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S.C. SUPREME COURT

STATE OF SOUTH CAROLINA
IN THE SUPREME COURT

Certiorari to Charleston County

Honorable Kristi F. Curtis, Circuit Court Judge

JALANN WILLIAMS,

PETITIONER,

V.

STATE OF SOUTH CAROLINA,

RESPONDENT.

APPELLATE CASE NO. 2024-000967

APPENDIX

ROBERT M. DUDEK
Chief Appellate Defender

ALAN WILSON
Attorney General

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

DANIELLE E. DIXON
Assistant Attorney General
PO Box 11549
Columbia, SC 29211
(803)734-3970

ATTORNEY FOR PETITIONER

ATTORNEYS FOR RESPONDENT

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STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2013-GS-10-2839
	)	2013-GS-10-2840
	)	
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	
	)	
JALANN WILLIAMS	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD
		January 5, 2015
		Charleston, South Carolina

VOLUME 1 (OF 4)

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH, JUDGE

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

GREG VOIGT, ESQ.
DAVID OSBORNE, ESQ.
Attorneys for the State

CHRISTOPHER MURPHY, ESQ.
Attorney for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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STATE

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1	C.D. of 911 calls	72	80

COURT

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PROCEEDINGS

THE COURT: Good morning ladies and gentlemen. My name is Lawton McIntosh. It is my pleasure to be with you this week for a term of what is called General Sessions court, which is the criminal side of our court. I am actually from Anderson County, which is called the 10th Judicial Circuit. To my right is Judge Scott Sprouse. This is his first week on the bench and he will be observing for a few weeks before we turn him loose on all the lawyers in South Carolina.

Our first case this week is the case of the State versus Jalann Lee Williams. Jalann?

MR. MURPHY: Jalann.

THE COURT: Jalann; I apologize. I butcher them about everywhere I go, Jalann Lee Williams who is charged with the charge of murder, armed robbery, and possession of a weapon during the commission of a violent crime. Before we go through the qualification process ladies and gentlemen let me point out to you that the fact that this gentleman has been indicted and arrested and charged is not evidence of his guilt nor does it raise an inference or a presumption of his guilt. These documents that I have in my hand are simply the mechanism by which the State of South Carolina brings people before this court for a jury selection and a trial to determine the guilt

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1 or innocence. With that being said we are about to begin
2 jury selection but I have to go through some additional
3 questions with you. You are still under oath; I'm
4 assuming you were put under oath down stairs. Unlike
5 what you were allowed to do earlier if you would if you
6 need to respond to a question if you would stand up, give
7 us your jury number, give us your name; if you do not
8 have your jury number that's okay we can find you.

9 But in 99 percent of the circumstances unless it's
10 just a real severe circumstance I'm going to ask you to
11 give the information from where you are standing okay.
12 If you don't hear me or you don't understand what I say
13 raise your hand. I will tell you that I am a little bit
14 hoarse today but I will do my best to speak such that you
15 do understand what I'm saying. May I see the attorneys
16 up here real quick please?

17 [Whereupon, an off the record bench conference is
18 held]

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1 VOIR DIRE

2 THE COURT: The first question I have for you this
3 morning has any member of the jury panel ever been
4 related by blood or marriage to either Jalann Williams or
5 Akim Ladson? If so would you please stand.

6 [Whereupon, no one stands]

7 THE COURT: Has any member of the jury panel ever
8 had a close personal or social relationship with either
9 Jalann Williams or Akim Ladson? If so would you please
10 stand.

11 [Whereupon, no one stands]

12 THE COURT: All right ladies and gentlemen, I have
13 a list that is approximately -- that is 33 names. These
14 are possible witnesses; doesn't mean that all of them
15 will testify but they are witnesses who may testify. I'm
16 going to read all 33 out; listen carefully. If during
17 the course of me reading out a name you don't understand
18 what I'm saying to you raise your hand. My law clerk
19 will be watching to make sure that you get all the names
20 and then I'll ask my questions. First of the possible
21 witnesses is Officer Hoose, he's at the North Charleston
22 Police Department?

23 MR. VOIGT: That's correct, Your Honor.

24 THE COURT: Okay. Lieutenant Humphries North
25 Charleston Police Department, Officer Horn North

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1 Charleston Police Department, CSO Anita Moore crime scene
2 from North Charleston Police Department, CSO Lisa
3 Kubicsko crime scene from North Charleston Police
4 Department, Captain Scott Perry, CID North Charleston
5 Police Department, Detective Travis Repman, CID North
6 Charleston Police Department, Detective Matt Hughes CID
7 North Charleston Police Department, Detective Christopher
8 Terry CID North Charleston Police Department, Marguerite
9 Anderson, Danyel Simmons, Lauren Ashley Thrower, Bobby
10 Harren, Robert Mitchell, Doctor Cynthia Schandl Medical
11 University of South Carolina, Whitney Berry SLED, Dan
12 DeFreese SLED, Amanda Webb SLED, Scott Wyant North
13 Charleston Police Department, Detective J. Schmidt North
14 Charleston Police Department, Alayah Hamlin, Detective
15 Patricia Jourdan North Charleston Police Department,
16 Detective Michael Aiken North Charleston Police
17 Department, Angelica Loiza North Charleston Police
18 Department, Detective Mark Evans North Charleston Police
19 Department, Sergeant Justin Cory Holt North Charleston
20 Police Department, Detective Thomas Wallace North
21 Charleston Police Department, Taylor McLean, Detective
22 Jerome Desheers North Charleston Police Department,
23 Detective Charles Benton North Charleston Police
24 Department, Detective Jeremy Ledford North Charleston
25 Police Department, Detective Phillip Jason Monroe North

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1 Charleston Police Department, and Al Hallman North
2 Charleston Police Department.

3 Is there any member of the jury panel who did not
4 get any of those names would you please stand?

5 [Whereupon, no one stands]

6 THE COURT: And counsel from the State or the
7 defense did I so badly mispronounce any of them that I
8 need to do them again?

9 MR. VOIGT: No, Your Honor.

10 THE COURT: Very good. Has any member of the jury
11 panel ever been related by blood or marriage to any of
12 the potential witnesses I just read to you? If so would
13 you please stand.

14 [Whereupon, no one stands]

15 THE COURT: Has any member of the jury panel ever
16 had a close personal or social relationship with any of
17 the potential witnesses I've just read to you? If so
18 would you please stand.

19 [Whereupon, no one stands]

20 THE COURT: Mr. Murphy, would you stand up and
21 introduce yourself?

22 MR. MURPHY: Yes. May it please the court?
23 Ladies and gentlemen of the jury venire my name is
24 Christopher Murphy. I'm a solo practitioner here in
25 Charleston and I'm representing Mr. Jalann Williams.

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1 THE COURT: All right Mr. Voigt?

2 MR. VOIGT: My name is Greg Voigt. I'm the
3 Assistant Solicitor. I'll be assisted today by David
4 Osborne. You may see my investigator Ray Hoffman in and
5 out of the courtroom.

6 THE COURT: Has any member of the jury panel ever
7 been related -- excuse me, ever been represented by
8 either of these attorneys or any of these attorneys here
9 in the courtroom or by any attorney at the Charleston
10 County Solicitor's office or any members of Mr. Murphy's
11 firm? If so would you please stand.

12 [Whereupon, no one stands]

13 THE COURT: Has any member of the jury panel ever
14 had a close personal or social relationship with any of
15 the attorneys here in the courtroom or any members of
16 their firm? If so would you please stand.

17 [Whereupon, no one stands]

18 THE COURT: Has any member of the jury panel ever
19 been related by blood or marriage to either or any of
20 these attorneys in the courtroom or any members of their
21 firm? If so would you please stand.

22 [Whereupon, no one stands]

23 THE COURT: Has any member of the jury panel formed
24 or expressed an opinion about the case of the State of
25 South Carolina versus Jalann Williams? If so would you

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1 please stand.

2 [Whereupon, no one stands]

3 THE COURT: Is there any member of the jury panel
4 that is aware of any bias or prejudice that they may
5 harbor or have against the State of South Carolina or
6 against the defendant Jalann Williams? If so would you
7 please stand.

8 [Whereupon, an individual stands]

9 THE COURT: Okay sir, what is your name?

10 MR. WEISSGLASS: Barry Weissglass.

11 THE COURT: What is your jury number?

12 MR. WEISSGLASS: 381.

13 THE COURT: 381? Mr. Weissglass?

14 MR. WEISSGLASS: Weissglass.

15 THE COURT: Okay sir, what is your bias or
16 prejudice?

17 MR. WEISSGLASS: I provide contracted medical
18 services for the city of North Charleston Police
19 department as well as to the county of Charleston
20 including the Solicitor's office.

21 THE COURT: Okay. And you do that -- you are a
22 medical doctor?

23 MR. WEISSGLASS: Yes, sir.

24 THE COURT: And would the fact that you provide
25 these services cause you to be unable to be fair and

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1 impartial to both the State and to the defendant in this
2 matter?

3 MR. WEISSGLASS: I do not feel I could be
4 impartial.

5 THE COURT: You don't think you could be impartial?

6 MR. WEISSGLASS: That's correct.

7 THE COURT: Okay. I'm going to ask you to stick
8 around but I'm going to excuse you from the trial of this
9 case. Anyone else?

10 [Whereupon, no one stands]

11 THE COURT: Is there any member of the jury panel
12 that is a member of the Charleston County grand jury
13 which issued the indictments in this case? If so would
14 you please stand.

15 [Whereupon, no one stands]

16 THE COURT: Is there any member of the jury panel
17 which is a member of or a contributor to any group which
18 has as its primary purpose the advancement of law
19 enforcement or victim's rights? Examples but certainly
20 not an exhaustive list of these types of groups would be
21 MADD, SADD, OR CAV. If you are member of or a
22 contributor to any group which has as its primary purpose
23 the advancement of law enforcement or victim's rights
24 would you please stand?

25 [Whereupon, no one stands]

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1 THE COURT: Does any member of the jury panel know
2 of any reason, any reason whatsoever why you should not
3 be selected to serve on the trial of this matter with
4 particular emphasis being placed on your ability to be
5 fair and impartial to both the state of South Carolina
6 and to the defendant Jalann Williams? If so will you
7 please stand.

8 [Whereupon, no one stands]

9 THE COURT: Is there any member of the jury panel
10 or any members of your immediate family which have ever
11 had criminal charges adjudicated by the Charleston County
12 Solicitor's office? If so will you please stand.

13 [Whereupon, no one stands]

14 THE COURT: Is there any member of the jury panel
15 that has previously been a witness in a civil or a
16 criminal case? If so would you please stand.

17 [Whereupon, an individual stands]

18 THE COURT: What is your juror number?

19 MS. ALBERT: Two.

20 THE COURT: You're Ms. Albert?

21 MS. ALBERT: Yes.

22 THE COURT: Okay. You were a witness?

23 MS. ALBERT: I don't know if this would qualify but
24 I want to make sure. I'm in the process of a criminal
25 domestic violence case against, like I have it against

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1 somebody.

2 THE COURT: Okay. Is that still pending?

3 MS. ALBERT: It is still pending.

4 THE COURT: Have you had any hearings on that case
5 at this juncture?

6 MS. ALBERT: Not anything yet.

7 THE COURT: Okay. Well would the fact that you
8 have this matter pending prevent you from being fair and
9 impartial to both the State and to the defendant in this
10 matter?

11 MS. ALBERT: No.

12 THE COURT: Could you listen to the evidence and
13 make your decision based on that evidence and according
14 to the law as I give it to you?

15 MS. ALBERT: Yes.

16 THE COURT: Is there any additional voir dire from
17 the State or the defense?

18 MR. VOIGT: No, Your Honor.

19 MR. MURPHY: No, Your Honor.

20 THE COURT: Very good. Thank you, ma'am.

21 Attorneys, if you request any additional voir dire let me
22 know or otherwise I'm just going to assume you don't care
23 for any.

24 MR. MURPHY: Yes, sir.

25 [Whereupon, an individual stands]

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1 THE COURT: Sir, what is your juror number?

2 MR. DILLON: Number 104 James Dillon.

3 THE COURT: Mr. Dillon?

4 MR. DILLON: I was called as a witness in a Common
5 Pleas action in Georgetown County about three years ago.
6 It was a probate related piece of litigation and I was
7 just a witness. He called me because I had been an
8 attorney in a related matter.

9 THE COURT: All right. And you are in fact an
10 attorney here?

11 MR. DILLON: I am.

12 THE COURT: You practice here in Charleston County?

13 MR. DILLON: I do.

14 THE COURT: Would that experience or the fact that
15 you are an attorney make you unable to be fair and
16 impartial to both the State and the defense?

17 MR. DILLON: Not at all.

18 THE COURT: Thank you, sir. Anyone else? Would
19 any member of the jury panel have any problem following
20 the law as I give to you even if you believe that law is
21 inappropriate or that it is unfair? If so would you
22 please stand.

23 [Whereupon, no one stands]

24 THE COURT: Does any member of the jury panel have
25 any religious convictions, philosophical, moral beliefs,

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1 or political orientation that would make it difficult for
2 you to sit in judgment of another person? If so would
3 you please stand.

4 [Whereupon, an individual stands]

5 THE COURT: Yes, ma'am? What is your juror number
6 please?

7 MS. WILDER: 354 [sic] Loretha Wilder.

8 THE COURT: I'm sorry?

9 MS. WILDER: 354 [sic] Loretha Wilder.

10 THE COURT: Oh, 387 Loretha Wilder?

11 MS. WILDER: Yes.

12 THE COURT: Okay, 387 thank you. And you have
13 some type of beliefs that would prevent you from sitting
14 in judgment of your fellow man or woman?

15 MS. WILDER: Yes. I am one of Jehovah's Witnesses.

16 THE COURT: I'm sorry?

17 MS. WILDER: I'm one of Jehovah's Witnesses.

18 THE COURT: Okay.

19 MS. WILDER: I feel myself I wouldn't be able to
20 have the ability to sit without -- for religious reasons.

21 THE COURT: All right Ms. Wilder, let me just say
22 this. I am going to excuse you from the trial of this
23 case but I'm going to ask you to stick around. And just
24 like with the gentlemen who was a doctor a minute ago
25 when I excuse the jury and those who aren't selected I'm

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1 going to ask you two to stick around for a little bit
2 okay.

3 MS. WILDER: Okay.

4 THE COURT: Thank you so much. Anyone else?

5 [Whereupon, no one stands]

6 THE COURT: Does any member of the jury panel have
7 any relatives or close friends who are in prison or in
8 the penitentiary? If so would you please stand.

9 [Whereupon, an individual stands]

10 MS. ALBERT: He's out now but ---

11 THE COURT: --- give me your jury number again.

12 MS. ALBERT: Number 2; I'm sorry, Samantha Albert
13 McDougall Correctional facility; he was there for a year.

14 THE COURT: Okay. And this was ---

15 MS. ALBERT: --- a person that I have ---

16 THE COURT: --- was this a husband or a paramour?

17 MS. ALBERT: Yes.

18 THE COURT: Okay. Would that relationship
19 whatever it is prevent you from being fair and impartial
20 to either the State or the defendant in this matter?

21 MS. ALBERT: No.

22 THE COURT: Thank you, ma'am. Anyone else?

23 [Whereupon, an individual stands]

24 THE COURT: Ms. Wilder, I've excused you so you
25 don't need to respond okay. Thank you very much.

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1 Anyone else?

2 [Whereupon, no one stands]

3 THE COURT: Has any member of the jury panel ever
4 had an unpleasant experience with a law enforcement
5 officer? And I'm going to regret asking that question.
6 If so would you please stand.

7 [Whereupon, no one stands]

8 THE COURT: I really have a hard time believing
9 that. Does any member of the jury panel have a personal
10 experience or an experience with narcotics including
11 those experience with family or friends that would make
12 rendering a fair verdict in a case where some evidence of
13 narcotic involvement may be presented? If so would you
14 please stand.

