passion had cooled or if there was enough time between the
15 provocation, if any, and the killing for the passion of a
16 reasonable person to cool, the killing would not be
17 voluntary manslaughter.

18 In deciding whether a reasonable person would have
19 had enough time to cool off, you should consider all the
20 circumstances surrounding the killing. You may consider
21 the nature of the provocation, if any, the defendant's
22 mental and physical state and the circumstances and
23 relations -- relationships between the parties.

24 Assault and battery of a high and aggravated nature.
25 Assault and battery of a high and aggravated nature is an

1 unlawful act of a violent injury to the person of another,
2 accompanied by circumstances of aggravation. An assault
3 occurs when a person unlawfully attempts or offers to
4 commit a violent injury upon another person and had the
5 present ability to complete the attempted injury. An
6 assault is the intentional creation of a reasonable fear
7 of immediate harm. It is not necessary that the attempted
8 injury or harm actually take place. For example, if I
9 walk up to you and we're within arm's reach, I draw back
10 to hit you, that is an assault.

11 A battery is an unlawful touching of another person
12 by a person who has committed the assault. An unlawful
13 touching can be caused by part of the accused body or by
14 an object -- object the accused puts in motion. A battery
15 is the completion of the assault by using or applying
16 force to another person, however slight, in a rude, angry,
17 or resentful manner without legal justification for doing
18 so. Using my earlier example, if I carry through the
19 assault by hitting you, then that is a battery.

20 The State must also prove a circumstance of
21 aggravation. Circumstances of aggravation include the use
22 of deadly weapon, the intent to commit a felony, the
23 infliction of serious bodily injury, a great disparity
24 between the ages or physical conditions of the parties, a
25 difference in the genders of the parties, the taking of

1 indecent liberties or familiarities with a female through
2 the use of force, the purposeful infliction of shame and
3 disgrace, and the resistance of law -- lawful authorities.
4 These are only examples of circumstances of aggravation.

5 A possession of a weapon during the commission of or
6 attempt to commit a crime or a violent crime. The
7 defendant is charged with possession of a weapon during
8 the commission of or attempt to commit a violent crime.
9 The State must prove beyond a reasonable doubt that the
10 defendant was in possession of a firearm or visibly
11 displayed what appeared to be a firearm during the
12 commission of a violent crime.

13 Firearm means any machine gun, automatic rifle,
14 revolver, pistol, or any other weapon which will, is
15 designed to, or may be readily converted to expel a
16 projectile. In order to find the defendant guilty of
17 possession of a weapon during the commission of a violent
18 crime, you must first find the defendant guilty of either
19 committing a violent crime or attempting to commit a
20 violent crime.

21 Homicide is a violent crime, and the State must
22 prove beyond a reasonable doubt that the weapon further
23 advanced or helped in the commission of the crime.

24 A discharge of a firearm into a dwelling. The
25 defendant is charged with the discharge of a firearm into

1 a dwelling. The State must prove beyond a reasonable
2 doubt that the defendant unlawfully discharged or caused
3 to be discharged unlawfully a firearm at or into a
4 dwelling, house, other building, structure, or enclosure
5 regularly occupied by humans. A person who violates the
6 provision of the subsection is guilty of a felony.

7 Reasonable doubt. What is reasonable doubt in the
8 law? A reasonable doubt is the kind of doubt that would
9 cause a reasonable person to hesitate to act. The State
10 has the burden of proving the defendant guilty beyond a
11 reasonable doubt.

12 Some of you may have served as jurors in civil cases
13 where you were told it was only necessary to prove that a
14 fact is more likely true than not true, such as by the
15 greater weight or preponderance of the evidence. In
16 criminal cases, the State's proof must be more powerful
17 than that. It must be beyond a reasonable doubt.

18 Proof beyond a reasonable doubt is proof that leaves
19 you firmly convinced of the defendant's guilt. There are
20 very few things in this world that we know with absolute
21 certainty, and in criminal cases, the law does not require
22 proof that overcomes every possible doubt. If, based upon
23 your consideration of the evidence, you are firmly
24 convinced that defendant is guilty of the crime charged,
25 you must find the defendant guilty.

1 If, on the other hand, you think there's a real
2 possibility that the defendant is not guilty, you must
3 give the defendant the benefit of the doubt and find him
4 not guilty.

5 Criminal intent. In order to establish criminal
6 liability, the State must also prove criminal intent. For
7 a particular crime, the mental state required must --
8 might be purpose, intent, knowledge, recklessness, or
9 criminal negligence. The State must prove criminal intent
10 beyond a reasonable doubt.

11 Criminal intent is a matter that must be determined
12 by the jury from the facts of the case. There is no way
13 to prove criminal intent to a mathematical certainty. So
14 the law says criminal intent may be inferred from the
15 circumstances shown to have existed. This is how you
16 determine whether or not the element requiring intent was
17 present.

18 It is not necessary to establish intent by direct
19 evidence. Intent may be established by circumstantial
20 evidence or by taking into consideration the facts of the
21 parties and all the facts and circumstances of the case.
22 Criminal intent is a mental state of conscious wrongdoing.
23 It is up to you to determine what the defendant intended
24 to do based on the circumstances shown to have existed in
25 this case.

1 We had some expert witness testimony, so there's a
2 charge with expert witnesses. The rules of evidence
3 ordinarily do not permit witnesses to testify to opinions
4 or conclusions. An exception to this rule exists for
5 witnesses we call expert witnesses, a witness who by
6 education and experience has become an expert in some art,
7 science, profession, or calling, may state an opinion as
8 to relevant and material matters in which the witness
9 claims to be an expert and may also state the reasons for
10 their opinions.

11 You should consider an expert opinion received in
12 evidence in this case, and, like any other evidence, give
13 it the weight you think it deserves. If you decide that
14 the opinion of the expert witness is not based on
15 sufficient education and experience, or if you conclude
16 that the reasons given in support of the opinion are not
17 sound, or that the opinion is outweighed by other
18 evidence, you may disregard the opinion entirely.

19 An expert witness's testimony is to be given no
20 greater weight than that of other witnesses simply because
21 the witness is an expert. Further, you are not required
22 to accept an expert's opinion, even though it is not
23 uncommon -- even though it is not contradicted.

24 We're getting close.

25 Credibility of witnesses. Necessarily, you must

1 determine the credibility of witnesses who have testified
2 in this case. Credibility seems -- simply means
3 believability. It becomes your duty as jurors to analyze
4 and to evaluate the evidence and determine if the State
5 has met its burden of proof in this case.

6 In determining the believability of witnesses who
7 have testified in this case, you may believe one witness
8 over several witnesses or several witnesses over one
9 witness. You may believe a part of the testimony of a
10 witness and reject the remaining part of the testimony of
11 that same witness. You may believe the testimony of a
12 witness in its entirety or reject the testimony of a
13 witness in its entirety. You may consider whether the
14 witness has exhibited to you any interest, bias,
15 prejudice, or other motive in this case. You may also
16 consider the appearance and manner of a witness while on
17 the witness stand.

18 Direct and circumstantial evidence. There are two
19 types of evidence which are generally presented during a
20 trial: direct evidence and circumstantial evidence.
21 Direct evidence is the testimony of a person who claims to
22 have actual knowledge of a fact, such as an eyewitness.
23 It is an evidence -- it is evidence which immediately
24 establishes the main fact to be proved.

25 Circumstantial evidence is proved by a chain of

1 facts and circumstances indicating the existence of a
2 fact. Crimes may be proven by circumstantial evidence.
3 It is evidence which immediately establishes collateral
4 facts from which the main fact may be inferred.

5 Circumstantial evidence is based on inference and
6 not on personal knowledge or observation. The law makes
7 absolutely no distinction between the weight or value to
8 be given to either direct or circumstantial evidence.
9 However, to the extent the State relies on circumstantial
10 evidence, the circumstances must be consistent with each
11 other and, when taken together, point conclusively to the
12 guilt of the accused beyond a reasonable doubt. Nor is a
13 greater degree of certainty required of circumstantial
14 evidence than of direct evidence.

15 You should weigh all the evidence in the case.
16 After weighing all the evidence, if you are not convinced
17 of the guilt of the defendant beyond a reasonable doubt,
18 you must find the defendant not guilty. If these
19 circumstances merely portray the defendant's behavior as
20 suspicious, the proof has failed.

21 The State has the burden of proving the defendant
22 guilty beyond a reasonable doubt. This burden rests with
23 the State regardless of whether the State relies on direct
24 evidence, circumstantial evidence, or some combination of
25 the two.

1 As indicated, I'll give you a copy of these
2 instructions in written form. During your deliberations,
3 you may refer to my instructions to guide your
4 decision-making. You must consider the instructions as a
5 whole. You may not follow some and ignore others. And
6 please recurrent -- return these instructions,
7 Mr. Foreman, to the Court when your verdict is rendered.

8 Closing arguments of counsel. Ladies and gentlemen
9 of the jury, the parties have presented their evidence in
10 this case. The lawyers have made their closing arguments.
11 Understand that is not evidence in this case. Their
12 statements are arguments and are meant to help you
13 understand the evidence and apply the law to the evidence.
14 You should just disregard any remarks, statement, or
15 argument which is not supported by the evidence presented
16 during the trial or the law that I've explained to you.

17 Mr. Foreman, ladies and gentlemen of the jury,
18 please remember that you must decide the indictment on the
19 evidence and the law applicable to it. You'll be asked to
20 write a verdict of guilty or not guilty for the
21 indictment. Your verdict as to the indictment must be
22 unanimous. It must be a unanimous one.

23 Mr. Foreman, when the jury agrees on the verdict,
24 you'll mark the verdict on the indictment, and you'll sign
25 your name as foreman. Please then knock on the jury room

1 door and inform the bailiff that you've reached a verdict.
2 At that time, we'll bring you back into the courtroom.

3 Counsel, would you approach, please?

4 BENCH CONFERENCE

5 (A bench conference was held off the record and
6 outside the hearing of the jury and others.)

7 THE COURT: Counsel, anything you need to take up
8 with the Court regarding the charges --

9 MR. REDMOND: Nothing from the State.

10 THE COURT: -- that we've not already addressed?

11 MR. REDMOND: Nothing other than what we addressed.
12 I'd just renew those issues.

13 THE COURT: And those are noted for the record.

14 Okay. All right. I'm going to step down.

15 Mr. Foreman, can I get you (indiscernible)?

16 All right. Mr. Foreman, I'm going to provide you
17 the jury charges that the Court read into the record.
18 What I'm going to provide you is the murder charge,
19 self-defense charge, voluntary manslaughter charge,
20 assault and battery of a high and aggravated nature
21 charge, possession of a weapon during the commission of a
22 violent crime charge, reasonable doubt, criminal intent,
23 the expert witness charge, credibility of witnesses
24 charge, direct and circumstantial evidence charge,
25 discharge of a firearm into a dwelling. There's some

1 language that's been blackened out, redacted, that was not
2 appropriate to give you that charge. Counsel has looked
3 at that and has no objection to that being submitted to
4 you. And then the jury verdict charge, which is what
5 we're going over right now. So these will be with you, in
6 your possession, in the jury room for deliberations.

7 What I'm also going to provide to you is the verdict
8 forms. There are six different verdict forms present.
9 The first one is murder. Mr. Foreman, you will see, "We,
10 the jury, unanimously find the following beyond a
11 reasonable doubt." Check one box only. The first box is
12 "The defendant is guilty of the offense of murder." The
13 second box is "The defendant is not guilty of the offense
14 of murder."

15 However y'all conclude, you will check whichever
16 appropriate box. You will sign it as foreman, and you
17 will date it. Okay? The date is the 21st. Right?

18 Okay. Voluntary manslaughter verdict form. This is
19 the lesser included offense of murder. And that would be
20 the same there as well. Okay?

21 Also providing you the verdict form for discharging
22 a firearm. Same as before. There are two discharging
23 firearms into a dwelling that you have to consider.
24 Possession of a weapon during a violent crime. That's for
25 assault and battery. It has to be a high and aggravated

1 nature.

2 Okay. I noted on the form "assault and battery of a
3 high and aggravate nature," and I initialled there, so
4 that there's no confusion. Okay?

5 Mr. Foreman, do you have any questions about the
6 verdict forms?

7 THE FOREMAN: No, sir.

8 THE COURT: And just for the record, the Court --
9 counsel, if you'd just approach.

10 BENCH CONFERENCE

11 (A bench conference was held off the record and
12 outside the hearing of the jury and others.)

13 THE COURT: The Court made some editorial to the
14 (indiscernible) form. I've showed that to counsel. They
15 have no objections. I've initialled my amendments to the
16 verdict form, and I will show this to Mr. Foreman one more
17 time. That's murder, voluntary manslaughter, discharging
18 a firearm into a dwelling, discharging a firearm into a
19 dwelling, possession of a weapon during the commission of
20 a violent crime, assault and battery of a high and
21 aggravated nature.

22 Okay. With that, do have any questions, sir?

23 MR. FOREMAN: No, sir.

24 THE COURT: All right. In the event that you have
25 -- you need the assistance of the Court, it would be

1 necessary for you to knock. The bailiff will come to you.
2 Indicate what your need is. If you have a question that
3 you need to communicate to the Court, you will need to
4 write that on paper, sign it, and then alert the bailiff
5 by knocking on the door, and we can then address if you
6 have any questions that you think the Court needs to hear.
7 Okay?

8 All right. With that said, I will provide you with
9 the verdict form. I'm going to provide you with the jury
10 charges I've read into the record. The two nice ladies on
11 the end in the back row, Dolly Wright and Suzanna Graham,
12 if you would remain seated.

13 At this time, Mr. Foreman, I'm going to ask that you
14 and your fellow jurors, if you can retire to the jury
15 room. Make yourselves comfortable. In a moment -- the
16 lawyers have to go through the evidence to make sure that
17 everything has been marked and put into evidence and that
18 it can be given to you back there.

19 Once you get it, the bailiff -- I will give
20 instructions to the bailiff. She will come in and she
21 will give you the green light where you can then begin
22 talking about the case. Okay?

23 So when you get back there, you might want to start
24 kind of thinking out loud. But wait just a few more
25 minutes because you can't do that until the evidence is

1 back there with you.

2 There's a video. If you need the necessary
3 equipment to watch the video, that can be made available
4 or, if necessary, if you have to come back out and watch
5 certain segments that you need clarification on. Okay?
6 That is up to you. At this point, you're in control.
7 Okay? Any questions?

8 MR. FORMAN: No, sir.

9 THE COURT: Okay. Just don't discuss the case until
10 we give you the green light. Thank you. You may retire
11 to the jury room.

12 Why don't you go ahead and come forward, our two
13 alternates. And you can retrieve your possessions.

14 Mr. Foreman, it's 12:15 now. Y'all may be hungry.
15 The clerk has indicated that she can -- they can get a
16 lunch order for you. Are y'all interested -- when you go
17 back there, before you get started, would y'all like to
18 order lunch to be brought in?

19 THE CLERK: It's on the way.

20 THE COURT: It's on the way?

21 (Courtroom laughter.)

22 THE COURT: You ain't got a choice. Our clerk,
23 she's been so wonderful this week; they've already made
24 that arrangement.

25 Okay. All right. At this time, you can adjourn to

1 the jury room. Thank you.

2 (The jury exited the courtroom at 12:15 p.m.)

3 THE COURT: And as to the alternates, just for the
4 record, the reason you can't go back there is because you
5 were the two alternates in the case. If one of the first
6 12 were to fall out and be able to serve, you would move
7 into their role.