15 [Whereupon, no one stands]

16 THE COURT: Very good. Any additional voir dire
17 from the State?

18 MR. VOIGT: None from the State, Your Honor.

19 THE COURT: From the defense?

20 MR. MURPHY: Nothing, Your Honor.

21 THE COURT: Very good. Ladies and gentlemen of the
22 jury what we're going to do -- Mr. Callahan where do you
23 normally like your jurors to come to?

24 CLERK OF COURT: I'll explain it to the Judge.

25 THE COURT: You're going to explain that to them.

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1 In just a minute ladies and gentlemen Mr. Callahan is
2 going to explain the process to you but you will come
3 forward, you need to bring your personal belongings with
4 you. If you do -- if your name is called a decision will
5 be made whether or not you will be seated as jurors.
6 I'll tell every one of you that it is anticipated that
7 this term of court will not go beyond Friday. So we're
8 not going to be going into next week. With that being
9 said Mr. Callahan you want to go ahead and explain it to
10 them?

11 CLERK OF COURT: Yes, sir. It will be just a
12 couple of minutes.

13 THE COURT: While he's doing that I'll tell you
14 this. Before I had grey hair back in the days when we
15 would pick juries we would bring people into the
16 courtroom who could not read or write and they would
17 reach inside a cylinder and draw names to make sure it
18 was done fairly and unbiasedly.

19 Now with the advent of computers the computer
20 randomly selects your name and we don't know whether or
21 not or who is to be selected or when you are going to be
22 selected; just the people I excused will not be a part of
23 that mix. I guess that's the advancement if you look at
24 it in some ways but some days on Monday morning when
25 those computers aren't running, which is very rarely, we

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1 have to go back to the old system and watch some of the
2 people who don't have grey hair trying to figure that
3 out. We'll do two alternates; is that what you've got on
4 there? Ten, five, two and one, right?

5 MR. VOIGT: Yes, sir.

6 MR. MURPHY: Yes, sir.

7 THE COURT: All right. Very good.

8 CLERK OF COURT: Are you ready Judge?

9 THE COURT: Yes, sir.

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1 STRIKING OF THE JURY

2 CLERK OF COURT: Ladies and gentlemen if I call
3 your name I'll ask that you bring your belongings, come
4 up to this podium [indicates] turn and face the parties.
5 I'll then ask the parties' questions and I'll either ask
6 you to have a seat back in the audience or I'll ask you
7 to have a seat in the jury box. Juror number 283 Nadiya
8 Peek.

9 [Whereupon, the juror comes forward]

10 CLERK OF COURT: What say you for the State?

11 MR. VOIGT: Please present this juror.

12 CLERK OF COURT: What say you for the defendant?

13 MR. MURPHY: Please excuse the juror.

14 CLERK OF COURT: Ms. Peek please have a seat back
15 in the audience. You have been excused from the trial of
16 this case.

17 [Whereupon, the juror returns to the audience]

18 CLERK OF COURT: Juror number 303 Teri Richmond.

19 [Whereupon, the juror comes forward]

20 CLERK OF COURT: What say you for the State?

21 MR. VOIGT: Please present this juror.

22 CLERK OF COURT: What say you for the defendant?

23 MR. MURPHY: Please excuse the juror.

24 CLERK OF COURT: Ms. Richmond please have a seat
25 back in the audience. You've been excused from the trial

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1 of this case.

2 [Whereupon, the juror returns to the audience]

3 CLERK OF COURT: Juror number 236 Richard McCall.

4 [Whereupon, the juror comes forward]

5 CLERK OF COURT: What say you for the State?

6 MR. VOIGT: Please present the juror.

7 CLERK OF COURT: What say you for the defendant?

8 MR. MURPHY: Please seat the juror.

9 CLERK OF COURT: Mr. McCall please have a seat in
10 the jury box. You've been selected as a juror in this
11 case.

12 [Whereupon, the juror is seated in the jury box as a
13 juror]

14 CLERK OF COURT: Juror number 380 Rachel Weber.

15 [Whereupon, the juror comes forward]

16 CLERK OF COURT: What say you for the State?

17 MR. VOIGT: Please present the juror.

18 CLERK OF COURT: What say you for the defendant?

19 MR. MURPHY: Please excuse this juror.

20 CLERK OF COURT: Ms. Weber please have a seat back
21 in the audience. You've been excused from the trial of
22 this case.

23 [Whereupon, the juror returns to the audience]

24 CLERK OF COURT: Juror number 73 Regena Cofer.

25 [Whereupon, the juror comes forward]

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1 CLERK OF COURT: What say you for the State?

2 MR. VOIGT: Please present the juror.

3 CLERK OF COURT: What say you for the defendant?

4 MR. MURPHY: Please excuse the juror.

5 CLERK OF COURT: Ms. Cofer please have a seat back
6 in the audience. You've been excused from the trial of
7 this case.

8 [Whereupon, the juror returns to the audience]

9 CLERK OF COURT: That's four strikes for the
10 defendant. Juror number 55 Gary Cappallo.

11 [Whereupon, the juror comes forward]

12 CLERK OF COURT: What say you for the State?

13 MR. VOIGT: Please present the juror.

14 CLERK OF COURT: What say you for the defendant?

15 MR. MURPHY: Please seat the juror.

16 CLERK OF COURT: Sir, please have a seat in the
17 jury box. You've been selected as a juror in the trial
18 of this case.

19 [Whereupon, the juror is seated in the jury box as a
20 juror]

21 CLERK OF COURT: Juror number 393 Karen Wilson.

22 [Whereupon, the juror comes forward]

23 CLERK OF COURT: What say you for the State?

24 MR. VOIGT: Please present the juror.

25 CLERK OF COURT: What say you for the defendant?

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1 MR. MURPHY: Please seat the juror.

2 CLERK OF COURT: Ms. Wilson please have a seat in
3 the jury box. You've been selected as a juror in the
4 trial of this case.

5 [Whereupon, the juror is seated in the jury box as a
6 juror]

7 CLERK OF COURT: Juror number 13 Khayrud-Diyn
8 Bancroft.

9 [Whereupon, the juror comes forward]

10 CLERK OF COURT: What say you for the State?

11 MR. GREEN: Please present the juror.

12 CLERK OF COURT: What say you for the defendant?

13 MR. MURPHY: Please seat the juror.

14 CLERK OF COURT: Mr. Bancroft please have a seat in
15 the jury box. You've been selected as a juror in this
16 case.

17 [Whereupon, the juror is seated in the jury box as a
18 juror]

19 CLERK OF COURT: Juror number 337 Kathleen Smith.

20 [Whereupon, the juror comes forward]

21 CLERK OF COURT: What say you for the State?

22 MR. VOIGT: Please present the juror.

23 CLERK OF COURT: What say you for the defendant?

24 MR. MURPHY: Please excuse this juror.

25 CLERK OF COURT: Ms. Smith please have a seat back

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1 in the audience. You've been excused from the trial of
2 this case.

3 [Whereupon, the juror returns to the audience]

4 CLERK OF COURT: Juror number 375 Lori Washington.

5 [Whereupon, the juror comes forward]

6 CLERK OF COURT: What say you for the State?

7 MR. VOIGT: Please excuse this juror.

8 CLERK OF COURT: Ms. Washington please have a seat
9 back in the audience. You've been excused from the trial
10 of this case.

11 [Whereupon, the juror returns to the audience]

12 CLERK OF COURT: Juror number 25 Sheree
13 Bernardiwatson.

14 [Whereupon, the juror comes forward]

15 CLERK OF COURT: What say you for the State?

16 MR. VOIGT: Please present the juror.

17 CLERK OF COURT: What say you for the defendant?

18 MR. MURPHY: Please seat this juror.

19 CLERK OF COURT: Ms. Bernardiwatson, please have a
20 seat in the jury box. You've been selected as a juror in
21 this case.

22 [Whereupon, the juror is seated in the jury box as a
23 juror]

24 CLERK OF COURT: Juror number 287 Carina Petrucci.

25 [Whereupon, the juror comes forward]

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1 CLERK OF COURT: What say you for the State?

2 MR. VOIGT: Please present the juror.

3 CLERK OF COURT: What say you for the defendant?

4 MR. MURPHY: Please seat this juror.

5 CLERK OF COURT: Ms. Petrucci, please have a seat
6 in the jury box. You've been selected as a juror in this
7 case.

8 [Whereupon, the juror is seated in the jury box as a
9 juror]

10 CLERK OF COURT: Juror number 19 Linda Barnes.

11 [Whereupon, the juror comes forward]

12 CLERK OF COURT: What say you for the State?

13 MR. VOIGT: Please present the juror.

14 CLERK OF COURT: What say you for the defendant?

15 MR. MURPHY: Please seat the juror.

16 CLERK OF COURT: Ms. Barnes please have a seat in
17 the jury box. You've been selected as a juror in this
18 case.

19 [Whereupon, the juror is seated in the jury box as a
20 juror]

21 CLERK OF COURT: Juror number 31 Geraldine Bobo.

22 [Whereupon, the juror comes forward]

23 CLERK OF COURT: What say you for the State?

24 MR. VOIGT: Please present the juror.

25 CLERK OF COURT: What say you for the defendant?

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1 MR. MURPHY: Please excuse this juror.

2 CLERK OF COURT: Ms. Bobo, please have a seat back
3 in the audience. You've been excused from the trial of
4 this case.

5 [Whereupon, the juror returns to the audience]

6 CLERK OF COURT: Juror number 215 Regina Kozek,
7 215.

8 [Whereupon, the juror comes forward]

9 CLERK OF COURT: What say you for the State?

10 MR. VOIGT: Please present the juror.

11 CLERK OF COURT: What say you for the defendant?

12 MR. MURPHY: Please excuse the juror.

13 CLERK OF COURT: Ms. Kozek, please have a seat back
14 in the audience. You've been excused from the trial of
15 this case.

16 [Whereupon, the juror returns to the audience]

17 CLERK OF COURT: That's seven strikes for the
18 defendant. Juror number 46 Matthew Bruce.

19 [Whereupon, the juror comes forward]

20 CLERK OF COURT: What say you for the State?

21 MR. VOIGT: Please present the juror.

22 CLERK OF COURT: What say you for the defendant?

23 MR. MURPHY: Please excuse this juror.

24 CLERK OF COURT: Mr. Bruce please have a seat back
25 in the audience. You've been excused from the trial of

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1 this case.

2 [Whereupon, the juror returns to the audience]

3 CLERK OF COURT: Juror number 66 Kristine Cherry.

4 [Whereupon, the juror comes forward]

5 CLERK OF COURT: What say you for the State?

6 MR. VOIGT: Please present the juror.

7 CLERK OF COURT: What say you for the defendant?

8 MR. MURPHY: Please seat the juror.

9 CLERK OF COURT: Ms. Cherry please have a seat in
10 the jury box. You've been selected as a juror in the
11 trial of this case.

12 [Whereupon, the juror is seated in the jury box as
13 a juror]

14 CLERK OF COURT: Juror number 338 Krystle Smith,
15 338.

16 [Whereupon, the juror comes forward]

17 CLERK OF COURT: What say you for the State?

18 MR. VOIGT: Please present the juror.

19 CLERK OF COURT: What say you for the defendant?

20 MR. MURPHY: Please seat the juror.

21 CLERK OF COURT: Ms. Smith please have a seat in
22 the jury box. You've been selected as a juror in the
23 trial of this case.

24 [Whereupon, the juror is seated in the jury box as
25 a juror]

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1 CLERK OF COURT: Juror number 74 Meredith Coker.
2 [Whereupon, the juror comes forward]
3 CLERK OF COURT: What say you for the State?
4 MR. VOIGT: Please present the juror.
5 CLERK OF COURT: What say you for the defendant?
6 MR. MURPHY: Please seat the juror.
7 CLERK OF COURT: Ms. Coker please have a seat in the
8 jury box. You've been selected as a juror in the trial
9 of this case.
10 [Whereupon, the juror is seated in the jury box as
11 a juror]
12 CLERK OF COURT: Juror number 52 Darcy Cameron.
13 [Whereupon, the juror comes forward]
14 CLERK OF COURT: What say you for the State?
15 MR. VOIGT: Please present the juror.
16 CLERK OF COURT: What say you for the defendant?
17 MR. MURPHY: Please seat the juror.
18 CLERK OF COURT: Ms. Cameron please have a seat in
19 the jury box. You've been selected as a juror in the
20 trial of this case.
21 [Whereupon, the juror is seated in the jury box as
22 a juror]
23 CLERK OF COURT: Juror number 133 Ande Free.
24 [Whereupon, the juror comes forward]
25 CLERK OF COURT: What say you for the State?

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1 MR. VOIGT: Please present the juror.

2 CLERK OF COURT: What say you for the defendant?

3 MR. MURPHY: Please seat the juror.

4 CLERK OF COURT: Ms. Free please have a seat in the
5 jury box. You've been selected as a juror in the trial
6 of this case.

7 [Whereupon, the juror is seated in the jury box as a
8 juror]

9 CLERK OF COURT: Now picking for the first
10 alternate. The strikes are one and two. Juror number 49
11 Robert Burn.

12 [Whereupon, the juror comes forward]

13 CLERK OF COURT: What say you for the State?

14 MR. VOIGT: Please present the juror.

15 CLERK OF COURT: What say you for the defendant?

16 MR. MURPHY: Please seat the juror.

17 CLERK OF COURT: Mr. Burn please have a seat in the
18 jury box. You've been selected as a juror in this case.

19 [Whereupon, the juror is seated in the jury box as
20 an alternate juror]

21 CLERK OF COURT: Now picking for the second
22 alternate. The strikes are one and two. Juror number 18
23 Denyse Barkley.

24 [Whereupon, the juror comes forward]

25 CLERK OF COURT: What say you for the State?

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1 MR. VOIGT: Please present the juror.

2 CLERK OF COURT: What say you for the defendant?

3 MR. MURPHY: Please excuse this juror.

4 CLERK OF COURT: Ms. Barkley, please have a seat
5 back in the audience. You've been excused from the trial
6 of this case.

7 [Whereupon, the juror returns to the audience]

8 CLERK OF COURT: Juror number 225 Gina Lucarelli.

9 [Whereupon, the juror comes forward]

10 CLERK OF COURT: What say you for the State?

11 MR. VOIGT: The State would thank but excuse this
12 juror.

13 CLERK OF COURT: Ms. Lucarelli please have a seat
14 back in the audience. You've been excused from the trial
15 of this case.

16 [Whereupon, the juror returns to the audience]

17 CLERK OF COURT: Juror number 247 Hattie Melvin.

18 [Whereupon, the juror comes forward]

19 CLERK OF COURT: Any challenge from the State?

20 MR. VOIGT: None.

21 CLERK OF COURT: What say you for the defendant?

22 MR. MURPHY: Please seat the juror.

23 CLERK OF COURT: Ms. Melvin please have a seat in
24 the jury box. You've been selected as a juror in the
25 trial of this case.

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1 [Whereupon, the juror is seated in the jury box as
2 an alternate juror]

3 CLERK OF COURT: Your Honor, the jury has been
4 selected and received.

5 THE COURT: Mr. Callahan, the jurors who were not
6 selected are they to go back to the jury room?

7 CLERK OF COURT: No, sir. They will be released
8 for the day with instructions to call the juror
9 information line after 6:00.

10 THE COURT: Okay. Ladies and gentlemen, before we
11 get started are there any motions toward jury selection
12 from the State?

13 MR. VOIGT: No, Your Honor.

14 THE COURT: From the defense?

15 MR. MURPHY: None, Your Honor.

16 THE COURT: Very good. Ladies and gentlemen except
17 for those who I asked to stick around I'm going to excuse
18 you for the remainder of the day. Mr. Callahan advises
19 that they need you to call back in to the jury selection?