8 You've both been so attentive this week. It's sad
9 that you sit here, you hear all the evidence, and then you
10 don't get to participate. It's like running a race and
11 being told at the finish line, you don't get to cross.

12 But I thank you for your patience and your service.
13 Your lunch is to be provided, and you're free to receive
14 lunch if you like. If you want to talk to anybody
15 involved in this case, you're at liberty to do so. If you
16 do not want to talk to anybody, you do not have to. And
17 if you feel that your expressions of not wanting to talk
18 are not being appreciated, you let the clerks in the
19 office know and I'll deal with it. You don't have to talk
20 to anybody if you don't want to. Don't be burdened with
21 that. We've taken enough of your time. But if you feel
22 you're comfortable talking about your thoughts and your
23 experience, you're welcome to do that.

24 But on behalf of our judiciary, I thank you for
25 serving. It's not easy, but we need people like you;

1 otherwise, this would not work. You've done your civic
2 duty. I hope you find some pride in that.

3 With that, nothing further with regard to the
4 alternates?

5 MR. REDMOND: Nothing further.

6 THE COURT: And I believe Madam Clerk is getting --
7 Madam Bailiff will help you as far as if you want to stick
8 around. And you're certainly welcome to stay for the
9 remainder of the trial in the audience if you so chose.
10 Okay? That's your decision.

11 But thank you again. Good luck to you. All right.

12 Counsel, with that -- Mr. Redmond, I've noted your
13 objections with regard to the charge. And we need to
14 review the evidence and make sure that it can -- it's
15 ready to go.

16 (Pause in proceedings.)

17 THE COURT: All right. So, for the record, Counsel,
18 have y'all both looked at the exhibits?

19 MR. REDMOND: Yes.

20 MS. LITTLE: Yes, sir.

21 THE COURT: Anything we need to -- there's two
22 Court's exhibits.

23 MS. LITTLE: These are Court's --

24 MR. REDMOND: Court's exhibits right here.

25 MS. LITTLE: And also back there.

1 THE COURT: Okay. Anything else before we send that
2 back?

3 MR. REDMOND: Nothing from the State, Your Honor.

4 THE COURT: Okay. All right. I have the jury
5 charge verdict form. Now we have the evidence.

6 Okay, Madam Bailiff.

7 THE BAILIFF: Yes, sir.

8 THE COURT: When you take that back there and you
9 put it on the table, tell them that, when you close the
10 door, that they may begin their deliberations.

11 Do we know when food will be delivered?

12 THE CLERK: He's going to pick it up.

13 THE COURT: Okay. Let them know that food is being
14 picked up and brought and that they can -- when it
15 arrives, that we're going to bring it in. So --

16 THE CLERK: I always knock on the door.

17 THE COURT: Yeah. So they're going to bring the
18 food in if they want to partake.

19 THE DEPUTY: The judge is still on the bench giving
20 direction. Please keep that in mind.

21 THE COURT: Thank you.

22 And so they will need to, you know, they can either
23 eat or they can take it with them or whatever. Okay. All
24 right.

25 THE CLERK: If they eat, they'll have to all stop.

1 THE COURT: Yeah. Tell them, once you close that
2 door, they can begin deliberation.

3 (Pause in proceedings. Jury deliberations began at
4 12:22 p.m.)

5 THE COURT: She's going to come out in a second. I
6 want the courtroom quiet. Otherwise, you're free to move
7 around. Just we need to keep quiet. And then what I'm
8 going to do is step off the bench for a minute. And so if
9 people need to be excused or whatever.

10 MR. REDMOND: And, Judge, I'll just be right across
11 the street. I've actually got a matter -- different
12 matter this afternoon. He's actually across the street.
13 So if something comes up, usually (indiscernible).

14 THE COURT: When she comes out, I do want to say one
15 thing.

16 (Pause in the proceedings.)

17 THE COURT: All right. So I've given the clerk and
18 the bailiff instructions, once she took the evidence back
19 there, that they could begin deliberations. All right.
20 So we're going to stand at ease. I know the solicitor's
21 office has some additional matters that they want to bring
22 up. I'm going to step off the bench for a minute.

23 Let me say this for everybody's benefit: I
24 experienced a trial recently where a number of people who
25 had strong interest in the trial left the courthouse and

1 went other places. And when the jury came back, they were
2 not here, and they wanted to be present in the courtroom.
3 And because the case was of such a sensitive nature, the
4 Court did wait. However, I'm just giving everybody fair
5 warning: If you leave -- and we were going to go ahead
6 and bring this jury out and not have this jury wait for
7 people to come back. I don't mean -- I'm not being cold.
8 I just do not want this jury to have to wait because
9 somebody chose to go home and eat lunch and they want to
10 be here. Okay? But everybody's certainly free to move
11 about, and we're going to stand at ease.

12 MR. REDMOND: Thank you, Your Honor.

13 MS. LITTLE: Thank you.

14 (Pause in the proceedings during jury deliberations
15 at 12:25 p.m.)

16 (The trial resumed at 2:24 p.m.)

17 THE COURT: The bailiff has indicated that the jury
18 has a verdict. I'm going to bring them out here in a
19 moment.

20 Once again, I'm going to remind everybody they're
21 going to need to maintain themselves. If they feel like
22 they're not going to be able to control their emotions,
23 they should step out of the courtroom now. It's very
24 important that we get through this process without any
25 kind of distraction or disturbances. I say that

1 understanding there's a lot of emotion. I'm sympathetic
2 to all parties. It's a very sad situation, but we have --
3 we owe it to this jury. They've served this week. We
4 need to hear from them.

5 At the conclusion of their service here, they're
6 going to be excused from the courtroom. I'll allow -- I'm
7 going to ask that they be allowed to leave without any
8 kind of contact unless, of course, they volunteer. If
9 some decide to stay in the audience, that is their
10 prerogative. But respect, you know, their role and what
11 they have done this week.

12 All right. With that said, Madam Bailiff, if you
13 would bring the jury out, please.

14 (The jury entered the courtroom at 2:30 p.m.)

15 THE COURT: All right. Court will come to order.

16 We have our jury back in the courtroom. And,
17 Mr. Foreman, I understand that you've reached a verdict.
18 Is that correct, sir?

19 THE FOREMAN: Yes, sir.

20 THE COURT: All right. Madam Clerk?

21 Madam Clerk, if you'd publish the verdict.

22 VERDICT

23 THE CLERK: The State of South Carolina, the County
24 Chesterfield versus Raekwon Ellerbe, on the murder, the
25 jury finds the defendant guilty of the offense of murder.

1 THE COURT: Order!

2 THE CLERK: On the State of South Carolina, County
3 of Chesterfield versus Raekwon Ellerbe, the jury finds the
4 defendant guilty on the offense of possession of a weapon
5 during the commission of a violent crime.

6 On the State of South Carolina, County of
7 Chesterfield versus Raekwon Ellerbe, the defendant is
8 guilty of the offense of discharging a firearm into a
9 dwelling.

10 In the State of South Carolina, County of
11 Chesterfield versus Raekwon Ellerbe, the jury finds the
12 defendant guilty of the offense of discharging a firearm
13 into a dwelling.

14 The State of South Carolina, County of Chesterfield
15 versus Raekwon Ellerbe, the defendant is guilty of the
16 offense of assault and battery of a high and aggravated
17 nature.

18 THE COURT: If I can have the jury please stand.
19 You remain under oath.

20 Madam Clerk?

21 THE CLERK: Is this your verdict?

22 JURY MEMBERS: Yes.

23 THE CLERK: So say you all.

24 JURY MEMBERS: Yes.

25 THE CLERK: As I call your name --

1 THE COURT: As she calls your name, if that's your
2 verdict, then you can be seated.

3 THE CLERK: Okay. Bernard Joyner, is this your
4 verdict?

5 JUROR NO. 71: Yes.

6 THE COURT: You may be seated.

7 THE CLERK: Jessie Altman, is this your verdict?

8 JUROR NO. 8: Yes.

9 THE CLERK: Leslie Byrd, is this your verdict?

10 JUROR NO. 13: Yes.

11 THE CLERK: John W. Chavis, Jr., is this your
12 verdict?

13 JUROR NO. 17: Yes.

14 THE CLERK: Thomas R. Copeland, Jr., is this your
15 verdict?

16 JUROR NO. 23: Yes, ma'am.

17 THE CLERK: Patrick B. Harvell, is this your
18 verdict?

19 JUROR NO. 55: Yes.

20 THE CLERK: Wade A. Huggins, is this your verdict?

21 JUROR NO. 61: Yes.

22 THE CLERK: John Laughter, is this your verdict?

23 JUROR NO. 76: Yes, ma'am.

24 THE CLERK: Amanda Parker, is this your verdict?

25 JUROR NO. 109: Yes, ma'am.

1 THE CLERK: Caleb Pate, is this your verdict?

2 JUROR NO. 110: Yes, ma'am.

3 THE CLERK: Brent Wilkerson, is this your verdict?

4 JUROR NO. 141: Yes.

5 THE CLERK: And Charles B. Wilson, is this your
6 verdict?

7 JUROR NO. 143: Yes, ma'am.

8 THE CLERK: So say you all.

9 THE COURT: Thank you. Thank you, Madam Clerk.

10 Okay. Ladies and gentlemen of the jury, I -- you've
11 performed your civic duty this week. You've not just
12 served this Court, but you've served your county and your
13 state. I hope you appreciate your contributions, despite
14 the obvious inconveniences to you this week.

15 This is the highest trial court in our state.
16 Perhaps you never serve again, but understand you served
17 this week with distinction. I hope you understand how
18 important each of you are to our judicial process.

19 Our country has experienced a lack of faith in
20 certain institutions that we once held in high regard.
21 This has been my privilege to see our fellow citizens
22 embrace your role here this week.

23 Before I discharge you, please know that the lawyers
24 in this case, they acted like lawyers in South Carolina.
25 This is how lawyers work. They've been officers of the

1 Court, they've been respectful of your time, they've
2 represented their clients zealously, and they served with
3 honor and they served with distinction this week, and I
4 appreciate them.

5 I also want to thank our clerk staff. We've been
6 shorthanded and worked very hard this week to accommodate
7 your needs, make your time here as comfortable and as
8 pleasant as possible.

9 Our bailiffs have worked very hard to get here
10 early, they leave late, and they're in charge of you while
11 you're here.

12 Our court reporter, who wasn't feeling well the
13 other day, ushered through and got through a day of court
14 when she wasn't feeling her best, but they did that to see
15 that this case to its end.

16 And I appreciate our security, our sheriff's office
17 for their services as well.

18 I didn't introduce my law clerk the other day, but
19 this is Bobby Oldfield. Bobby has been with me for about
20 a month. He's worked very hard. This was his first
21 trial. And I thank him for his service.

22 I believe that there's some work excuses that will
23 be provided through the clerk's office as you exit the
24 courtroom.

25 One last thing: You are welcome to stay, if you

1 want to, for sentencing. If you do, you'll need to filter
2 out and sit in the court -- in the gallery. If you want
3 to leave, that's your choice too. If anybody wishes to
4 talk to you, that will be your choice whether you talk to
5 them or not about your experiences here this week. If
6 anybody harasses you or threatens you in the service of
7 your state, you let the clerk's office know and the Court
8 will deal with that. Because I want you to know that you
9 did your civic duty and that you are free to go about your
10 business. But sometimes people do want to know about your
11 experiences to help them in the future as far as how to
12 present a case. And if you wish to talk to anybody, that
13 is your choice.

14 With that said, Counsel, anything? Comments?

15 MR. REDMOND: Nothing from the State, Your Honor.

16 MS. LITTLE: No, sir.

17 THE COURT: Okay. If there's nothing further, then,
18 ladies and gentlemen of the jury, I believe you have all
19 of your articles with you, and you are free to be excused
20 at this time. They're going to take you across the
21 courtroom.

22 Thank you, Mr. Foreman, for serving this week, sir.
23 Good luck, y'all. Thank you. Thank you for your service.

24 Mr. Redmond, she's going to hand you the sentencing
25 sheets.

1 Would y'all like to approach real quick? Let me ask
2 you a question.

3 BENCH CONFERENCE

4 (A bench conference was held off the record and
5 outside the hearing of the jury and others.)

6 THE COURT: Okay. Court will come to order. I'm
7 going to take a five-minute recess. I think there are a
8 couple of conversations that need to be had.

9 Now, if you decide you want to exit the courtroom,
10 please understand that I'm going to -- I will -- once we
11 start back, I'm going to ask that we not allow anybody
12 back into the courtroom. If that's your choice, you want
13 to leave, and doors aren't available to you when I start
14 court, I regret that, but I need some order and we don't
15 need a lot of traffic coming and going. So I'll be back
16 in five minutes. Okay?

17 MR. REDMOND: Thank you, Your Honor.

18 (A recess was taken from 2:43 p.m. to 2:57 p.m.)

19 THE COURT: All right. Court will come to order.
20 Back on the record in State versus Raekwon Ellerbe.

21 The Court -- the jury has rendered a verdict and --
22 of guilty on all counts. They did not address the issue
23 of voluntary manslaughter, since that was a lesser
24 included of murder.

25 At this time, we will proceed to sentencing. And if

1 y'all would come forward.

2 Ms. Little, do you need a moment?

3 MS. LITTLE: I'm sorry, Your Honor. I was just
4 checking one -- and it has no (indiscernible) credited.

5 THE COURT: Take your time.

6 MS. LITTLE: He's asking me if I need some help. I
7 finally have it, Your Honor.

8 I do have a motion. I guess I can make it after --
9 I'll make it after sentencing.

10 THE COURT: Yeah, we'll --

11 MS. LITTLE: Thank you.

12 THE COURT: We'll address that after sentencing.

13 Okay. All right. Mr. Redmond?

14 MR. REDMOND: May it please the Court, Your Honor?
15 First, before I start, let me thank a few folks. First of
16 all, Madam Clerk, Deputy Clerk this week, she has, I mean,
17 stepped in and done yeoman's work under the circumstances,
18 and I would be remiss if we didn't appreciate what she has
19 done and what she's had to go through this week. And so
20 we really appreciate your efforts.

21 And to my folks, of course, Ms. Thurman (ph), my
22 right, left hand, and life saver. Of course we had
23 Savannah and JT that would help us during the course of
24 the trial as well. Savannah Pearson and JT Baxley, and of
25 course, Angie Thurman, my right and left hand.

1 And law enforcement, Cheraw PD has been great to
2 work with. Of course, the sheriff's office with security
3 this week. And of course, the bailiffs have always been a
4 pleasure to work with. And not going to forget Ms. Elise
5 over there, our court reporter. And of course, Your
6 Honor, you and your staff as well.

7 This -- because of the subject matter in this case,
8 the fact that the folks around you are so easy to work
9 with makes it easy on us, frankly. And last but not
10 least, the victim's family and friends, they have been a
11 pleasure to work with. They have been dignified, and
12 they've conducted themselves honestly in a way that I
13 would hope that I could under difficult circumstances.

14 So, with that, I just want to express those things
15 to start off with. And if I forgot somebody, please
16 forgive me. Obviously, there's a lot of emotion kind of
17 draining right now.

18 As it relates to the issue of sentencing, Your
19 Honor. And of course, I know Ms. McBride (ph), aunt of
20 Quanecia Brown, will want to speak. I do also have with
21 me Ms. Samesha Brown. She is the mother of Quanecia Brown
22 and actually now the grandmother of C.J. and is now taking
23 care of C.J.