20 CLERK OF COURT: Yes sir, they have the cards.

21 THE COURT: After 6:00?

22 CLERK OF COURT: Yes, sir.

23 THE COURT: If you would call in after 6:00 there
24 will be a message for you as to whether or not you are
25 needed to return and if so when. But from the State of

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1 South Carolina thank you for being here and doing your
2 civic duty. Without your willingness to do so we cannot
3 dispose of our cases in a civilized manner. With that
4 being said I'm going to excuse the panel except for the
5 two I asked to stick around. Have a nice day.

6 [Whereupon, the jury panel is excused and exits at
7 12:26 p.m.]

8 THE COURT: Ms. Wilder, if you would stay with us
9 please.

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1 THE COURT: All right, ladies and gentlemen those
2 of you who were selected I'm going to send you back with
3 the bailiff to the jury room. I'm going to ask that
4 y'all select someone that you would like to be your
5 Foreperson. It doesn't have to be a unanimous decision.
6 The alternates have a right to vote but they may not
7 serve as a Foreperson since you are the alternates.
8 Would the alternates raise their hand for me so I can see
9 them?

10 [Whereupon, the alternate jurors comply]

11 THE COURT: Now you have a right to vote but you
12 cannot serve. With that being said once the person is
13 selected to serve as a Foreperson and I will tell you
14 that the Foreperson's job is during the course of this
15 trial to communicate with the court any time there needs
16 to be any communication and at the end of the case when
17 you begin your deliberation to preside over those
18 deliberations.

19 But once that selection is made I'm going to ask the
20 Foreperson to poll your fellow jurors to determine whom
21 if anyone would like to have pad and pencil to take notes
22 with during the course of this trial. Once you get that
23 information down write your name and write the numeric
24 number of the people who would like to have pad and
25 pencil, knock on the door and we will receive you back in

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1 the courtroom, will swear you in and we will begin with
2 opening statements. If you will go back with the bailiff
3 please.

4 [Whereupon, the jury exits at 12:28 p.m.]

5 THE COURT: Let me ask the attorneys once we get
6 that don't you think it would be better to go ahead and
7 excuse and come back for opening statements after lunch?

8 MR. MURPHY: I think so, Your Honor.

9 MR. VOIGT: That would be fine.

10 THE COURT: I think so too.

11 MR. MURPHY: And the only thing Judge we would just
12 make a motion to sequester the witnesses.

13 THE COURT: Absolutely. That will be granted. The
14 lead investigator has the right to be here.

15 MR. MURPHY: Yes, sir.

16 MR. VOIGT: Detective Terry is here.

17 THE COURT: Any other folks that you need to have
18 in the courtroom that you think wouldn't be in here?

19 MR. VOIGT: I do know that some of the witnesses
20 asked that once they were released from their subpoena if
21 they could remain.

22 MR. MURPHY: That's not a problem.

23 THE COURT: Absolutely. We'll be at ease. Mr.
24 Callahan, would you let me know when they have their
25 Foreperson please.

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1 [Whereupon, the court speaks to juror numbers 381
2 and 387]

3 THE COURT: We'll be in recess until the jury comes
4 back.

5 [Whereupon, court is in recess from 12:32 until
6 12:45 p.m.]

7 THE COURT: For the record juror number 52 has been
8 selected Foreperson. I think there are 13 notepads Mr.
9 Callahan. Would you bring the jury in please?

10 [Whereupon, court's exhibit number 1 is marked by
11 the court reporter]

12 [Whereupon, the jury enters at 12:48 p.m.]

13 THE COURT: Ma'am, you are juror number 52 is that
14 correct?

15 THE FOREPERSON: Yes, sir.

16 THE COURT: And you've been selected to be the
17 Foreperson?

18 THE FOREPERSON: Yes, sir.

19 THE COURT: Okay. Also our two alternates are on
20 the end. The three of you each time we come in and out
21 of the courtroom Madame Forelady if you would stay in
22 that seat and our two alternates; it doesn't matter which
23 one but if y'all would keep those two seats each time we
24 come in and out it helps us keep track of some
25 administrative matters okay. Now I told you before the

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1 break that we would start with opening statements but
2 what I am going to go ahead and do is give you a couple
3 of instructions for you to understand some of your role.
4 I'll give you further instructions when you come back.
5 We'll then break for lunch and we will come back to
6 opening statements okay.

7 Now before we dismiss you let me tell you this. You
8 are not allowed under the rules to discuss this case
9 during the course of this trial with anyone; that
10 includes yourselves. So as we break in just a few
11 minutes for your lunch break, or when we take breaks
12 during the trial or overnight you may not discuss this
13 case with one another. You may not discuss this with
14 friends, family or anyone else. And that means either
15 face to face, email, telephone, twitter; any form of
16 communication is forbidden by you about this case during
17 the course of this case.

18 And that's not to be unduly restrictive, the reason
19 being is that we want you to listen to all the testimony,
20 all the evidence and listen to the law that you must
21 apply in this case before you begin your deliberations.
22 And if you begin your deliberations or communications
23 about this case ahead of time you may come to a
24 preconceived notion about what the facts are or about
25 what the conclusion of this case should be that are not

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1 supported by the evidence or not supported by the law.
2 Likewise our Chief Justice, Chief Justice Jean Toal of
3 the South Carolina Supreme Court has instructed all trial
4 judges that they are to instruct the juries in all cases
5 whether it be civil or criminal that they may not engage
6 in what is called independent jury research.

7 And what that simply means is you may not look up
8 whether it be on the computer, on your phones, in the
9 newspaper, on the T.V., radio if there is anything about
10 this case; don't know whether there will be or won't be,
11 anything about this case while it is ongoing. If you
12 were to hear it, see it, or come up with some publication
13 about it in any format you are not to listen to it, read
14 it, or watch it.

15 Also you may not look up anything about any court
16 staff, any of the parties in this case, any attorneys,
17 the court personnel including myself until after the case
18 is over. Also if there is an issue about this case that
19 you hear raised during the trial you may not look that up
20 or if you think the issue may be helpful to your
21 understanding you may not look that up.

22 And again the same reason is we want you to make
23 your decision based on the testimony and the evidence
24 that you hear in this courtroom unaffected by anything
25 outside of these proceedings and according to the law as

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1 we give it to you. And furthermore if you were to engage
2 in any type of investigation on your own neither the
3 State or the defense is going to be aware of that.
4 They're not going to have a right to challenge the
5 veracity of anything you may see.

6 I'm married and I've got a little girl; well she's
7 not so little anymore but I have a child and I know that
8 if I were selected and when I went home tonight they'd be
9 asking me a lot of questions about this case or my
10 friends would. I'm just going to instruct you to tell
11 them I may not speak with you until after this case is
12 over and a verdict has been delivered. And then after
13 that I can speak to you all I like, okay.

14 With that being said I'm going to excuse you until
15 2:30. Does that give you sufficient time?

16 MR. VOIGT: Yes, Your Honor.

17 MR. MURPHY: Yes, Your Honor.

18 THE COURT: Very good. We'll come back and we'll
19 begin with opening statements and the trial of this
20 matter. Thank you. And by the way each morning I'm
21 going to ask you whether or not you've read, heard, or
22 seen anything about this case before we get started. If
23 you would go with your bailiff please?

24 [Whereupon, the jury exits at 12:54 p.m.]

25 THE COURT: Any additions or exceptions from the

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1 State?

2 MR. VOIGT: None from the State, Your Honor.

3 THE COURT: From the defense ---

4 MR. MURPHY: --- none, Your Honor.

5 THE COURT: Anything I need to contend with or deal
6 with before we break for lunch?

7 MR. MURPHY: We're good.

8 MR. VOIGT: No, sir.

9 THE COURT: My understanding is there are no
10 pretrial matters to deal with at this juncture?

11 MR. MURPHY: That's correct.

12 THE COURT: Okay. Thank you. We'll see you back
13 at 2:30.

14 MR. MURPHY: Thank you, Judge.

15 [Whereupon, court is in recess from 12:55 p.m. until
16 2:37 p.m.]

17 THE COURT: Counsel, before we bring the jury in
18 would you look around and make sure you don't have any of
19 your potential witnesses in the gallery?

20 MR. MURPHY: None from the defense, Your Honor.

21 MR. VOIGT: None from the State, Your Honor.

22 THE COURT: Are you ready to proceed?

23 MR. MURPHY: Yes, sir.

24 MR. VOIGT: I am, Your Honor.

25 THE COURT: Would you bring the jury in please.

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1 [Whereupon, the jury enters at 2:40 p.m.]

2 THE COURT: Mr. Voigt, you want to call your case
3 please, sir.

4 MR. VOIGT: Your Honor, this is the State of South
5 Carolina versus Jalann Williams. I believe its
6 indictment numbers 2013-GS-10-2839, 2840 and 2014-GS-10-
7 1474.

8 THE COURT: Thank you very much. Mr. Callahan,
9 would you give the jury the oath please.

10 [Whereupon, the jury is sworn by the Clerk of Court]

11 CLERK OF COURT: If you have accepted this oath
12 please have a seat.

13 [Whereupon, all jurors are seated]

14 CLERK OF COURT: Please let the record reflect that
15 all 14 jurors took their seats.

16 THE COURT: Very good.

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1 INTRODUCTION TO THE JURY

2 THE COURT: Madame Forelady before we get started
3 let me just say to you a couple of things, ground rules.
4 If you need to communicate with me at any time if you
5 would write it down like you did earlier, sign your name
6 to it, give to one of our fine bailiffs and they will get
7 it to me or some other appropriate court official.

8 Also this isn't an endurance contest. If I summon
9 you back to the court room if any of your jurors are not
10 ready to go just say we will be there in a few minutes;
11 we're not ready. If you need anything let your bailiff
12 know and they will bring it to my attention or take care
13 of it themselves, okay. If anybody needs to have a break
14 during the process, raise your hand.

15 If you need to stand up and move about if you can do
16 so reasonably that's fine. If you have any special needs
17 -- I know that at least one may need to get up and move
18 around a little bit and that's okay if you do; just try
19 to be as least disruptive as you can okay.

20 With that being said I don't know if anyone on the
21 jury has ever participated in a trial before either by
22 viewing it or being a spectator, being a witness or being
23 a party whether it be a civil case or a criminal case. I
24 would suspect however that all of you have watched on
25 T.V. or on the movies what purports to be a trial. Let

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1 me quickly dispel you; what you are about to observe and
2 be a part of is not T.V., it's not entertainment. Trials
3 are very slow, they are very deliberate, and they are
4 very methodical. They are a search for the truth to try
5 to make sure that justice is done.

6 Now these attorneys that you have in here are fine
7 attorneys. When they were sworn in as attorneys they
8 took an oath that they would zealously represent their
9 side of the case or their clients. And you can expect
10 them to do that in this case as well. At the same time
11 they are also officers of the court. That means that you
12 can reasonably expect them to be courteous, competent and
13 ethical in their dealings to each other, to any witnesses
14 that may appear and their dealings with me throughout
15 this case.

16 Likewise you've taken an oath just now where you
17 said you'd do your best to be fair and impartial and
18 listen to the case and make your decision based on the
19 facts presented here in the courtroom and according to
20 the law. That means that the parties, the court, all the
21 witnesses have a right to expect of you that you will be
22 fair, that you will be impartial, and you will be ethical
23 in your dealings in this case. Now what I'm about to
24 tell you is not the law. I will give you that at the end
25 of the case. Right now it's just basically an

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1 explanation of the process to let you reasonably
2 understand what is going to be happening throughout the
3 course of this case.

4 Number one, some of you or most of you have elected
5 to take notes. Let me caution you who do take notes a
6 couple of things. Number one just because at the end of
7 the day when I give you clear and unequivocal
8 instructions to begin your deliberations that something
9 may appear in your notes doesn't mean it may trump
10 somebody else's memory. Some people are better note
11 takers than others. Some people may not need to take
12 notes at all. Madame Forelady, that's why there are
13 deliberations. You'll have to hash out those differences
14 at the end of the case and I'll remind you of that.

15 Also I'll tell you more about it in a second but
16 you're the finders of the facts in this case. And in
17 doing that job or performing that function you watch
18 witnesses on the witness stand and you will look and see
19 not only what they say but sometimes how they say it;
20 their demeanor. So if you're so engrossed in taking your
21 notes that you miss a subtle reaction you may miss
22 something that is very indicative of their demeanor or
23 the end result their creditability, so be careful about
24 that. With that being said I'm going to remind you that
25 the fact that Mr. Jalann has been arrested, charged and

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1 indicted and I had the indictments earlier and I think
2 the State has them in their possession now. That is not
3 evidence of guilt. It does not raise an inference of
4 guilt or any presumption of guilt. Those are simply the
5 mechanisms by which the State brings a defendant like
6 this one before the court for a trial and a
7 determination.

8 In fact Mr. Jalann says I'm not guilty to all the
9 charges that are pending against me therefore that places
10 the burden on the State of South Carolina to prove each
11 and every element of all the charges against Mr. Jalann
12 by proof beyond a reasonable doubt. And each charge
13 would be independent of one another. At the end of the
14 day Madame Forelady I will remind you that you will have
15 to consider one charge before you can look at another and
16 they are both independent of each other.

17 Now your purpose as jurors is to determine whether
18 or not the State has proven those factors and has met the
19 burden of proof beyond a reasonable doubt. Now let me
20 give you a definition, a short definition of what
21 reasonable doubt it and this is it. Reasonable doubt is
22 the kind of doubt that would cause a reasonable person to
23 hesitate to act in an important matter in their own
24 affairs. Now the State as I have told you has to prove
25 the defendant guilty by proof beyond a reasonable doubt.

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1 Some of you may have served as jurors in civil cases
2 where the standard of proof or the burden of proof is by
3 a preponderance of the evidence. In other words as we
4 say in other terms a simple greater weight of the
5 evidence.

6 In criminal cases the burden is much stronger than
7 that. It is proof beyond a reasonable doubt. Now proof
8 beyond a reasonable doubt is proof that leaves you firmly
9 convinced of the defendant's guilt. Now with that being
10 said there are very few things in this world that we know
11 with absolute certainty and in criminal cases the law
12 does not require proof that overcomes every possible
13 doubt. If based on your consideration of the evidence
14 you are firmly convinced of the defendant's guilt of the
15 crime or crimes for which he has been charged then you
16 must find him guilty.

17 On the other hand if there is a real possibility
18 that the defendant is not guilty it will be your duty to
19 give him the benefit of the doubt and find him not
20 guilty. Now in vernacular of the law you are the sole
21 judges of the facts. What that means is you have the
22 ultimate decision of which verdict you want to render in
23 this case. But you must take the law as I give it to you
24 and I'll tell you more about that in a second. But being
25 the sole judges of the facts that means that no one in

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1 this courtroom including myself has a right to interfere
2 with your function as being fact finders. Therefore, if
3 I do anything throughout the course of this trial that
4 seems to indicate to you how you are to find the facts
5 and the verdict that you are supposed to return I'm going
6 to ask you and I'm also going to charge you to disregard
7 it. Our State Constitution does not allow Circuit Court
8 judges to express an opinion on the facts nor to have an
9 opinion on the facts.

10 So if I say or do anything that seems to indicate
11 otherwise you must disregard that. You are to determine
12 what the facts are ladies and gentlemen from the
13 testimony and the exhibits that you see entered into
14 evidence in this courtroom. You're not to be influenced
15 by any comments or anything that happens outside of this
16 courtroom.

17 As to any evidence that I allow into the record by
18 way of testimony or exhibits what inferences you feel are
19 properly drawn from those are for you and you alone to
20 determine. But I will tell you that it is important to
21 pay close attention throughout this case because whatever
22 factual determinations you may make ordinarily on appeal
23 you can't correct incorrect factual determinations. If I
24 make an error at law there are several groups up in
25 Columbia that will correct me, but on the other hand if

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1 you make an incorrect factual finding that's usually not
2 correctable. But the law that makes you the sole judges
3 of the facts makes me the sole judge of the law. So at
4 the end of this case you will be bound to accept the law
5 as I give it to you. You may not consider what you would
6 like it to be or what you think it shall be. You must
7 accept the law as I give it to you and apply it to the
8 facts as you find them to be based on your deliberations.