24 But, of course, I understand the circumstances that
25 led to this. Christopher Green -- we've heard that

1 ad nauseam -- it started with him. We don't deny that.
2 However, the actions of this defendant, after what he
3 observed, as I told the jury, he had no right to just
4 shoot into an occupied dwelling with no regard.

5 And I'll say this as one -- and this was during a
6 time where, in Chesterfield County, we had seen quite a
7 spike in that type of activity, even just shooting into
8 houses with reckless abandon. And part of a sentence --
9 and, Your Honor, I believe, and I could be wrong, is to
10 also, you know, to punish for the actions of this
11 defendant, but it also serves to send a message because
12 this is -- I think this is the first case that I've had
13 that, since that activity spiked up here in Chesterfield
14 County, that we've had to deal with. We have a few more
15 cases where people were tragically killed in their own
16 residence, some playing games, things of that nature. So
17 it is a blight on this county, and as a result, we would
18 ask for a sentence that would reflect that.

19 The other thing is, I would say is that the
20 defendant -- in my opinion, the defendant has -- the jury
21 did not believe, I'll just put it that way to be
22 diplomatic, the jury did not believe him in his attempts
23 to claim self-defense. That was obviously rejected.
24 Also, in my mind, that goes to show a lack of remorse.
25 And I think I even alluded to it, the fact that, you know,

1 it didn't seem -- he didn't seem overly moved, at least
2 here at trial, about the fact that, you know, he had taken
3 the lives of Quanecia Brown and, of course, C.J. --
4 injured C.J.

5 I think that, of course, when it comes to
6 sentencing, that is in the sound discretion of the Court.
7 I will leave the comments as it relates to both the
8 emotional aspects to the family, but I would ask for a
9 sentence -- 30 years is the minimum on this charge. I
10 think it deserves more than that for this reason -- and as
11 I told the jury -- C.J.'s not going to ever know his
12 mother. And I remember -- and I actually was able to
13 contain myself before, but as I was thinking about this
14 case and thinking about my closing argument, it was hard
15 not to get emotional thinking about the fact that that
16 little boy is going to have no memory of his mother. And
17 what if that were me and I could not remember Mama. I
18 mean, it literally tore me to pieces, that thought.

19 And he didn't care. He knew there were kids in that
20 residence. That's his cousin. But in that moment,
21 regardless of what he had witnessed and what it did to
22 him, to take a gun -- for his reaction to be to take a gun
23 and just to shoot into a dwelling like that, there's no
24 excuse for it, Your Honor, and we would ask that obviously
25 the sentence reflect that.

1 I do not think that he should receive the minimum
2 30-year sentence on this. Honestly, the State wouldn't be
3 -- our feelings wouldn't be hurt if the Court decided that
4 it was warranted a life sentence, because Quanecia Brown
5 was 22 years old, newborn taken away or six-month-old
6 taken away.

7 So my feelings wouldn't be hurt if the Court did
8 impose a life sentence on him. But having known the Court
9 as I do, I know the Court is going to do what the Court
10 feels is fair under the circumstances. And, quite
11 frankly, the State would not qualm with that because
12 knowing how this Court operates.

13 And so with that, I'll yield to any comments that
14 Ms. Sameka Bright would have to add.

15 But one more thing, if I may just mention, and I did
16 forget to mention somebody and that's Ms. Tonya Copeland
17 Little. We've known each other for a long time. We've
18 gone up against each other in several trials, and I've
19 usually -- I think I've said the same thing each time.
20 She is a pleasure to work with. She is a bulldog, and I
21 don't mean that in a negative way. I mean that in the
22 sense that she is tenacious in representing her client.
23 She's not supposed to roll over for the State. She's
24 supposed to defend her client with everything she's got.
25 And she does that. I mean, like I said, she's

1 communicated with me at 5:00 in the morning working on
2 this case. So she has done everything she could and in
3 doing so, accorded herself in a way that is respectful to
4 the State, while, at the same time, doing everything she
5 could for her client.

6 So I would be remiss if I did not mention that, and
7 I do appreciate the professionalism she's always extended
8 to our office.

9 THE COURT: Thank you, sir.

10 Victim, is it Ms. Bright?

11 MR. REDMOND: Semeka Bright, yes, sir.

12 THE COURT: And that's B-r-i-g-h-t?

13 MS. BRIGHT: Yes, sir.

14 THE COURT: Would you spell your first name.

15 MS. BRIGHT: S-a-m-e-k-a.

16 THE COURT: All right, Ms. Bright. What would you
17 like to tell the Court?

18 MS. BRIGHT: Again, I just wanted to thank everybody
19 for being here today. This has been a long journey for
20 us. That night, not only did he destroy our life, but it
21 was four lives that has been torn up from that night. And
22 he may say that he didn't intend to kill her, but he shot
23 in, not knowing where they were, but knowing they was in
24 the house.

25 C.J., he has grown into a little (indiscernible).

1 He's going to be okay. But like he said, he would never
2 get to know her.

3 Quanecia, she was just the life of the party. The
4 whole family loved her. And she was so ready for the baby
5 that she got. And to only have six months with him. I
6 mean, she was with him every day in that house. Six
7 months with him. It's just a nightmare for us.

8 But I just ask that you give him more than the
9 minimum, the 30 years, because he's been locked up since
10 then. His family still get to talk to him or still got to
11 talk to him, still got to see him, and even after they
12 still will talk to him and see him. We will never get
13 that chance again.

14 So I just ask that you consider everything that's
15 been said and presented and give him, I would say, the
16 max, and I'm sure the family would say to max too. So I
17 just want to say thank you again.

18 THE COURT: Thank you, Ms. Bright. Anybody else?

19 MR. REDMOND: No. I think Ms. Shamesha Brown, her
20 mother, is here, but she allowed Ms. Bright to speak on
21 the family's behalf.

22 And thank the two of y'all. You're the two that
23 I've interacted with the most. And thank y'all.

24 THE COURT: And just note for the record, they're
25 always been a number of people who have sat in the

1 audience who've been referenced as the family members, and
2 I appreciate their presence here today. And I also thank
3 them for their dignity in the courtroom throughout this
4 process.

5 All right. With that, Ms. Little?

6 MS. LITTLE: Thank you, Your Honor. May it please
7 the Court?

8 Your Honor, Raekwon is 25 years old. He is from
9 Cheraw, graduate of Cheraw High School in 2017. In high
10 school, he played football and basketball.

11 Judge, after he graduated high school, he did work
12 at Pilgrim Pride for some time. And at the time this
13 happened, he had -- he was in the process or had completed
14 orientation to get a job at Ina (ph).

15 Judge, he is a father. He has young children. He's
16 got good family support here today. His family's been in
17 contact with me a lot, and some of his sisters weren't
18 able to be here, but they've been calling me, texting me
19 every day wanting to know how everything's going and
20 sending their love and support for Raekwon.

21 Judge, he's shown a great deal of remorse to me and
22 sadness at the loss of Ms. Brown, whom he considered a
23 cousin. He's actually -- I think she's actually related
24 to his half-brother.

25 Your Honor, I think -- I know you were here and you

1 heard all the facts and you heard the evidence. And in
2 this particular case, Judge, there was no question to me
3 that my client never intended to hurt or kill either
4 victim. There was no premeditation. And, in my opinion,
5 there was no compelling evidence of malice aforethought.

6 Judge, prior to our decision -- his decision to take
7 this case to trial, the State had made an offer of 30
8 years on the charge of murder. Your Honor, at the time,
9 we talked about that quite a bit, and it was my opinion
10 that there was a good chance that he -- the facts in this
11 case, that he would actually be found guilty of voluntary
12 manslaughter as opposed to malice murder. And so I'm
13 asking that, in this case, you not penalize him for
14 exercising his right -- his constitutional right to a
15 trial based on the particular circumstances. In this
16 case, the judge -- the jury certainly could have found no
17 malice, and they could have found manslaughter, which
18 would have been, you know, a lot lighter of a sentence --
19 more than likely would have been a lighter sentence.

20 Your Honor, I'm going to ask you to sentence him to
21 the minimum of 30 years and give him credit for 1,098 days
22 and that you run all of his sentences concurrently.

23 Thank you.

24 THE COURT: Ms. Little, would it be too much to ask
25 you for any post-trial motions that you'd like to put on

1 the record at this time before I sentence?

2 MS. LITTLE: I can go ahead. I just have one
3 motion.

4 THE COURT: I'll be happy to hear from you.

5 MS. LITTLE: I'd love to make it right now, Your
6 Honor. Thank you.

7 THE COURT: Tell me the number of days again.

8 MS. LITTLE: 1,098.

9 THE COURT: Yes, ma'am.

10 MS. LITTLE: Thank you, Your Honor.

11 THE COURT: And I'll be happy to hear --

12 MOTION/MATTERS OF LAW

13 MS. LITTLE: At this time, Defense moves for a new
14 trial based on insufficient competent evidence tending to
15 prove Defendant's guilt. In particular on the charge of
16 murder, there's no competent proof of malice aforethought.

17 THE COURT: Mr. Redmond, do you care to respond?

18 MR. REDMOND: I would just indicate that the jury's
19 verdict speaks to the fact that the State obviously did
20 have competent evidence. There was enough evidence to
21 carry it to the jury. The jury found in the way that they
22 did on all charges. So I respectfully request that the
23 motion be denied.

24 While I'm speaking, one person I forgot to
25 mention -- and if I don't, I will get killed, so I

1 apologize -- and that's Ms. Lavisha Chapman. My back was
2 to her, and I didn't realize she was there. But she's
3 been helping us with the victims all week, and she would
4 kill me if I did not mention how great and helpful she has
5 been with the family. So thank you. I'm sorry. And I'm
6 shutting it down now.

7 THE COURT: Okay. All right. Nothing further?

8 With regard to Ms. Little's motion, I would
9 respectfully deny her motion. I believe that there was
10 competent evidence put before the jury. There was
11 sufficient evidence for it go to the jury. They
12 considered the evidence, and then they spoke. So I would
13 respectfully find and conclude that there was such
14 evidence and respectfully deny the motion.

15 SENTENCING

16 THE COURT: Okay. With regard to sentencing,
17 Mr. Ellerbe, you're about 25 years old?

18 THE DEFENDANT: Yes, sir.

19 THE COURT: And you seem like a young man that I
20 would have maybe known growing up. And I don't know if
21 you had a daddy in your life, but this child that was
22 affected by all this has lost his mother. Now,
23 presumably, the gentleman that started all of this will
24 have his day in court, but if that is that child's father,
25 then that child has got very difficult circumstances.

1 The problem we are facing in our communities,
2 especially in our rural communities, is these young men
3 that have guns. And when Mr. Redmond and I were growing
4 up, usually those matters were settled in a fist fight.
5 Now it's, you know, a gun.

6 Now, I do have -- I'm not ignoring what happened,
7 but I do have great sympathy for what you had to struggle
8 with that night. You did not cause any problems. You
9 looked like you were away from all of this. And then you
10 witnessed your friend murdered, which is why I charged the
11 jury with voluntary manslaughter because you were clearly
12 overcome with grief and emotion at the time. It doesn't
13 excuse your behavior afterwards because the young lady
14 lost her life.

15 This gentleman who lived at this residence did a
16 horrible thing. I wish you had run away. You owe it to
17 yourself, because your actions after that took a life and
18 nearly took a life of a baby. It's clear from the video
19 it's not what you intended but the law doesn't look at it
20 that way. When you fire indiscriminately like that and
21 kill somebody, the jury can consider murder, and that's
22 what they concluded happened.

23 In watching that video, I can tell, when you found
24 that out, that was the first time you had any idea that
25 anybody had been harmed. I know that's been a heavy

1 burden for you.

2 And I hate to see when young men throwing their
3 lives away, but that's what I see every week, young men
4 with guns. And they often say I keep it for protection.
5 When they get in trouble, it's always they use it as an
6 offensive weapon. You owed yourself a lot more than this,
7 sir.

8 With regard to the murder conviction, the minimum
9 sentence is 30 years. This is not a life sentence. You
10 didn't mean to kill her. So I'm going to sentence you to
11 33 years for murder.

12 With regard to assault and battery of a high and
13 aggravated nature, I'm going to sentence you to 20 years
14 in the Department of Corrections.

15 All of these, Ms. Little, will be run concurrent and
16 he'll receive credit for the 1,098 days.

17 MS. LITTLE: Thank you.

18 THE COURT: On the discharging a firearm into a
19 dwelling, two counts, each carries up to ten years. I
20 sentence him to ten years.

21 With regard to possession of a weapon during the
22 commission of a violent crime, the maximum sentence is
23 five years. I sentence him to five years.

24 Mr. Ellerbe, I do all that reluctantly because I
25 think this is a very, very sad case. I don't think

1 anybody in this courtroom has witnessed this. You did
2 wrong, but there's a lot of tragedy all around it.
3 Unfortunately, this isn't the last chapter in this story,
4 but it does resolve matters involving you.

5 I respect and I thank you for how you've handled
6 yourself in the courtroom. It's a heavy burden. And
7 you've worked with your lawyer, and she's worked very hard
8 and she's made a lot of very impassioned pleas, both
9 before the Court on the record and in chambers, advocating
10 on any number of issues and has conducted herself in an
11 exemplary way.

12 Okay. That is the sentence of the Court.

13 Mr. Redmond, did I fail to address anything?

14 MR. REDMOND: No, Your Honor. Thank you.

15 THE COURT: Ms. Little, did I fail to address
16 anything?

17 MS. LITTLE: No, sir.

18 THE COURT: All right. With that said, I'm going to
19 return the sentencing forms. I will return the sentencing
20 forms to the clerk. That would be the order of the Court.

21 MR. REDMOND: Thank you, Your Honor.

22 THE COURT: Good luck, Mr. Ellerbe.

23 MS. LITTLE: Thank you, Your Honor.

24 THE COURT: Ms. Bright, good luck to you and your
25 family.

1 MS. BRIGHT: Thank you.

2 (The trial concluded at 3:23 p.m.)

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1 CERTIFICATE OF TRANSCRIBER

2 CASE NAME/NUMBER: State v. Raekwon Ellerbe

3 2020-GS-13-00959, et al

4 DATE OF HEARING: Sept 18-21, 2023

5 COURT REPORTER/MONITOR: DCRP

6 *****

7 I, Bobbi Fisher, do hereby certify that the
8 foregoing transcript is a true and correct record of the
9 recorded proceedings; that said proceedings were
10 transcribed to the best of my ability from the audio
11 recording and supporting information, and that I am
12 neither counsel for, related to, nor employed by any of
13 the parties to this case, and I have no interest,
14 financial or otherwise, in its outcome.

15
16 17 /s/ Bobbi Fisher

18 Bobbi Fisher, RPR and Certified Transcriber

19 Date Submitted: 4/5/2024

20
21 NOTE: PURSUANT TO RULE 607(h)(1)(B), SCACR, "A COURT
22 REPORTER SHALL RECEIVE THE FEE OF \$1.00 PER PAGE FOR
23 FURNISHING A COPY OF A PREVIOUSLY PREPARED TRANSCRIPT."
24 ALL REQUESTS FOR COPIES OF THE ATTACHED TRANSCRIPT (FORM
25 800) FROM OPPOSING PARTY OR NON-PARTIES MUST BE SENT TO
THIS REPORTER AT BFISHER@SCCOURTS.ORG.

WITNESSES

Det Brad Redfearn

Cheraw Police Department

Law Enforcement Case #: 20-1082

583

Det. Brad Redfearn

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2020A1320100065

ARRESTED ON: 2020-07-13

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

07-27-20

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2020-GS-13-0959

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:

September 2020

THE STATE

vs.