9 Now again, do not engage in any deliberations until
10 the end of this case and I tell you to do so. Do not
11 engage in any independent jury research. In every single
12 case there will be five phases. There will be the
13 opening statements, presentation of the evidence, the
14 closing arguments, the charge on the law and your
15 deliberations.

16 In just a minute the State is going to give you
17 their opening statement. What these lawyers tell you is
18 not evidence. They are not sworn in. It's helpful but
19 they are not put to the crucible cross-examination. The
20 only evidence, true evidence is what you hear from the
21 witness stand by way of testimony and exhibits. The
22 defense may, but they're not required in any sense of the
23 word, to give an opening statement. Again, the same
24 rules would apply if they choose to make an opening
25 statement. That's not to disregard what they say; that

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1 is just the way the rules are. Now in every trial I've
2 ever been involved with there will be objections. I
3 doubt it would be no different in this case. Sometimes
4 you may feel like you are cattle being herded in and out
5 of the courtroom because there are things that are
6 inappropriate for you to see or hear.

7 I apologize to you in advance but let me tell you
8 this. These attorneys have an ethical obligation, their
9 sworn duty to object any time they see something they
10 think is improper. The fact that an attorney has raised
11 an objection and to the extent I will let you stay in the
12 courtroom to see my ruling on that objection Madame
13 Forelady and ladies and gentlemen shall not and may not
14 be considered by you in your deliberations. If anybody
15 tries to engage in that kind of conversation well, this
16 objection occurred, what are they trying to hide its
17 inappropriate and you are to stop it okay.

18 With that being said let me send you to your jury
19 room now to see if I've misspoken in any form or fashion
20 that I need to correct or add something that I had
21 neglected to tell you. Then we'll come back with the
22 State's opening statements.

23 [Whereupon, the jury exits at 2:55 p.m.]

24 THE COURT: Any additions or exceptions from the
25 State?

State v Jalann Williams
Court-Introduction to the Jury
January 5, 2015

1 MR. VOIGT: None from the State, Your Honor.

2 THE COURT: From the defense?

3 MR. MURPHY: No, Your Honor.

4 THE COURT: Do y'all want a quick break before you
5 do your opening statements?

6 MR. MURPHY: No, sir. I just want to make sure
7 this cell phone is off.

8 THE COURT: Please. If anybody in the gallery has
9 a cell phone if y'all will make sure you've got it off
10 too. Y'all want to go ahead and go or you want ---

11 MR. VOIGT: --- we're ready ---

12 MR. MURPHY: --- I'm ready.

13 THE COURT: Okay. Will you bring the jury back?
14 [Whereupon, the jury enters at 2:57 p.m.]

15 THE COURT: Mr. Voigt, is the State ready?

16 MR. VOIGT: Yes, Your Honor.

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State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 OPENING STATEMENT

2 BY MR. VOIGT:

3 Good afternoon ladies and gentlemen. This is the
4 case that you've been called to be jurors in is the State
5 of South Carolina versus Jalann Williams. But it's
6 really Mr. Williams' day in court. It really isn't so
7 much this versus that or us versus him; it's really the
8 fact that he has required us to come to you to present
9 our evidence against him. This is really our show.

10 As the court instructed you we have the burden of
11 proof as to each and every element of each and every
12 crime he's been accused of. Most importantly we've
13 accused Mr. Williams of murder. Now this isn't the place
14 for me to argue about what the facts might be. I'm going
15 to tell you what I believe the evidence is going to prove
16 and I'm going to give you perhaps a lens by which you can
17 view my evidence because I'd like you to concentrate on
18 these things. Not to obscure other things but just to
19 make what is plain that much more evident to all of you.

20 Murder; and in South Carolina we use a very old
21 common law definition of murder. We use an expression
22 like malice aforethought but it is the killing of a
23 person with malice aforethought and malice aforethought
24 is a specific element of the crime of murder. And that
25 malice may be either expressed or implied. And the law

State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 doesn't make any distinction as to whether it is
2 expressed or implied and the easiest way to I guess
3 imagine expressed malice is I'm going to kill you now.
4 If you say that and then you kill somebody and somebody
5 hears you then that would be expressed malice.

6 Implied, like so much of what we do when it comes to
7 mental state, is based on the facts and circumstances
8 surrounding the events because we're going to present
9 evidence most of it from this witness stand, okay. This
10 is where it comes from. People sit here, they swear,
11 they pull up this microphone and they speak into and then
12 they talk about things that they saw, things that they
13 heard, and things that happened to them.

14 Sometimes I'll go over to these boxes because these
15 are evidence too and we pull items out of here and we
16 show them and we enter those into evidence. I call those
17 boxes evidence but you're not going to get to see all
18 that is in it. You're not going to get to hear from
19 every witness.

20 Like I said this is really you judging the quality
21 of my evidence. I have gone through my evidence and
22 selected what I thought was the most important thing for
23 you to see, the most important people that you need to
24 hear from, the most important physical objects that you
25 need to have access to; that's my job. Otherwise we'd be

State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 like some of those other jurisdictions where we start a
2 trial in January and we end it in June. And I don't want
3 to do that to you and I don't want that to happen to him
4 here. So sometimes you're going to hear about all sorts
5 of evidence. You're going to hear about implied malice
6 aforethought. This is again a definition of malice
7 aforethought taken from one of our State cases. It's
8 required; you have to have it.

9 And if you break down malice aforethought for those
10 of you with any sort of legal training know that it's
11 both a specific and a general intent crime. It can be
12 the specific intent to kill a person but you don't have
13 to have a specific intent to kill a person. You can have
14 something else.

15 You can have the intention of inflicting egregious
16 bodily harm on them. You didn't mean to kill them; you
17 meant to beat them in some way or injure them in some
18 other way never fully meaning to conclude the act with
19 the person's death but nevertheless they died. Or you're
20 acting -- and this goes back to these cases depraved and
21 malignant or we don't talk about that anymore. That's
22 kind of purple prose and you don't -- not even lawyers
23 who are paid by the word talk like that. But what they
24 equated it with is extreme indifference when you don't
25 care what happens to the person. You're acting in such a

State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 way that you're so reckless, and I'm not talking about
2 any sort of civil recklessness, I'm not talking about
3 automobile accident recklessness -- I'm talking about
4 engaging in behavior that you really must know endangers
5 this person and you don't care.

6 The other part is to commit a felony. And we've
7 actually alleged an additional element in addition to
8 murder. I'm not going to go through elements. I'll
9 tackle the law at the end of this but there is an
10 additional felony here because we believe that we are
11 going to produce evidence from this witness stand that
12 this wasn't just a murder. That in addition this was a
13 drug deal that a person entered into a consensual drug
14 deal to buy some marijuana.

15 That's a felony and further that you know in the
16 back of their head why don't we just take it by force?
17 Why don't we take something of value, marijuana, from
18 another by use of a deadly weapon, a gun. So we charged
19 him with armed robbery as well because you're going to
20 hear evidence from this witness stand that that was the
21 plan or at least that was Jalann Williams plan.

22 And if that was what his intent was and Akim Ladson
23 died, and that's who died, then that provides sufficient
24 malice aforethought evidence that we need if you believe
25 my evidence, if my evidence doesn't cause you to hesitate

State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 to act when you get back there and you have to vote.
2 Akim Ladson you will hear a little bit about him but one
3 thing you will hear about Akim, you'll hear good things
4 about Akim, but you'll also hear that from time to time
5 to supplement the money he made from other jobs he sold
6 quantities of marijuana. He typically sold them to
7 people who would then resell them. In other words he
8 dealt with people who would then go deal with the people.

9 And on the 30th of January 2013 so just a little bit
10 -- not too long ago in terms of cases like this, he was
11 in a phone conversation with Robert Mitchell. And you'll
12 hear from Robert Mitchell; he will come and testify. And
13 Mr. Ladson from time to time supplied Mr. Mitchell with
14 marijuana. And he agreed to do so on this day. And Mr.
15 Ladson didn't have a ride and had to wait for a ride. He
16 ultimately got a ride from his girlfriend; and you'll
17 hear from her.

18 And you'll hear how she really didn't approve of
19 this at all and how she tolerated this but at no point
20 was this going to be anything that she was going to allow
21 going further. And she really didn't even know that on
22 this day Mr. Ladson had agreed to sell marijuana to
23 Robert Mitchell. But he asked for a ride and she gave
24 him a ride. They meet up with two people; one being
25 Robert Mitchell and the other being Jalann Williams. She

State v Jalann Williams
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1 doesn't know Jalann Williams. She doesn't know Robert
2 Mitchell, but she had a bad feeling about both of them.
3 And they get into her parent's car, an SUV, and they tell
4 them where to drive. And at this point she realizes this
5 is about marijuana. She's not very -- that's not the
6 kind of person she is; she is not really happy with Akim
7 at that point. And she's keeping her eyes forward
8 because she doesn't want to see. They drive a little
9 ways; a small ways away from where Jalann stays with his
10 girlfriend.

11 And then the plan goes into action. And it doesn't
12 go as planned. Remember the plan was they were going to
13 take the marijuana; I'm just going to take the marijuana.
14 And Mr. Williams came with a gun -- and then he took the
15 gun out. You're going to hear that Mr. Ladson didn't
16 behave in a way that they had anticipated that he would
17 behave. He didn't give it up. He didn't go quietly.
18 When threatened with a firearm he fought back. It didn't
19 help him much.

20 There were two shots fired by Jalann Williams. One
21 travelled from the back shoulder of Akim Ladson. it
22 traveled down the length of his body, it severed,
23 punctured, perforated practically every major organ,
24 blood vessel, artery and he begins to simultaneously
25 while fighting for his life bleed from every internal

State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 organ; and he didn't fight for very long. Once the first
2 shot went off Robert Mitchell who was expecting something
3 but nothing quite like this. He didn't expect shots
4 fired. He takes off and runs. Alayah Hamlin who was
5 driving the car takes off and runs.

6 The car however is not in park so the car takes off
7 too and hits a mobile home, which kind of surprised the
8 occupant in the mobile home. She doesn't run very far.
9 She runs to get help. She calls 911. She has other
10 people call 911 and she stays to tell the police the best
11 information she can tell about the two men that had been
12 in the car.

13 Meanwhile Robert Mitchell and Jalann Williams are
14 running the very short distance to a separate trailer
15 park which is very close by in North Charleston to the
16 home of Taylor McLean who is Jalann's girlfriend. Before
17 they get there Jalann ditches the gun under another house
18 and then they get Taylor to drive them away. And they
19 drive him and Robert Mitchell and Robert Mitchell's
20 girlfriend who is also with them to their apartment which
21 is out --

22 So then they give statements to the police and the
23 police it doesn't take them long to figure out who is
24 what. The police thoroughly look at the scene because
25 they don't know when they first get out there who are

State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 they looking for, how many people are they looking for?
2 They process the scene. They take the vehicle back and
3 they process the vehicle. Very shortly thereafter the
4 one recognizable fingerprint that they can find is that
5 of Jalann Williams, so that becomes the person that they
6 begin looking for. And then once they start talking to
7 Lauren Thrower and to Taylor McLean and to Alayah Hamlin
8 and to Jalann Williams they realize Jalann Williams is
9 the person --

10 So you have to kill somebody and you have to mean it
11 in one of those four ways. So in an instant -- so if you
12 don't intent to kill somebody and then something happens
13 and recklessly, indifferently, depraved and malignant
14 heart you fired a weapon in that instant you've acquired
15 the criminal intent to commit a crime. It doesn't help
16 you that you didn't wake up that morning eating breakfast
17 and intending to kill somebody.

18 What you did in the instant, the evidence of what
19 you did in the instant dictates what your state is
20 whether or not we can prove malice aforethought. You may
21 hear this okay, this isn't a defense in any sort of way
22 okay, but this is a drug deal gone bad is what we have.
23 Violent crime frequently comes from drug deals that go
24 bad. When you bring a loaded firearm to a drug deal you
25 increase the chances of something horrible happening; you

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1 being injured or somebody else being injured. I mean
2 let's unpack that a little bit. A drug deal gone bad. A
3 person is about to go commit a felony, a drug deal, and
4 he brings a firearm which could be a misdemeanor or it
5 could be a felony depending on a bunch of different
6 factors; none of which concern you.

7 And then to accomplish what he believes you know
8 what he wants to accomplish which is a robbery he is
9 going to use the firearm; use the deadly weapon in
10 furtherance of taking something of value from that
11 person. So let's look at felony. And when you unpack
12 it, it doesn't make it sound better; it actually makes it
13 sound worse. So listen to the evidence. It's not an
14 excuse. It doesn't get you off. That doesn't make Akim
15 Ladson somehow -- that doesn't make his life unworthy and
16 he should be living but he chose to sell periodically.
17 It is not something that should have ended his life.

18 Please listen very carefully to the witnesses as
19 take the witness stand. You are the judges of the facts
20 as the court has told you. You are really the only
21 people; your opinions are the only ones that really
22 matter in this particular case. And it's your opinions
23 of what I present to you, the evidence that I present to
24 you, the testimony and the physical evidence that really
25 matter. Please give your attention to Mr. Murphy.

State v Jalann Williams
Opening Statement-By Mr. Voigt
January 5, 2015

1 MR. MURPHY: Thank you, Your Honor. May it please
2 the court?

3 THE COURT: Yes, sir.
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State v Jalann Williams
Opening Statement-By Mr. Murphy
January 5, 2015

1 thinking for those ten to fifteen seconds. We're not
2 trying to hide anything. We're not going to play any
3 tricks or games with you folks. I'm going to tell you
4 the good stuff and the bad stuff in this case.

5 Now we know a few things. We know this was a drug
6 deal. We know Ms. Hamlin was driving the car, that white
7 Ford Expedition. We know that Akim Ladson was in the
8 passenger seat. We know that Robert Mitchell who was
9 also charged with this crime but not here today was
10 behind the driver and we know that Jalann Williams was in
11 the rear passenger seat.

12 Now we also know Jalann is a pothead guys. He
13 smokes dope. He doesn't drink, he doesn't use any drugs.
14 His drug of choice is marijuana and he's going to tell
15 you about how he uses it. If I had to label him I would
16 say he is a small time criminal. He's a petty guy who
17 smokes drugs -- and I'd say the same thing about Robert
18 Mitchell, his co-defendant.

19 Now you've heard this is a drug gone bad. And that
20 is not a defense and that's not an excuse. But what the
21 testimony I think is going to say is that there was a
22 physical altercation. I don't know what people are going
23 to testify on the stand but I think you're going to hear
24 in terms of a timeline there was raised voices, there was
25 a physical altercation, and there was a gunshot fired.

State v Jalann Williams
Opening Statement-By Mr. Murphy
January 5, 2015

1 Hamlin and Mitchell took off. While they took off Jalann
2 was still fighting with Akim. There was a second gunshot
3 fired and Jalann got out of the car and took off running.
4 And that means that two of the players Akim -- I'm sorry,
5 Ms. Hamlin and Mr. Mitchell took off while this
6 altercation was going on. So that leaves Mr. Jalann
7 Williams as the only one that can tell you the whole
8 story of what happened in that car.

9 And also what I find interesting is the only reason
10 we're here and the only reason Jalann is facing these
11 charges of murder is because he lived folks. If he was
12 killed it would be Akim Ladson facing this same charge of
13 murder. And that's the problem that I have with this
14 case. We're going to have a fight. Akim Ladson was a
15 big guy; 220 pounds healthy individual. Jalann is about
16 145 pounds folks. The State thinks this is murder and
17 that's the only crime that applies. And that's why you
18 folks are here; we don't think he's guilty of murder.