Raekwon Malik Ellerbe

INDICTMENT FOR

Murder

§16-03-0010

CDR Code: 0116

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Murder

§16-03-0010

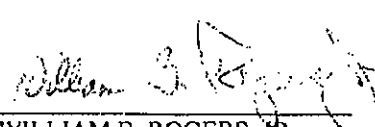
At a Court of General Sessions, convened on September 17, 2020, the Grand Jurors of Chesterfield County present upon their oath:

MURDER

CDR: 0116 16-03-0010

That Raekwon Malik Ellerbe did in Chesterfield County, on or about July 12, 2020, willfully, feloniously, and intentionally kill the victim, Quanecia S. Brown, with malice aforethought, either express or implied, by means of shooting in the chest, and the victim did die as a proximate result thereof on or about July 12, 2020 in Chesterfield County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Det Brad Redfearn

Cheraw Police Dept

Law Enforcement Case #: 20-1082

583

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER

2020A1320100066

ARRESTED ON: 2020-07-13

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

9-17-20

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2020-GS-13-0960

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:

September 2020

THE STATE

vs.

Raekwon Malik Ellerbe

INDICTMENT FOR

Poss. weapon during violent crime, if not also sentenced to life without parole or death

§16-23-0490

CDR Code: 0549

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Poss. weapon during violent crime, if not also
sentenced to life without parole or death

§16-23-0490

At a Court of General Sessions, convened on September 17, 2020, the Grand Jurors of Chesterfield County present upon their oath:

POSSESSION OF A WEAPON DURING THE COMMISSION
OF A VIOLENT CRIME

CDR: 0549 16-23-0490

That Raekwon Malik Ellerbe did in Chesterfield County, on or about July 12, 2020, possess a firearm, or visibly display what appeared to be a firearm, or visibly displayed a knife, during the commission or attempted commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



WILLIAM B. ROGERS, JR.
SOLICITOR

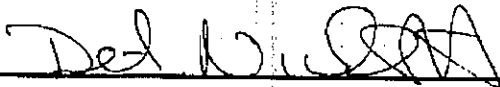
WITNESSES

Det Brad Redfearn

Cheraw Police Dept

Law Enforcement Case #: 20-1082

583



WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

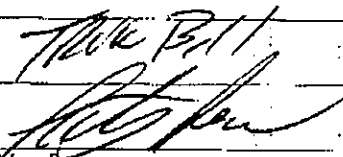
I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2020A1320100067

ARRESTED ON: 2020-07-13

ACTION OF GRAND JURY



Grand Jury Foreperson

Date

9 17 20

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:
2020-GS-13-0961

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:
September 2020

THE STATE

vs.

Raekwon Malik Ellerbe

INDICTMENT FOR

Attempted Murder

§16-03-0029

CDR Code: 3410

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Attempted Murder

§16-03-0029

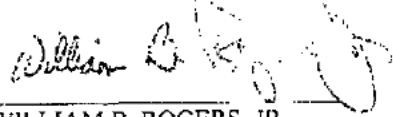
At a Court of General Sessions, convened on September 17, 2020, the Grand Jurors of Chesterfield County present upon their oath:

ATTEMPTED MURDER

CDR: 3410 16-3-29

That Raekwon Malik Ellerbe did in Chesterfield County, on or about July 12, 2020, with specific intent to kill, attempt to kill a six-month old, **C.J.** with malice aforethought, either expressed or implied, in violation of Section 16-3-29 of S.C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Det Brad Redfearn

Cheraw Police Dept

Law Enforcement Case #: 20-1082

583

Det Brad Redfearn

WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

Defendant

ARREST WARRANT NUMBER
2020A1320100070

ARRESTED ON: 2020-07-13

ACTION OF GRAND JURY

Grand Jury Foreperson

Date

9-17-20

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2020-GS-13-0964

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:

September 2020

THE STATE

vs.

Raekwon Malik Ellerbe

INDICTMENT FOR

Discharging Firearms Into A Dwelling

§16-23-0440(A)

CDR Code: 0052

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Discharging Firearms Into A Dwelling

§16-23-0440(A)

At a Court of General Sessions, convened on September 17, 2020, the Grand Jurors of Chesterfield County present upon their oath:

DISCHARGING FIREARMS INTO DWELLING

CDR: 0052 16-23-0440(A)

That Rackwon Malik Ellerbe did in Chesterfield County on or about July 12, 2020, discharge or cause to be discharged unlawfully, a firearm at or into a dwelling house or other building or enclosure regularly occupied by persons, **B** Dizzy Gillespie Drive, in the Cheraw area, in violation of Section 16-23-0440(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


WILLIAM B. ROGERS, JR.
SOLICITOR

WITNESSES

Det Brad Redfearn

Cheraw Police Dept

Law Enforcement Case #: 20-1082

583



WAIVER OF PRESENTMENT

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to:

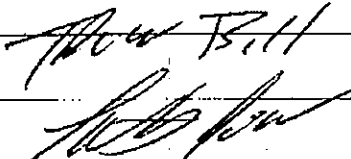
Defendant

ARREST WARRANT NUMBER

2020A1320100071

ARRESTED ON: 2020-07-13

ACTION OF GRAND JURY



Grand Jury Foreperson

Date

9-17-20

VERDICT

Petit Jury Foreperson

Date

DOCKET NUMBER:

2020-GS-13-0965

The State of South Carolina

County of Chesterfield

COURT OF GENERAL SESSIONS

Term:

September 2020

THE STATE

vs.

Raekwon Malik Ellerbe

INDICTMENT FOR

Discharging Firearms Into Dwelling

§16-23-0440(A)

CDR Code: 0052

William B. Rogers, Jr., Solicitor

STATE OF SOUTH CAROLINA)

INDICTMENT FOR

COUNTY OF CHESTERFIELD)

Discharging Firearms Into Dwelling

§16-23-0440(A)

At a Court of General Sessions, convened on September 17, 2020, the Grand Jurors of Chesterfield County present upon their oath:

DISCHARGING FIREARMS INTO DWELLING

CDR: 0052 16-23-0440(A)

That Rackwon Malik Ellerbe did in Chesterfield County on or about July 12, 2020, discharge or cause to be discharged unlawfully, firearms at or into a dwelling house or other building or enclosure regularly occupied by persons, **A** Dizzy Gillespie Drive, in the Cheraw area, in violation of Section 16-23-0440(A), S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


WILLIAM B. ROGERS, JR.
SOLICITOR

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chesterfield

STATE

INDICTMENT/CASE#: 2020-GS-13-0959

VS.

2023 SEP 21 P 4:04

Raekwon Malik Ellerbe

A/W#: 2020A1320100065Date of Offense: 7/12/2020S.C. Code §: 16-03-0010; 16-03-0020CDR Code #: 0116

AKA:

Race: BlackSex: MAge: 30DOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Cheraw, SC 29520DL#: [REDACTED]SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Murderin violation of § 16-3-20 of the S.C. Code of Laws, bearing CDR Code # 0116
☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 66583
 Redmond, Kernard E SC Bar #

Defendant

[Signature] 74928
 SC Bar#

 WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

 or a determinate term of 33 days/months/years Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE VS. Raekwon Malik Ellerbe INDICTMENT/CASE#: 2020-GS-13-0959

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

10/23 SEP 21 P 4:04
 Christy E. Gaddy
 CLERK OF COURT
 CHESTERFIELD COUNTY, S.C.

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court Deputy Clerk:

Court Reporter:

Melmaagall
DCRP (Elise Pecuzzi)

Presiding Judge:

Judge Code:

Sentence Date:

Michael St. John
 2992
 9.20.23

0-20

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chesterfield

STATE

VS.