19 Now anyone with kids -- children knows that there
20 are at least two to three sides to every story and that's
21 what we have here. The Judge is going to tell you what
22 the law is and you folks are going to determine what the
23 facts are and apply that law. And as you know in order
24 to find Mr. Williams, Jalann guilty of murder you're
25 going to have to find that he had this malice

State v Jalann Williams
Opening Statement-By Mr. Murphy
January 5, 2015

1 aforethought, which the Judge will probably charge you is
2 an evil intent, an ill will or hostility. And we don't
3 have that here. Jalann was in a fight. He was trying to
4 survive, trying to kick Akim off of him. You might hear
5 a jury charge about felony murder and that's if you are
6 committing a felony and murder is a logical consequence
7 you can be guilty.

8 But that's nothing but an inference and you still
9 have to have the intent to kill somebody. You don't have
10 that intent here. Now does this mean that Jalann is
11 innocent and he gets off Scott free? I don't think so
12 and we're not going to be asking you for that. And if
13 you're not guilty of murder you can be charged on one of
14 the lesser included charges, which is manslaughter.

15 And we have two types of manslaughter folks. We
16 have voluntary manslaughter, which is a killing in the
17 sudden heat of passion; basically you lost your mind, you
18 went crazy and you shot somebody. Now does that apply?
19 I don't think so but you might disagree.

20 You have second manslaughter, which is the
21 involuntary manslaughter, which is an unintentional
22 killing without malice while engaged in an unlawful
23 activity. And to me that makes the most sense because we
24 have a drug deal, which is unlawful. We're not going to
25 have any malice or any intent to kill Mr. Ladson, and we

State v Jalann Williams
Opening Statement-By Mr. Murphy
January 5, 2015

1 have an unintentional killing. Now we know that Mr.
2 Ladson was a much bigger guy. And we know that when the
3 first shot was fired they kept fighting. So when the two
4 left there was still a fight going on after that first
5 shot. It was when the second shot was fired that Mr.
6 Williams was able to get away.

7 Now there was no plan to rob Mr. Ladson that day
8 because they ended up scrounging up the money to buy the
9 drugs. Mr. Mitchell had 450 dollars. The price was 600
10 bucks. Jalann brought another 150 dollars. Robbers
11 don't bring money to purchase a product if they're going
12 to intend to steal it.

13 Now you folks heard from the Judge that you get to
14 judge the creditability of the witnesses; judge their
15 demeanor and figure out who is telling the truth. Now I
16 know -- I don't know what folks are going to testify up
17 there; it changes all the time. But I do know that
18 everyone is going to testify to protect themselves. And
19 when you get these folks up there they are going to do
20 their best to protect themselves. And that is a natural
21 instinct.

22 This isn't going to be like the movies where
23 somebody breaks down on the witness stand after a half
24 hour or 45 minutes and confesses. You folks are going to
25 have to look at the subtle things; just the little

State v Jalann Williams
Opening Statement-By Mr. Murphy
January 5, 2015

1 differences to put those pieces of the puzzle together.
2 Now the State has that burden, beyond a reasonable doubt,
3 which is the highest burden we have.

4 And Jalann is really the only one that can tell you
5 exactly what happened that day. He's the only one who
6 can tell you what he was thinking because this case is
7 all about intent. What was Jalann thinking when he
8 pulled the trigger? And that makes what you folks are
9 going to have to decide and that makes you folks the most
10 important people in this courtroom. Thank you.

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State v Jalann Williams
Fred Hoose-Direct Examination by Mr. Voigt
January 5, 2015

1 THE COURT: Call your first witness please sir.

2 MR. VOIGT: Fred Hoose.

3 THE COURT: Who is that witness?

4 MR. VOIGT: Officer Hoose.

5 [Whereupon, Mr. Hoose comes forward]

6 [Whereupon, the witness is duly sworn by the Clerk
7 of Court]

8 CLERK OF COURT: Officer, please state your full
9 name and spell your last name for the record.

10 THE WITNESS: My name is Fredrick Lee Hoose, Jr.
11 and my last name is spelled H-O-O-S-E.

12 - - - - -

13 FREDRICK HOOSE,

14 Having been first duly sworn,

15 Was examined and testified as follows:

16 DIRECT EXAMINATION

17 BY MR. VOIGT:

18 Q. Officer Hoose, where do you work?

19 A. North Charleston Police Department.

20 Q. How long have you worked there?

21 A. Probably 17 years.

22 Q. Were you working on January 30th, 2013?

23 A. I was.

24 Q. Was that -- what's your current assignment for North
25 Charleston?

State v Jalann Williams
Fred Hoose-Direct Examination by Mr. Voigt
January 5, 2015

1 A. My current assignment I'm a south bureau evening
2 shift supervisor.

3 Q. What was your assignment back on January 30th 2013?

4 A. I was a patrolman -- I was a member of what they
5 call a PACE team I believe the acronym -- I could get
6 this wrong -- it's police and community enhancement team.

7 Q. Okay. And what was the goal of that particular
8 team?

9 A. We were assigned to -- that area is in the central
10 bureau of our police department. My teammates and I were
11 assigned to that bureau captain. And basically we look
12 at crime trends within the city and they deploy us into
13 areas to deter certain kinds of crimes.

14 I believe at that time there were some burglaries in
15 the Midland Park neighborhood. That's the neighborhood
16 that this took place in and we were in there to identify
17 and catch the guys doing burglaries.

18 Q. But that's not why you responded to 6852 Ward Avenue
19 is it?

20 A. No, sir.

21 Q. And why did you respond there?

22 A. There was a dispatch call probably about quarter of
23 six in the evening of an accident involving a white
24 expedition with a shooting victim inside on Ward Avenue.

25 Q. And is Ward Avenue within the jurisdiction of North

State v Jalann Williams
Fred Hoose-Direct Examination by Mr. Voigt
January 5, 2015

1 Charleston?

2 A. It is.

3 Q. In Charleston County?

4 A. It is.

5 Q. Were you the first officer who responded?

6 A. Yes sir, I was.

7 Q. What did you see when you first got there?

8 A. When I arrived, it's a mobile home park, I observed
9 a white Ford Expedition with the -- looking from my left
10 to -- from left to right the front end of the Expedition
11 was kind of resting against a trailer, a mobile home and
12 the back end was towards my right.

13 Both drivers' side doors were open and the rear
14 passenger side on the other side was open as well.

15 Q. Were you the first officer on the scene?

16 A. I was.

17 Q. Did you arrive there before E-M-S or ---

18 A. --- I did, I did.

19 Q. And when you're the first responding officer what's
20 your initial duty? What are you looking to do initially?

21 A. The first thing is to secure the scene. Then next
22 you want to make sure you tend to any victims. Actually
23 tending any victims would come first and then securing
24 the scene is next. Now that includes making sure it's
25 safe for other units; that there is nothing actively

State v Jalann Williams
Fred Hoose-Direct Examination by Mr. Voigt
January 5, 2015

1 going on and safe for E-M-S and then securing the crime
2 scene.

3 Q. Were you able to secure the scene such that it was
4 safe for the next units that responded?

5 A. Yes, I was.

6 Q. And were you able to render any assistance to the
7 victim at all?

8 A. No, sir. The only thing I did was I checked his
9 left wrist for a pulse; there was none. I advised E-M-S
10 -- or our dispatchers that it was okay for E-M-S to come
11 in.

12 Q. Okay. Could you tell what exactly had happened to
13 him?

14 A. I couldn't see anything -- there were no visible
15 injuries that I noted.

16 Q. And where was he in the car?

17 A. He was his feet were in the passenger seat, the
18 floorboard, the front passenger floorboard and he was
19 stretched out face down into the back floorboard.

20 Q. Did you move him to turn him face up at all?

21 A. No, I didn't.

22 Q. Okay. Did you remain on scene?

23 A. I did.

24 Q. And why did you remain on scene?

25 A. Well, I was the first officer one. And I also

State v Jalann Williams
Fred Hoose-Direct Examination by Mr. Voigt
January 5, 2015

1 assisted in setting up the crime scene tape and then I
2 generated the crime scene log.

3 Q. Okay. Were there any potential witnesses around
4 that you were able to identify?

5 A. There were. When I first arrived I noticed a black
6 female wearing a pink shirt. She was walking around the
7 vehicle crying. She was on a cell phone.

8 I may have briefly spoken to her but I believe some
9 of the residents identified her as the driver. And then
10 before I got there dispatch had notified me or notified
11 us that there were two black males wearing all dark
12 clothing fleeing the scene.

13 I asked about just kind of generally shouted to
14 anybody that would tell me which way did they go and they
15 described two black males wearing black hoodies running
16 in the direction kind of east from where we were towards
17 Raymond or the Street Lake Ashley Mobile Home Park.

18 Q. Okay. So is that the adjacent mobile home park?

19 A. It is. It's probably 50 yards or 100 -- 50 to 80
20 yards from where the scene was.

21 Q. Please answer any questions Mr. Murphy may have of
22 you.

23 THE COURT: Cross-Examination.
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State v Jalann Williams
Fred Hoose-Cross-Examination by Mr. Murphy
January 5, 2015

1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Did you search Mr. Ladson?

4 A. No, I didn't do any search of the victim.

5 Q. And were you able to tell which shot was fired first
6 into Mr. Ladson?

7 A. No, sir.

8 Q. That's all I have.

9 THE COURT: Redirect?

10 MR. VOIGT: No redirect, Your Honor.

11 THE COURT: May this witness be excused?

12 MR. VOIGT: Yes, Your Honor.

13 MR. MURPHY: Yes, Your Honor.

14 THE COURT: You may step down.

15 [Whereupon, the witness is excused and exits the
16 witness stand]

17 THE COURT: Call your next witness.

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State v Jalann Williams
Alayah Hamlin-Direct Examination by Mr. Voigt
January 5, 2015

1 MR. VOIGT: The State calls Alayah Hamlin.

2 [Whereupon, Ms. Hamlin comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Speak into this microphone and you
6 need to get kind of close to it so we can hear you and
7 then I need you to say your full name and then spell your
8 last name.

9 THE WITNESS: My name Alayah Rose Hamlin. The last
10 name is spelled H-A-M-L-I-N.

11 [Whereupon, State's exhibit number 1 is marked by
12 the court reporter]

13 - - - - -

14 ALAYAH HAMLIN,

15 Having been first duly sworn,

16 Was examined and testified as follows:

17 DIRECT EXAMINATION

18 BY MR. VOIGT:

19 Q. Ms. Hamlin, how old are you?

20 A. Twenty-two.

21 Q. And do you go to school?

22 A. Yes.

23 Q. Where do you go to school?

24 A. Francis Marion.

25 Q. Can you talk a little bit louder into that

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1 microphone?

2 A. Yes.

3 THE COURT: Can the jury hear this witness okay?
4 If you can't, just raise your hand.

5 Q. [Mr. Voigt] I'm going to stand back here so you're
6 going to have to talk to me back here so I can hear you,
7 okay?

8 A. Okay.

9 Q. What are you studying there at Francis Marion?

10 A. Nursing.

11 Q. How long have you been studying nursing?

12 A. It's my junior year.

13 Q. How long have you known you wanted to be a nurse?

14 A. Since I was in Kindergarten.

15 Q. Did you know Akim Ladson?

16 A. Yes.

17 Q. How did you know Akim?

18 A. He was my boyfriend.

19 Q. How long had he been your boyfriend?

20 A. Two years.

21 Q. Did you live with him or maintain separate
22 residences?

23 A. Maintained separate residences.

24 Q. Were you in school that day?

25 A. Yes.

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- 1 Q. Where were you going to school back then?
- 2 A. Trident Technical College.
- 3 Q. Again were you trying to get -- advancing towards a
- 4 nursing degree?
- 5 A. Yes.
- 6 Q. Was Akim in school?
- 7 A. No.
- 8 Q. Did he have a job?
- 9 A. No.
- 10 Q. Did he ever work with his dad?
- 11 A. Yes.
- 12 Q. And what kind of work was that?
- 13 A. They clean the carpets of like hotels and buildings.
- 14 Q. Was that something he wanted to do?
- 15 A. Yes.
- 16 Q. Is that the only way he made money?
- 17 A. No.
- 18 Q. How else did he make money?
- 19 A. He sold drugs.
- 20 Q. What kind of drugs?
- 21 A. Marijuana.
- 22 Q. Did you know that when you first started dating him?
- 23 A. No.
- 24 Q. Was that something you approved of?
- 25 A. No.

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- 1 Q. Did he listen to you or did he keep doing it anyway?
- 2 A. He'd listen sometimes.
- 3 Q. Was the rug cleaning business dangerous?
- 4 A. No.
- 5 Q. Was the selling marijuana business dangerous?
- 6 A. No -- yes, it is.
- 7 Q. Had he ever been injured selling drugs before?
- 8 A. Yes, onetime prior.
- 9 Q. What happened to him?
- 10 A. He got shot.
- 11 Q. And he survived?
- 12 A. Yes.
- 13 Q. Were they able to take the bullet out of him then?
- 14 A. One was not able to get pulled out so he still had
- 15 one in him.
- 16 Q. Did that affect his health?
- 17 A. Yes.
- 18 Q. How?
- 19 A. His breathing never was back to normal.
- 20 Q. Did he smoke a lot of weed with that breathing?
- 21 A. No.
- 22 Q. Why not?
- 23 A. I don't know. He just stopped.
- 24 Q. Did he stop around you or did he stop?
- 25 A. He stopped.

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- 1 Q. On January 30th did you know that you were driving
2 him to a drug deal, to a marijuana deal?
- 3 A. Not initially, no.
- 4 Q. Would it have been something that you would have
5 agreed to do had you known?
- 6 A. No.
- 7 Q. Where did you pick him up that day?
- 8 A. We were at his house.
- 9 Q. And where was that?
- 10 A. In North Charleston.
- 11 Q. And did he tell you where he had to go?
- 12 A. Yes.
- 13 Q. Where was that?
- 14 A. Off of -- like around Stall Road. I didn't know the
15 area so I just took directions.
- 16 Q. So did you know where you were going?
- 17 A. No.
- 18 Q. Why didn't he drive?
- 19 A. Because I was driving my Mom's car at the time and
20 I'm the only one that drives that car.
- 21 Q. How tall are you Alayah?
- 22 A. I'm about 5-3.
- 23 Q. How tall was Akim?
- 24 A. He was about like 5-7 -- 5-6 or 5-7.
- 25 Q. So just a little bit taller than you?

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- 1 A. Yes.
- 2 Q. Did he have a gun with him?
- 3 A. No.
- 4 Q. Would you allow him in -- that was your Mom's car?
- 5 A. Yes.
- 6 Q. Did you allow him in your Mom's car with a gun?
- 7 A. No.
- 8 Q. Did he have any sort of weapon on him at all?
- 9 A. No.
- 10 Q. That you knew of?
- 11 A. No.
- 12 Q. What did y'all talk about if you can remember on the
- 13 way over there?
- 14 A. Marriage.
- 15 Q. So when did he meet up with the people? How did
- 16 that happen?
- 17 A. I drove him to an area of like trailers. He met
- 18 them and then they got in the car after that.
- 19 Q. What did they look like?
- 20 A. One was tall and had short -- one had a haircut and
- 21 one had dreads and they were both black.
- 22 Q. Was one younger or older?
- 23 A. Yes, one was younger and one was older. The taller
- 24 one was older.
- 25 Q. Did he have dreads?

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- 1 A. No.
- 2 Q. Could you see what they were talking about? Could
- 3 you hear what they were talking about?
- 4 A. No.
- 5 Q. What did they do when you met up with them?
- 6 A. They liked dapped each other and like gave each
- 7 other handshakes and stuff and then talked like for a
- 8 brief second and they got in my car.
- 9 Q. And then they all got in your car?
- 10 A. Yes.
- 11 Q. Were you expecting that?
- 12 A. No.
- 13 Q. Did you approve of that?
- 14 A. No.
- 15 Q. What did you say or do?
- 16 A. I turned to my boyfriend Akim and I said like what
- 17 are you doing and he was like oh, I know them its okay so
- 18 I went okay.
- 19 Q. Where did you take them?
- 20 A. We just went -- we were in the same area but we just
- 21 went kind of down I guess the pathway. And we didn't
- 22 make it too much further after that so.
- 23 Q. Where did the two guys get into your Mom's truck?
- 24 A. Like between -- they came from between two trailers
- 25 and like my Mom's car was like in front of the one on the

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1 left and they got in right there.

2 Q. The older one, the one without the dreads where did
3 he get in?

4 A. The passenger side -- they both got in the passenger
5 side but one just slid over; so the one without the hair
6 was behind me.

7 Q. Okay. So the older one, the taller one with the
8 short hair was behind you?

9 A. Yes.

10 Q. And the other one?

11 A. Was behind Akim.

12 Q. Did either one of them -- were they talking to Akim?

13 A. Yes.

14 Q. What were they saying?

15 A. I don't know.

16 Q. Were you paying attention much to what they were
17 doing?

18 A. No.

19 Q. Did you like having them in your Mom's car?

20 A. No, I didn't.

21 Q. How far did you go?

22 A. Probably like -- not that far as all because I could
23 still see where I had come from so I was -- I can't
24 really explain like the length but if I was walking it
25 would probably have been like maybe a 30 second walk but

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1 where I was initially.

2 Q. Did they direct you where to go, where to drive?

3 A. Yes.

4 Q. And who did that?

5 A. The one sitting behind him.

6 Q. So not the older one but the younger one?

7 A. Yes, they said just go straight so I did.

8 Q. Do you remember meeting with me in my office on New
9 Year's Eve?

10 A. Yes.

11 Q. Do you remember listening to some audio tapes of 911
12 calls?

13 A. Yes.

14 Q. Do you remember recognizing those calls?

15 A. Yes.

16 Q. And I'm going to hand you what has been previously
17 marked as State's 1.

18 MR. MURPHY: No objection, Your Honor.

19 THE COURT: Admitted without objection.

20 [Whereupon, State's exhibit number 1 is entered into
21 evidence by the court]

22 Q. [Mr. Voigt] We're going to -- these are you
23 initials?

24 A. Yes.

25 MR. VOIGT: At this time we'd offer to introduce it

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1 I'm assuming without objection.

2 MR. MURPHY: No objection.

3 Q. [Mr. Voigt] So when did you realize that a drug deal
4 was going down?

5 A. I had been on the phone and Akim was not a loud
6 person so when I heard like the change in his tone I knew
7 something was wrong. So that's when I turned around.

8 Q. Was there anything unusual about your phone right
9 then?

10 A. Yes. My phone was off at the time so I was only
11 allowed to get incoming calls; not outgoing.

12 Q. And who were you on the phone with?

13 A. I can't remember. It was either my grandmother or
14 my sister because it was a call from my home.

15 Q. You couldn't call out on that phone?

16 A. No.

17 Q. So while you're driving you're having this
18 conversation with a family member?

19 A. Uh Huh.

20 Q. And how did Akim's tone change? What do you mean by
21 that?

22 A. It was kind of like I guess the only way I can like
23 describe it is like if your child is being bad and you
24 change the tone in your voice to let them know that
25 you're serious. It was just like a drop like his voice

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- 1 got lower.
- 2 Q. Did you see marijuana?
- 3 A. No, not there.
- 4 Q. Did you ever see marijuana during this car ride?
- 5 A. No.
- 6 Q. Could you tell what Akim was saying when his voice
- 7 changed?
- 8 A. He just said no; like just a long no.
- 9 Q. The younger one, the one sitting behind him, what
- 10 did he say?
- 11 A. Give it to me.
- 12 Q. Do you know what he was talking about?
- 13 A. At that point I assumed it was the weed.
- 14 Q. Did you hear the other one say anything?
- 15 A. No.
- 16 Q. Then what happened?
- 17 A. It was like a struggle and I heard a gunshot go off
- 18 and then another after that.
- 19 Q. How long between the two gunshots?
- 20 A. Maybe a few seconds.
- 21 Q. Was it kind of bam, bam or bam wait bam?
- 22 A. Yes, like that. Uh Huh.
- 23 Q. Did you see a gun?
- 24 A. Yes.
- 25 Q. Who had the gun?

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- 1 A. The one sitting behind my boyfriend.
- 2 Q. Did the other one have a gun?
- 3 A. No.
- 4 Q. Did your boyfriend have a gun?
- 5 A. No.
- 6 Q. Did you have a gun?
- 7 A. No.
- 8 Q. So the only person in the truck with a gun was the
- 9 one sitting behind your boyfriend?
- 10 A. Yes.
- 11 Q. How was he holding the gun?
- 12 A. Kind of upright.
- 13 Q. Show me.
- 14 A. Like this [indicates]. This hand [indicates] he was
- 15 using to hold my boyfriend's hand and this hand
- 16 [indicates] had the weapon in it.
- 17 Q. Okay. So he ---
- 18 A. --- but kind of up like at an angle.
- 19 Q. So he had the gun up at like an angle?
- 20 A. Uh Huh.
- 21 Q. And you're raising your arm up about to the top of
- 22 your head?
- 23 A. Yes. It was about over his head. I mean you're in
- 24 the car and your elbow can't go but so far...
- 25 Q. Okay. So he was holding the gun up over his head?

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- 1 A. Uh Huh.
- 2 Q. And what was Akim doing?
- 3 A. Like fighting -- well, one hand holding the other
- 4 one trying to grab control of what was going on. It was
- 5 like a lot going on.
- 6 Q. Did he try to grab the gun?
- 7 A. I couldn't tell.
- 8 Q. Okay. But this guy had hold of one of Akim's
- 9 hands?
- 10 A. Uh Huh.
- 11 Q. How as Akim sitting in his seat?
- 12 A. At that time he had his waist is forward but he is
- 13 like twisted.
- 14 Q. So he's -- is he leaning towards the center of the
- 15 car or like towards the window of the car?
- 16 A. Towards the center.
- 17 Q. Did you jump out of the car after the first gunshot?
- 18 A. No.
- 19 Q. Did you wait until the second gunshot or did it
- 20 happen before the ---
- 21 A. --- it just happened before I could get out.
- 22 Q. What made you jump out of the truck?
- 23 A. Because I knew I had to go and get help. I never
- 24 heard like gunshots that close to me so it made my ears
- 25 pop and I can't hear and you know process what it was

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1 that was going on around me so I knew I need to go get
2 help so I got out.

3 Q. Had you ever been around somebody getting shot
4 before?

5 A. No.

6 Q. So the first time Akim got shot you weren't anywhere
7 near that?

8 A. No.

9 Q. How did you find out about that shooting?

10 A. His Mom called me.

11 Q. What happened to the SUV truck after you jumped out?

12 A. I wasn't -- my foot was on the brake and I didn't
13 put the car in park so when I got out it just continued
14 to roll until it hit a trailer.

15 Q. When you jumped out of your Mom's vehicle could you
16 see what the other people in the vehicle were doing?

17 A. They jumped out too.

18 Q. At the same time?

19 A. Just about. One was like one second behind me.
20 Like I got out and then I hear the doors open so I'm
21 running and I look behind me and I see them jump out too.

22 Q. Did you see the older one jump out?

23 A. Yes.

24 Q. And he was the one closest to you?

25 A. Uh Huh.

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- 1 THE COURT REPORTER: Is that yes?
- 2 A. Yes.
- 3 Q. [Mr. Voigt] Did you see the one jump out on the
- 4 other side?
- 5 A. Yes. I couldn't hear you.
- 6 Q. That's all right. You have to do more of a yes or
- 7 no as opposed to -- because they take everything down and
- 8 sometimes we have to use it much later and we have to
- 9 know what you're saying. So after the second shot the
- 10 other two jumped out?
- 11 A. Yes.
- 12 Q. Did Akim jump out?
- 13 A. No.
- 14 Q. Did that trouble you?
- 15 A. Yes.
- 16 Q. When did you know that something was really wrong
- 17 with Akim?
- 18 A. When I came back to the car.
- 19 Q. Where did you go?
- 20 A. I went to go get help.
- 21 Q. Could you call 911 on your phone?
- 22 A. I could but at the time I didn't realize, you know I
- 23 was just trying to get away from the situation.
- 24 Q. Did you try to make a 911 call?
- 25 A. Yes.

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1 Q. And how did you do that?

2 A. Me or?

3 Q. Did you get somebody else to call?

4 A. Yes.

5 Q. And then did you call?

6 A. Yes.

7 Q. When you got somebody else to call did they
8 ultimately hand you the phone as well?

9 A. Yes.

10 Q. And those are the calls we talked about the State's
11 exhibit 1 that you listened to the other day?

12 A. Yes.

13 MR. VOIGT: May we publish to the jury, Your Honor?
14 We want to publish to the jury.

15 THE COURT: Absolutely.

16 [Whereupon, the C.D. of the 911 calls plays]

17 [Not taken down]

18 [Whereupon, the C.D. pauses]

19 Q. [Mr. Voigt] Is that you in the background talking to
20 him?

21 A. Yes.

22 [Whereupon, the C.D. plays] [Not taken down]

23 [Whereupon, the C.D. pauses]

24 Q. [Mr. Voigt] That's your voice?

25 A. Yes.

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- 1 Q. Now in addition to getting this man to call did you
2 get anybody else to call?
- 3 A. Yes.
- 4 Q. Tell me how you got that person to call?
- 5 A. I ran to her house to get help and she ended up
6 coming.
- 7 Q. And where was she? Where did you find her?
- 8 A. In the bathroom.
- 9 Q. And then did you call yourself?
- 10 A. Yes.
- 11 [Whereupon, the C.D. plays] [Not taken down]
12 [Whereupon, the C.D. stops]
- 13 Q. [Mr. Voigt] Is that you?
- 14 A. Yes.
- 15 Q. When did you know Akim was getting robbed?
- 16 A. Almost immediately.
- 17 Q. Did you stay on the scene?
- 18 A. Yes.
- 19 Q. Do you remember talking to police?
- 20 A. Yes.
- 21 Q. Do you see the man who shot Akim in the courtroom?
- 22 A. Yes.
- 23 Q. Would you point him out and describe what he is
24 wearing for the jury?
- 25 A. He's over there [indicates] with a blue shirt on.

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1 Q. Has his hairstyle changed since the last time you
2 saw him?

3 A. Yes, he had dreads before.

4 MR. VOIGT: The State would tender the witness,
5 Your Honor.

6 THE COURT: Cross-Examination.
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Alayah Hamlin-Cross-Examination by Mr. Murphy
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1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Did I hear you correctly you didn't see any drugs
4 during this transaction?

5 A. No.

6 Q. Not at all?

7 A. The --

8 Q. I'm sorry?

9 A. The residue on the floor.

10 Q. So you just saw something that would have been after
11 the shooting occurred?

12 A. Yes.

13 Q. And did you say you were on the phone when you
14 picked up Mr. Williams and Mr. Mitchell?

15 A. No. Not when I picked them up.

16 Q. Okay. When you were driving you were on the phone?

17 A. Yes.

18 Q. And you were talking to your grandmother or mother?

19 A. Either my grandma or my sister.

20 Q. All right. And when the transaction -- well let me
21 ask you this -- when the tone started to change in Akim
22 were you still on the phone?

23 A. No.

24 Q. You were not?

25 A. No.

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1 Q. And you don't remember anything that they were
2 talking about specifically?

3 A. No.

4 Q. Okay. And did Akim tell you that he was going to
5 be doing -- selling drugs for this transaction?

6 A. Once we got there.

7 Q. Once you got there. And you decided to go along
8 with it once you got there correct?

9 A. Well, it was too late by then.

10 Q. Well you could have said let's turn around and not
11 do this right?

12 A. Yes.

13 Q. Okay. But you chose not to do that right?

14 A. I don't know what the question was.

15 Q. You chose not to do that -- you wanted to go through
16 with the drug transaction.

17 A. No.

18 Q. All right. But did you do anything to try to stop
19 the transaction.

20 A. I said no.

21 Q. Pardon?

22 A. I said no.

23 Q. You said no?

24 A. I did.

25 Q. And he said drive anyways or?

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- 1 A. Yes.
- 2 Q. And you listened to him?
- 3 A. Yes.
- 4 Q. And you said you were dating him for about two
5 years?
- 6 A. Yes.
- 7 Q. And you knew he was a drug dealer during this entire
8 two years?
- 9 A. No.
- 10 Q. How long had you known he was a drug dealer?
- 11 A. Probably a little bit before he got shot the first
12 time.
- 13 Q. Okay. How long ago would that have been?
- 14 A. Like 2012.
- 15 Q. So about two years you knew him did you say?
- 16 A. Yes.
- 17 Q. Okay. So you knew he was a drug dealer for about
18 two years?
- 19 A. Yes.
- 20 Q. Okay. And in then that two years would have been
21 about the time you knew him you said right?
- 22 A. I'm kind of confused as to what it is you're asking
23 me.
- 24 Q. I'm not trying to confuse you at all ma'am. I'm
25 just going to -- how long did you know Mr. Ladson was a

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- 1 drug dealer?
- 2 A. About a little bit before he got shot the first
3 time.
- 4 Q. Okay. And that would have been about how many
5 years ago?
- 6 A. From today?
- 7 Q. Yes -- no, no; from January of 2013?
- 8 A. That would have been about six months.
- 9 Q. So after you found out he was a drug dealer you
10 stayed with him?
- 11 A. Yes.
- 12 Q. Now were you driving the car -- was the car actually
13 moving when the tone changed?
- 14 A. Yes.
- 15 Q. And I think you said you were on the phone talking
16 at that point?
- 17 A. Well I was listening. I wasn't talking.
- 18 Q. All right, you were listening. And then when -- you
19 never saw any drugs. Did you ever see any money
20 exchanged?
- 21 A. No.
- 22 Q. And did you see Mr. Williams or Mr. Mitchell
23 weighing the drugs on a scale at all?
- 24 A. No.
- 25 Q. Did you see a digital scale in the car?

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- 1 A. Yes.
- 2 Q. You did, okay. And that digital scale didn't belong
3 to Mr. Ladson did it?
- 4 A. I don't know.
- 5 Q. Okay. Did you ever see a scale, Mr. Ladson have a
6 digital scale before?
- 7 A. Yes.
- 8 Q. Okay. Did you see that digital scale the day of
9 this incident?
- 10 A. I don't know if it was his.
- 11 Q. On the way to pick up to do the drug buy to pick up
12 Mr. Williams and Mr. Mitchell did you see a digital scale
13 in the car?
- 14 A. No.
- 15 Q. Okay. So if the digital scale appeared it would be
16 safe to assume it came from Mr. Williams or Mr. Mitchell?
- 17 A. Maybe.
- 18 Q. I'm sorry?
- 19 A. Maybe.
- 20 Q. Maybe? Well if you didn't see one is there any
21 other explanation as how it would have appeared other
22 than from one of those two?
- 23 MR. VOIGT: Objection. Asked and answered.
- 24 THE COURT: Overruled.
- 25 A. No.

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- 1 Q. [Mr. Murphy] And at the time of the argument when
2 there was an altercation, a physical altercation were you
3 on the phone at that point?
- 4 A. No.
- 5 Q. And were you driving the car at that point?
- 6 A. No.
- 7 Q. The car was not moving?
- 8 A. It was kind of like it was rolling.
- 9 Q. It was rolling?
- 10 A. Yes.
- 11 Q. Okay. And when the tone changed did you turn or do
12 anything?
- 13 A. Yes.
- 14 Q. What did you do?
- 15 A. I turned around and yelled for them to cut it out.
- 16 Q. Okay. You said cut it out?
- 17 A. Yes, to stop.
- 18 Q. To stop arguing?
- 19 A. I told them -- well at that point I had already
20 learned it was a robbery so I was just like letting them
21 know like no; you've got to stop, cut it out.
- 22 Q. And I'm sorry -- the time the tone changed your
23 testimony is that you thought it was a robbery at that
24 point?
- 25 A. Yes. When his tone changed I already knew something

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1 was wrong. I didn't know it was a robbery until I turned
2 around.

3 Q. Okay. You didn't know it was a robbery until when?

4 A. I turned around.

5 Q. Okay. And that was you turned around and I think
6 you testified you saw a gun at that point.

7 A. Yes.

8 Q. Okay. Was there a physical altercation before the
9 gun was shot?

10 A. I don't think so.

11 Q. Okay. And it's your testimony that Mr. Ladson saw
12 a gun and grabbed the person behind him?

13 A. That's what I'm thinking. Well by the time I turned
14 around they were already you know hand to hand.

15 Q. Did anybody say -- okay, so by the time you turned
16 around Akim was fighting with Jalann is that correct?

17 A. Yes.

18 Q. Okay. So you turned around and the two were in a
19 fight?

20 A. Uh Huh.

21 Q. And you don't know what spurred that fight?

22 A. No.

23 Q. And you didn't say anything like cool it or let's
24 talk about this or anything like that?

25 A. No, not at that time.

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1 Q. Did you hear Akim say anything like cool it, let's
2 stop, whoa, slow down?

3 A. No.

4 Q. You just saw an altercation?

5 A. Uh Huh.

6 Q. And then the first shot was fired and I imagine this
7 was a pretty traumatic moment in your life.

8 A. Yes.

9 Q. And the first shot was fired and you said it was
10 ringing in your ears?

11 A. Uh Huh.

12 Q. And I would imagine that triggered a lot of
13 adrenaline?

14 A. I guess.

15 Q. You got scared?

16 A. Yes, I was scared.

17 Q. I think that's a natural reaction. Now is it your
18 testimony you jumped out of the car after that first
19 shot?

20 A. Uh Uh.

21 Q. No? Okay. When you saw the first shot go off was
22 the two engaged in an altercation?

23 A. Yes.

24 Q. So they were fighting and shot one went off. And
25 then once shot one went off were they still fighting?

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Alayah Hamlin-Cross-Examination by Mr. Murphy
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- 1 A. Not like fist fighting but like a struggle ---
2 Q. --- grabbing each other right? I mean I don't think
3 there was room for people throwing fists right?
4 A. Uh Huh.
5 Q. So people were -- the two of them were engaged in a
6 struggle grabbing each other correct?
7 A. Yes.
8 Q. Okay. And then a second shot went off right?
9 A. Yes.
10 Q. And then once the second shot went off were the two
11 still struggling?
12 A. No.
13 Q. Okay. What happened?
14 A. We all got out the car.
15 Q. Okay. You jumped out the car.
16 A. I jumped out the car.
17 Q. And I would imagine you were running as fast as you
18 could out of there right?
19 A. Yes.
20 Q. And you weren't looking back to see what was going
21 on were you?
22 A. I did.
23 Q. You did?
24 A. It was a pretty open space so even if I go a pretty
25 far distance I could still see.

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1 Q. Did you see the two of them fighting after the
2 second shot had gone off?

3 A. No.

4 Q. Okay. So did you even look to see what was going
5 on after the second shot went off?

6 A. I did.

7 Q. You did?

8 A. Yes, that's how I knew they got out the car too
9 because right when I turned around they were out the door
10 also.

11 Q. Did Mitchell get out the car first?

12 A. I'm not sure. I just know the two of them were
13 running.

14 Q. Okay. You saw -- let's back up. When you got out
15 of the car and ran you then looked back and saw the two
16 of them running?

17 A. Uh Huh.

18 Q. And this would have been after the second shot was
19 fired?

20 A. Yes.

21 Q. Now you also after the shooting removed the digital
22 scale from the car didn't you?

23 A. I did.

24 Q. And you threw it in the pond correct?

25 A. Yes.

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1 Q. And that would have been -- did you tamper with the
2 scene in any other way other than throwing out this
3 scale?

4 A. Uh Uh.

5 Q. And the reason you threw out the scale is because it
6 was a drug buy correct? Well, let me ask you this. Why
7 did you throw out the digital scale?

8 A. Someone told me to.

9 Q. Okay. So you ---

10 A. --- like I had never been in a situation like this
11 before and then someone just I guess was like you know
12 you might want to...

13 Q. You were trying to hide it?

14 A. I honestly don't know what I was doing that day.

15 Q. And that day did Akim -- let me ask you this. Akim
16 Ladson you testified sold marijuana. Did he sell any
17 other drugs?

18 A. No.

19 Q. Did he use drugs?

20 A. No.

21 Q. He never used marijuana?

22 A. Before but not during that time.

23 Q. Okay. So that day he didn't use any drugs?

24 A. No.

25 Q. And you didn't use any drugs that day did you?

State v Jalann Williams
Alayah Hamlin-Cross-Examination by Mr. Murphy
January 5, 2015

1 A. No.

2 Q. So both of you were thinking clearly that day when
3 you went and got involved in this drug transaction is
4 that what you're saying?

5 A. Yes.

6 Q. And this fight between -- the time between the tone
7 changed and the shooting -- the second shot went off was
8 how long about ten seconds, fifteen, did it happen fast
9 or was it slow or?

10 A. It was less than ten seconds but not back to back
11 either.

12 Q. Right. I can imagine it seemed like it was going on
13 forever but it really happened real fast is that fair?

14 A. Well...

15 Q. Or it seemed fast; you tell me?

16 A. It did seem that fast but I know it wasn't that long
17 either.

18 Q. Less than ten seconds?

19 A. Yes.

20 Q. Okay. And you didn't hear anything specific that
21 Mr. Mitchell said during this ten seconds did you?

22 A. Like give it to me -- like...

23 Q. Give it to me?

24 A. Yes, whatever he was saying.

25 Q. And did Akim have any money on him at the time that

State v Jalann Williams
Alayah Hamlin-Cross-Examination by Mr. Murphy
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1 you know about?

2 A. I don't know.

3 MR. MURPHY: One moment, Your Honor.

4 THE COURT: Yes, sir.

5 [Whereupon, Mr. Murphy confers with his client]

6 Q. [Mr. Murphy] And neither you or Akim Ladson said
7 anything to try to calm things down that you recall?

8 A. No, I said stop.

9 Q. That was when the tone changed right?

10 A. When I realized they were fighting.

11 Q. When they were fighting. So you saw the fight and
12 you said knock it off?

13 A. Yes.

14 Q. Okay.

15 MR. MURPHY: That's all I have, Your Honor.

16 THE COURT: Redirect.
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State v Jalann Williams
Alayah Hamlin-Redirect Examination by Mr. Voigt
January 5, 2015

1 REDIRECT EXAMINATION

2 BY MR. VOIGT:

3 Q. Just a couple of things just to clarify some stuff.

4 Do you recall who told you to throw the scale in the
5 pond?

6 A. I believe it was the guy that called 911 for me.

7 Q. Was that supposed to be doing you some sort of
8 favor?

9 A. I guess.

10 Q. Now Mr. Murphy asked you a bunch of questions about
11 a fight, a struggle, an altercation. Let me go back and
12 pick your brains about your memory of what you heard.

13 You heard a tone change. You looked into the back seat
14 right?

15 A. Yes.

16 Q. Was the gun out then?

17 A. Yes.

18 Q. Okay. So before you saw any evidence of any fight,
19 struggle, or altercation you saw a firearm?

20 A. Yes.

21 Q. And you heard him say give it up.

22 A. Yes.

23 Q. And he's got a gun or appears so correct?

24 A. Yes.

25 Q. Okay. At that point had you seen Akim strike

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Alayah Hamlin-Redirect Examination by Mr. Voigt
January 5, 2015

1 anybody?

2 A. No.

3 Q. Have you heard him yell at anybody, curse at
4 anybody?

5 A. No.

6 Q. You heard him say no.

7 A. Yes.

8 Q. And there's a gun up.

9 A. Yes.

10 Q. Akim says no.

11 A. Yes.

12 Q. And if I remember your testimony Jalann's got hold
13 of his right hand.

14 A. Yes.

15 Q. And Akim is right handed.

16 A. Yes.

17 Q. Okay. And that's what -- that's the struggle we're
18 talking about?

19 A. Yes.

20 Q. You never saw Akim engage in a fight with that man
21 [indicates] did you?

22 A. No.

23 MR. VOIGT: Thank you, Your Honor. No further
24 questions.

25 MR. MURPHY: Nothing further.

State v Jalann Williams
Alayah Hamlin-Redirect Examination by Mr. Voigt
January 5, 2015

1 THE COURT: Any reason why this witness cannot be
2 excused?

3 MR. VOIGT: No, Your Honor.

4 MR. MURPHY: No, Your Honor.

5 THE COURT: Thank you. You may step down.

6 [Whereupon, the witness is excused and exits the
7 witness stand]

8 MR. VOIGT: May she remain without sequestration?

9 THE COURT: Yes, sir. Any objection to that?

10 MR. MURPHY: No objection.

11 THE COURT: All right. Let's take an afternoon
12 break. How many -- do you have any witnesses to take us
13 up around 5:00 after about a ten or fifteen minute break?

14 MR. VOIGT: We have some manageable witnesses. We
15 have manageable witnesses for the afternoon, Your Honor.

16 THE COURT: Okay. Very good. Ladies and
17 gentlemen, let's take about a ten or fifteen minute
18 break. If you need anything make sure you let the
19 bailiff's know.

20 [Whereupon, the jury exits at 4:12 p.m.]

21 THE COURT: We'll be in recess about ten or fifteen
22 minutes.

23 [Whereupon, court is in recess from 4:14 p.m. until
24 4:27 p.m.]
25

State v Jalann Williams
Proceedings
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1 THE COURT: We have a jury question. We have a
2 jury question, which is as follows: Are we allowed to
3 ask questions during the witness's testimony. Signed
4 Forelady. Nope.

5 MR. MURPHY: That's right. That's an easy one.

6 [Whereupon, court's exhibit number 2 is marked by
7 the court reporter]

8 THE COURT: Would you bring the jury in.

9 [Whereupon, the jury enters at 4:30 p.m.]

10 THE COURT: Madame Forelady and ladies and
11 gentlemen of the jury the answer to the jury's question
12 is you may not ask questions during testimony, okay. Is
13 the State ready to proceed?

14 MR. VOIGT: Yes, Your Honor.

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State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

1 MR. VOIGT: The State calls Taylor McLean.

2 [Whereupon, Ms. McLean comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Speak into this microphone and you
6 need to get kind of close to it and please state your
7 full name and then spell your last name.

8 THE WITNESS: Okay. It's Taylor Evette [phonetic]
9 McLean, M-C-L-E-A-N.

10 - - - - -

11 TAYLOR MCLEAN,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. VOIGT:

16 Q. Ms. McLean how old are you?

17 A. Twenty-one.

18 Q. Where do you work?

19 A. Carolina Orthotics and Prosthetics.

20 Q. And what do you do there?

21 A. I do the insurance revocation and billing.

22 Q. And how long have you done that?

23 A. Almost two years.

24 Q. Do you know Jalann Williams?

25 A. Yes, sir.

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

- 1 Q. How long have you know Jalann Williams?
- 2 A. Since I was 12.
- 3 Q. What's your relationship with Mr. Williams?
- 4 A. He was my boyfriend and my children's father.
- 5 Q. Was your boyfriend. Is he no longer currently your
- 6 boyfriend?
- 7 A. Yes, sir.
- 8 Q. How many children do you have with Mr. Williams?
- 9 A. Two.
- 10 Q. And what are their ages?
- 11 A. Four and three.
- 12 Q. Where do you live?
- 13 A. [REDACTED] Midland Park Road in North Charleston. It's
- 14 Lakeside Mobile Home Park.
- 15 Q. And what's that near? What's the big road near
- 16 there?
- 17 A. There is Stall Road, Midland Park, Rivers.
- 18 Q. What number is your unit?
- 19 A. Lot [REDACTED]
- 20 Q. And who do you live there with?
- 21 A. My grandmother and my two kids.
- 22 Q. How long have you lived there?
- 23 A. I'm not sure. Maybe eight years; something like
- 24 that.
- 25 Q. Were you living there on January 30th, 2013?

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

- 1 A. Yes, sir.
- 2 Q. Did you see Jalann that day?
- 3 A. Yes, sir.
- 4 Q. Was he with anybody?
- 5 A. Well he had someone come over eventually but not
6 first thing.
- 7 Q. Okay. So was he there earlier in the morning?
- 8 A. Yes sir, he was.
- 9 Q. And who came over later?
- 10 A. Mitch and Lauren.
- 11 Q. What's Mitch's name?
- 12 A. Robert Mitchell.
- 13 Q. Okay. And who is Lauren?
- 14 A. I guess that's his girlfriend.
- 15 Q. What kind of -- when did they come over?
- 16 A. Maybe around noon. I'm not sure the exact time.
- 17 Q. Did you get along with Robert Mitchell?
- 18 A. No.
- 19 Q. Did you get along with Lauren Thrower?
- 20 A. I've never really talked to them that much but I
21 didn't have nothing to do with them.
- 22 Q. How long were they there in your home?
- 23 A. They weren't in my home, they were outside my home.
24 I'm not sure how long.
- 25 Q. Did Jalann go with them?

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

- 1 A. Yes, sir.
- 2 Q. Do you recall what time?
- 3 A. Maybe later on in the afternoon; I'm not sure on the
4 time.
- 5 Q. Did your grandmother allow guns in her house?
- 6 A. No, sir.
- 7 Q. Was Jalann allowed to bring a gun in your
8 grandmother's house?
- 9 A. No, sir.
- 10 Q. When they left the three of them about how long were
11 they gone?
- 12 A. Maybe an hour or so. I'm not 100 percent sure.
- 13 Q. Do you recall approximately what time they came
14 back?
- 15 A. I'm not sure. Maybe around 5 o'clock or something
16 like that; I'm not 100 percent sure on the time of the
17 day.
- 18 Q. Was it around the time the sun was setting?
- 19 A. Yes, sir.
- 20 Q. And how were they acting when they got back to you?
- 21 A. Jalann was quiet. Mitch is always really out there
22 and Lauren she was just acting I guess okay. I mean I
23 don't know her like that so I don't know how to judge
24 her.
- 25 Q. Did anyone ask you to do anything?

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

- 1 A. They asked me to take them to Mitch's house.
- 2 Q. Did Jalann ask you that?
- 3 A. Yes, sir.
- 4 Q. Did you want to go to Mitch's house?
- 5 A. No, sir.
- 6 Q. Did they seem like they were in a hurry?
- 7 A. Somewhat.
- 8 Q. How could you tell they were in a hurry?
- 9 A. Well, Jalann came in and asked me to carry him to
- 10 Mitch's house. He went in my room and he told me to come
- 11 on so I got my kids and I went outside. And then that's
- 12 when Mitch and Lauren came from behind the house. And
- 13 when we went it just seemed a little awkward.
- 14 Q. Did you take the kids with you?
- 15 A. Yes, sir.
- 16 Q. Which car did you take?
- 17 A. At the time I had a 2012 Honda Civic, a brown car.
- 18 Q. Were your kids in car seats?
- 19 A. Yes, sir.
- 20 Q. How did y'all fit in that car?
- 21 A. Jalann was in the passenger seat and Mitch and
- 22 Lauren were in the middle of the backseat.
- 23 Q. Did Jalann tell you where to go?
- 24 A. No, other than Mitch's apartment; I already knew
- 25 where he lived at.

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

- 1 Q. Did Mitch and Lauren talk in the backseat?
- 2 A. Yes, sir.
- 3 Q. What did they say?
- 4 A. Lauren was talking about throwing away phones and
- 5 Mitch was -- I can't remember exactly what he said but he
- 6 was just talking.
- 7 Q. Talking about getting rid of cell phones?
- 8 A. Well, Lauren was. Mitch was kind of just looking
- 9 around everywhere because there were sirens.
- 10 Q. There were sirens?
- 11 A. Yes, sir.
- 12 Q. Where were there sirens?
- 13 A. Just coming from all over the place.
- 14 Q. And this was around where you lived?
- 15 A. Yes, sir.
- 16 Q. So when y'all were leaving your neighborhood you
- 17 were hearing sirens?
- 18 A. Yes, sir.
- 19 Q. Okay. Could you see police cars and police lights
- 20 or could you just hear them?
- 21 A. At the time I could just hear them.
- 22 Q. And this is in the Midland Park Stall Road area?
- 23 A. Yes, sir.
- 24 Q. And that's near Ward Avenue right?
- 25 A. Yes, sir.

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

- 1 Q. As a matter of fact you live right next to Ward
2 Avenue in the trailer park right behind Ward Avenue
3 right?
4 A. Yes, sir.
5 Q. Where did you take them?
6 A. I'm not sure of the address; it's off of Remount
7 Road.
8 Q. It's in Hanahan?
9 A. I guess that's the area; I'm not sure.
10 Q. Did you stay there with them?
11 A. No, sir.
12 Q. Did Jalann stay with you?
13 A. No, sir.
14 Q. Did he talk at all on the way out there?
15 A. No, sir. I don't recall him saying much at all.
16 Q. Did you go into the house with them at all, the
17 apartment?
18 A. No, sir.
19 Q. You stayed out in your car?
20 A. Yes, sir. I left. I dropped them off and left.
21 Q. But you got a call to come back and pick them up
22 didn't you?
23 A. Yes, sir.
24 Q. And this time it was just Jalann right?
25 A. It was just; I'm sorry?

State v Jalann Williams
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- 1 Q. Just Jalann?
- 2 A. Just Jalann, yes.
- 3 Q. Was that the last contact you had with Robert
- 4 Mitchell and Lauren Thrower?
- 5 A. I didn't see them when I went back to pick him up.
- 6 Q. So when you dropped off Jalann that was the last
- 7 time you saw those two?
- 8 A. Yes sir, when I dropped them off at the apartment.
- 9 Q. Okay. And how much later was it when Jalann called
- 10 you to pick him up?
- 11 A. Somewhere around 8:30 or 9:00. We planned to go see
- 12 a movie.
- 13 Q. Do you recall what movie it was?
- 14 A. No.
- 15 Q. Did you go see a movie?
- 16 A. Yes, sir.
- 17 Q. What movie theatre did you go to?
- 18 A. The one across from Northwood's Mall.
- 19 Q. Did your grandmother watch your kids?
- 20 A. Yes, sir.
- 21 Q. Did you go anywhere else?
- 22 A. We went to Walmart.
- 23 Q. What did you get at Walmart?
- 24 A. Milk.
- 25 Q. Is that all you got?

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

- 1 A. That I can recall, yes sir.
- 2 Q. Where did you go after Walmart?
- 3 A. To the Relax Inn.
- 4 Q. Why did you go there?
- 5 A. To drop Jalann off.
- 6 Q. Was that normal to drop him off at the Relax Inn?
- 7 A. Every once and a while he would stay at a motel.
- 8 Q. And where is the Relax Inn?
- 9 A. It's on Ashley Phosphate besides the McDonalds.
- 10 Q. Did you go into the Relax Inn with him?
- 11 A. Yes sir, for a few minutes.
- 12 Q. How long do you think you were at the Relax Inn?
- 13 A. Maybe 30 minutes, 30 or 45 minutes I'm not sure.
- 14 Q. Did you smoke any weed there with him?
- 15 A. No, sir.
- 16 Q. Did he have weed with him?
- 17 A. Yes, sir.
- 18 Q. And you know that he smokes weed.
- 19 A. Yes, sir.
- 20 Q. And you know that he sells weed.
- 21 A. Yes, sir.
- 22 Q. When he was at the Relax Inn did he seem nervous to
- 23 you at all?
- 24 A. He's always kind of a quiet person but something
- 25 wasn't right with him.

State v Jalann Williams
Taylor McLean-Direct Examination by Mr. Voigt
January 5, 2015

1 Q. And at the movie theatre was he still kind of not
2 acting like himself?

3 A. Yes, sir.

4 Q. Okay. Now you go back and you still see Jalann
5 from time to time right?

6 A. Yes, sir.

7 Q. And you visit him at the jail right?

8 A. Yes, sir.

9 Q. When's the last time you saw him?

10 A. I think it was Sunday.

11 Q. When did he cut his hair?

12 A. Prior to Sunday.

13 Q. He normally wears dreads right?

14 A. Yes, sir.

15 MR. VOIGT: One moment, Your Honor.

16 [Whereupon, Mr. Voigt confers with Mr. Osborne]

17 MR. VOIGT: The State would tender the witness,
18 Your Honor.

19 THE COURT: Cross-Examination.

20 MR. MURPHY: Thank you, Your Honor.

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State v Jalann Williams
Taylor McLean-Cross-Examination by Mr. Murphy
January 5, 2015

1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Have you known Jalann to do any other drugs other
4 than marijuana?

5 A. No, sir.

6 Q. Do you live in a dangerous area off Ward Avenue?

7 A. I won't say it's completely dangerous but it's not
8 an ideal area to live in.

9 Q. If someone threatens you in that area you folks take
10 it seriously?

11 A. Yes, sir.

12 Q. Would you guys go to the police if someone threatens
13 you?

14 A. I mean I would. I haven't had anyone threaten me.

15 Q. How long did you know Robert Mitchell for?

16 A. Not even -- I would say six months top if that. I
17 don't know him at all really.

18 Q. Did you know Mitchell to use drugs at all?

19 A. I don't know him like that.

20 Q. Did you ever see Mitchell with a gun before?

21 A. No, sir.

22 Q. Did you ever know of Mitchell robbing anyone before?

23 A. No, sir.

24 Q. Have you ever known of Jalann robbing anyone before?

25 A. No, sir.

State v Jalann Williams
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January 5, 2015

- 1 Q. Before -- I think you testified you saw Jalann
2 earlier that day?
- 3 A. Yes, sir.
- 4 Q. Did you hear of any plans to rob anybody that day?
- 5 A. No, sir.
- 6 Q. Were you at the same place with Mitchell and Ms.
7 Thrower, and Jalann prior to the incident?
- 8 A. At the same -- Midland Park Road at Lake -- yes,
9 sir.
- 10 Q. And there was no talk about robbing anybody or was
11 there?
- 12 A. No sir, not that I know of.
- 13 Q. And you testified after the incident you realized
14 something was wrong with Jalann correct?
- 15 A. He was kind of awkward, yes sir.
- 16 Q. You said he wasn't talking?
- 17 A. No sir, he wasn't talking.
- 18 Q. It looked like he had something else on his mind?
- 19 A. Yes, sir.
- 20 Q. And you said Mitchell was acting bizarre as well?
- 21 A. Yes, sir.
- 22 Q. Did it appear that Mitchell was on drugs at all?
- 23 A. No, anytime I've ever been around him he's kind of
24 bizarre acting.
- 25 Q. After the incident did you see any money at all

State v Jalann Williams
Taylor McLean-Cross-Examination by Mr. Murphy
January 5, 2015

1 between Mitchell or Jalann at all?
2 A. No, sir.
3 Q. Did you see any marijuana at all?
4 A. No, sir.
5 Q. I think you testified at the Relax Inn you didn't
6 see any drugs?
7 A. No, sir.
8 Q. Did you see any money that Jalann had?
9 A. No, sir.
10 MR. MURPHY: One moment, Your Honor.
11 [Whereupon, Mr. Murphy confers with his client]
12 Q. [Mr. Murphy] And you're here under subpoena from...
13 A. Yes, sir.
14 Q. Charleston County?
15 A. Yes, sir.
16 Q. And this is the first time we've talked?
17 A. Yes, sir.
18 Q. Thank you. That's all I have.
19 THE COURT: Redirect?
20 MR. VOIGT: May we approach, Your Honor?
21 THE COURT: Yes, sir.
22 [Whereupon, an off the record bench conference is
23 held]
24 MR. VOIGT: I don't have any other questions,
25 Judge.

State v Jalann Williams
Taylor McLean-Cross-Examination by Mr. Murphy
January 5, 2015

1 THE COURT: May this witness be excused?

2 MR. VOIGT: Yes, Your Honor.

3 MR. MURPHY: Yes, Your Honor.

4 THE COURT: Thank you ma'am, you may step down.

5 [Whereupon, the witness is excused and exits the
6 witness stand]

7 THE COURT: Any short witnesses or?

8 MR. VOIGT: A short witness, Your Honor.

9 THE COURT: Okay.

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State v Jalann Williams
Charles Benton-Direct Examination by Mr. Voigt
January 5, 2015

1 MR. VOIGT: Detective Benton.

2 [Whereupon, Detective Benton comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name for the record.

7 THE WITNESS: Charles Earl Benton, Jr., last name
8 is spelled B-E-N-T-O-N.

9 - - - - -

10 CHARLES BENTON,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. VOIGT:

15 Q. Where are you currently assigned with North
16 Charleston?

17 A. I am a detective with the North Charleston Special
18 Victims unit.

19 Q. And how long have you been assigned to that?

20 A. This April will be three years.

21 Q. Did you participate in the investigation of the
22 shooting of Akim Ladson?

23 A. I did.

24 Q. And what was your role in the investigation of the
25 shooting of Akim Ladson?

State v Jalann Williams
Charles Benton-Direct Examination by Mr. Voigt
January 5, 2015

1 A. Myself and Detective Dipaolo [phonetic], along with
2 Detective Desheers, were the three individuals that
3 initially made contact with the defendant Mr. Williams
4 after the incident occurred. I came in approximately 8
5 p.m. on the 30th of January.

6 I was briefed about a homicide that occurred earlier
7 on Ward Avenue. I was asked to be on standby in case any
8 further duties were needed for me. I began working on my
9 regular assigned caseload.

10 About 3:30 in the morning on the 31st I was informed
11 that the crime scene unit had identified a fingerprint
12 found on the vehicle in which the homicide occurred and
13 that it came back to a Jalann Williams.

14 Shortly after that I was informed that an address
15 had been found for Mr. Williams of [REDACTED] Midland Park
16 Road, lot [REDACTED] which is in the Lake Side Mobile Home Park.
17 Myself and some other detectives went to that address and
18 we made contact with Mr. Williams's girlfriend Taylor
19 McLean.

20 She advised us initially that she had not seen Mr.
21 Williams since 2 p.m. the previous day, which would have
22 been the day of the homicide. She said that she had
23 dropped him off at 2 p.m. at the Piggly Wiggly on Remount
24 Road. As we were preparing to leave that residence a
25 neighbor informed us that they had seen Mr. Williams

State v Jalann Williams
Charles Benton-Direct Examination by Mr. Voigt
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1 there at lot [REDACTED] on the day of the homicide at
2 approximately 5 p.m., which is different from what Ms.
3 McLean told us. We then asked if she would come back to
4 the City Hall to speak with us. She said she would be
5 happy to do so.

6 While we were at lot [REDACTED] we also learned that a phone
7 call had been placed to the landline there at lot [REDACTED] from
8 the Relax Inn. Myself and Detective Dipaolo [phonetic]
9 relayed that information to our sergeant, Sergeant
10 Koosler [phonetic] and he advised us to go by the Relax
11 Inn on Ashley Phosphate Road to see if Mr. Williams
12 happened to be there.

13 Q. What did you find at the Relax Inn?

14 A. We found Mr. Williams at the Relax Inn. We made
15 contact with the desk clerk. He provided us with a list
16 of the guests that were registered there. Someone by the
17 name of John Williams was registered to room 226.

18 Myself and Detective Dipaolo [phonetic] and
19 Detective Desheers conducted a knock and talk at that
20 room and Mr. Williams was the sole occupant of that room.
21 There was some marijuana that was found in the room. Mr.
22 Williams was taken back to North Charleston City Hall.

23 Our narcotics detectives responded out and conducted
24 a search warrant in the room. Also located in the room
25 was a receipt from Walmart at 7400 Rivers Avenue, which

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1 is right down the road from that hotel and it was dated
2 the previous day the 30th at approximately 11:30 p.m. I
3 believe. The receipt indicated that whoever had gone
4 there had purchased condoms and milk.

5 Myself and Detective Dipaolo went from the Relax Inn
6 over to the Walmart and made contact with their loss
7 prevention officer who pulled up the video from the
8 previous day and identified Mr. Williams and also Ms.
9 McLean as being there at 11:30 p.m. on the day of the
10 homicide.

11 MR. VOIGT: I have no further questions, Your
12 Honor.

13 THE COURT: Cross-Examination.

14 MR. MURPHY: One moment, Your Honor.

15 [Whereupon, Mr. Murphy confers with his client]
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State v Jalann Williams
Charles Benton-Cross-Examination by Mr. Murphy
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CROSS-EXAMINATION

BY MR. MURPHY:

Q. Detective did you say that you found marijuana in the room at the Relax Inn, did I hear you say that?

A. Yes, sir.

Q. And did you run any tests on that marijuana?

A. I personally did not run any tests.

Q. And there wasn't any fingerprints of that -- it was in a plastic bag I assume?

A. Yes sir, there were three plastic bags.

Q. Okay. And none of those plastic bags had Akim Ladson's fingerprints on them did they?

A. Not to my knowledge.

Q. And there wasn't any -- you didn't find any evidence linking those marijuana bags to Akim Ladson did you?

A. I personally did not, no sir.

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

MR. VOIGT: Nothing further, Your Honor.

THE COURT: Thank you. You may be excused.

[Whereupon, the witness is excused and exits the witness stand]

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1 MR. VOIGT: This might be a good breaking point,
2 Your Honor.

3 THE COURT: I think so too. All right Madame
4 Forelady and ladies and gentlemen of the jury I'm going
5 to go ahead and call the proceedings for the day. I'm
6 going to ask that you be in your jury room by about 9:25
7 tomorrow. I would like to start promptly around 9:30.

8 Let me remind you that you're not to speak with
9 anyone about this case. You're not to speak with each
10 other about this case in any form or fashion or anyone
11 else in any form or fashion and you're not to listen,
12 read, or hear anything about this case in the event it's
13 in the public domain. And I'll ask you in the morning
14 whether or not you have.

15 If you'll leave your jury pads in the jury room they
16 will be secure overnight. And we'll see you back in the
17 morning. Thank you very much.

18 [Whereupon, the jury exits at 4:51 p.m.]

19 THE COURT: Any additions or exceptions from the
20 State?

21 MR. VOIGT: No, Your Honor.

22 THE COURT: From the defense?

23 MR. MURPHY: None, Your Honor.

24 THE COURT: We'll see you back in the morning.
25 He's being held right?

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1 MR. MURPHY: Yes, he is.

2 THE COURT: All right. See you in the morning.

3 MR. MURPHY: Thank you, Judge.

4 THE COURT: Is that doctor and the other juror
5 here? One was Ms. Wilder...

6 THE COURT REPORTER: Judge, do you require this on
7 the record?

8 THE COURT: Yes, let's put it on the record.

9 [Whereupon, jurors number 381 and 387 approach the
10 bench]

11 THE COURT: I just wanted you guys to stick around
12 just first I thought you were telling me that you -- tie
13 financially with the City and County and you couldn't
14 hear this case which would have been fine. Then you told
15 me you just don't think you could be unbiased in any
16 criminal case so I wanted you to stick around, and you
17 too Ms. Wilder, just because you don't want to sit in
18 judgment. I always let people sit and watch a little bit
19 and see if they have any questions or comments about what
20 they saw. Do you Ms. Wilder?

21 MS. WILDER: First -- no matter -- he's a young man
22 -- the victim's parents it's a terrible thing to see two
23 families. And now I've seen the process I wouldn't go
24 back --

25 THE COURT: Do you still feel like you couldn't do

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1 a criminal case?

2 MR. WEISSGLASS: Well, no my concern was that
3 because of the significant financial relationship with
4 every law enforcement officer.

5 THE COURT: I thought that's what you were saying
6 but then you said to me I don't think I could be unbiased
7 in any criminal case.

8 MR. WEISSGLASS: I was just talking about the local
9 ones. I