INDICTMENT/CASE#: 2020-GS-13-0961

Raekwon Malik Ellerbe

2023 SEP 21

P 4: 04

A/W#: 2020A1320100067

AKA:

Christy E. Gaddy Date of Offense: 7/12/2020Race: BlackSex: M

Age:

CLERK OF COURT

DOB:

SS#:

CHESTERFIELD COUNTY

C. Code §:

16-03-0029

Address:

C. Code #:

3410City, State, Zip: Cheraw, SC 29520

DL#:

SID#:

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS

TO:

ABHANIn violation of § 16-3-29 of the S.C. Code of Laws, bearing CDR Code # 3411
☐ NON-VIOLENT ☒ VIOLENT ☒ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

 The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Redmond, Kernard E 66583 SC Bar # Defendant

74928 SC Bar#
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 20 days/months/years Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOD.4098 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE VS. Raekwon Malik Eilerbe INDICTMENT/CASE#: 2020-GS-13-0961

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

*Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)	\$	
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
5% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/ Deputy Clerk: Melissa Hall
Court Reporter: DERP Celise PeruzziPresiding Judge: Michael Stolt
Judge Code: 2772
Sentence Date: 9.21.23

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chesterfield

STATE

VS.

2023 SEP 21 P 4:04

INDICTMENT/CASE# 2020-GS-13-0960

Raekwon Malik Ellerbe

Christy E. Gaddy

A/W#: 2020A1320100066

AKA:

CLERK OF COURT

Date of Offense: 7/12/2020Race: BlackSex: MAge: 25

CHESTERFIELD COUNTY, SC

S.C. Code §: 16-23-0490DOB: [REDACTED]SS#: [REDACTED]CDR Code #: 0549Address: [REDACTED]City, State, Zip: Cheraw, SC 29520DL#: [REDACTED]SID#: [REDACTED]

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Pass. Weapon during Commission of a Violent CrimeIn violation of § 16-23-490 of the S.C. Code of Laws, bearing CDR Code # 0549☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45

(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 66583
Redmond, Kernal E

SC Bar #

Defendant

[Signature] 74928
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years

and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment

of \$; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.1098 day/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE VS. Raekwon Malik Ellerbe INDICTMENT/CASE#: 2020-GS-13-0960

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

§14-1-206 (Assessments 107.5 %)		\$
§14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
§14-1-211(A)(2) (DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114(BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: Melina HallCourt Reporter: DCRP (Elisa Poruzzi)Presiding Judge: M. S. HoltJudge Code: 2772Sentence Date: 9-21-23

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chesterfield

STATE

VS.

INDICTMENT/CASE#: 2020-GS-13-0964

Raekwon Malik Ellerbe

2023 SEP 21 P 4:05

A/W#: 2020A1320100070

AKA:

Christy H. Gaddy

Date of Offense: 7/12/2020

Race:

Black

Sex:

M

Age:

25

DOB:

SS#:

CHESTERFIELD COUNTY

S.C. Code §:

16-23-0440(A)

C.D.R. Code #:

0052

Address:

City, State, Zip: Cheraw, SC 29520

DL#:

SID#:

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Discharging Firearm into DwellingIn violation of § 16-23-440(A) of the S.C. Code of Laws, bearing CDR Code # 0052
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Redmond, Kernard E 66583 SC Bar # Defendant

JA Little 74928 SC Bar#
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 10 days/months/years Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOP.1.048 day/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE VS. Raekwon Malik Ellerbe INDICTMENT/CASE#: 2020-GS-13-0964

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

2023 SEP 21 P 4:05
 Christy F. Gaddy
 CLERK OF COURT
 CHESTERFIELD COUNTY, S.C.

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

 Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____

14-1-206 (Assessments 107.5 %)		\$
14-1-211(A)(1) (Conv. Surcharge)	\$100	\$ 100.00
14-1-211(A)(2) (DUI Surcharge)	\$100	\$
56-5-2995 (DUI Assessment)	\$12	\$
56-1-286 (DUI Breath Test)	\$25	\$
14-1-212 (Law Enforce. Funding)	\$25	\$ 25.00
14-1-213 (Drug Court Surcharge)	\$150	\$
34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
50-21-114(BUI Breath Test Fee)	\$50	\$
56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

 Clerk of Court/Deputy Clerk: Melissa Hall
 Court Reporter: DEBRA ELISE PERUZZI

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

0-10

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Chesterfield

STATE

VS.

INDICTMENT/CASE#: 2020-GS-13-0965Raekwon Malik EllerbeAW#: 2020A1320100071Date of Offense: 7/12/2020S.C. Code §: 16-23-0440(A)CDR Code #: 0052

AKA:

Race: BlackSex: M

Age:

DOB: [REDACTED]SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Cheraw, SC 29520

DL#:

SID#:

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADSTO: Discharging Firearm into DwellingIn violation of § 16-23-440(A) of the S.C. Code of Laws, bearing CDR Code # _____
☒ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
 (CSC w/minor 1st or CSC w/minor 3rd)

 The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives
 Presentment to Grand Jury. _____ (def.'s initials)
The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 66583

Redmond, Kernald E

SC Bar #

Defendant

[Signature] 74928

SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 10 days/months/years Time Served ☐ Youthful Offender Act not to exceed _____ years

and/or to pay a fine of \$ _____; provided that upon the service of _____ days/months/years/Time Served and or payment

of \$ _____; plus costs and assessments as applicable*; the balance is suspended with probation for

_____ months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: _____☒ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC.1.091 days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

MSH

STATE VS. Raekwon Malik Ellerbe INDICTMENT/CASE# 2020-GS-13-0965

SPECIAL CONDITIONS:

☐ PTUP after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

2023 SEP 21 P 4:06
 Christy H. Caddy
 CLERK OF COURT
 CHESTERFIELD COUNTY, SC

☐ RESTITUTION: ☐ Deferred ☐ Def. Waives Hearing ☐ Ordered

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

Fine:

Fine may be pd. in equal, consecutive weekly/monthly pmts. of \$ _____ Beginning _____	\$ _____
14-1-206 (Assessments 107.5 %)	\$ _____
14-1-211(A)(1) (Conv. Surcharge)	\$100 \$ 100.00
14-1-211(A)(2) (DUI Surcharge)	\$100 \$ _____
56-5-2995 (DUI Assessment)	\$12 \$ _____
56-1-286 (DUI Breath Test)	\$25 \$ _____
14-1-212 (Law Enforce. Funding)	\$25 \$ 25.00
14-1-213 (Drug Court Surcharge)	\$150 \$ _____
34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$ _____
50-21-114(BUI Breath Test Fee)	\$50 \$ _____
56-5-2942(J) (Vehicle Assessment)	\$40/ea \$ _____
% to County (if paid in installments)	TBD \$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	\$500 \$ _____
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD \$ _____
TOTAL	\$ 128.75

 Clerk of Court/Deputy Clerk: Melina Noel
 Court Reporter: DCRP (Elise Penazzi)

 Presiding Judge: _____
 Judge Code: _____
 Sentence Date: _____

2772
 9-21-23
 [Signature]

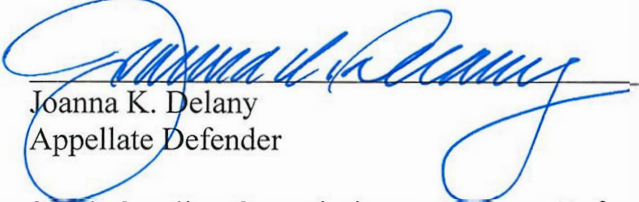
Oct 09 2024

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 9th day of October, 2024.

RECEIVED

Oct 09 2024

SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Chesterfield County

Honorable Michael S. Holt, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

RAEKWON MALIK ELLERBE,

APPELLANT

APPELLATE CASE NO. 2023-001563

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Raekwon Malik Ellerbe, #392059, at Kershaw Correctional Institution, 4848 Gold Mine Highway, Kershaw, SC 29067-8069, this 9th day of October, 2024.


Joanna K. Delany
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT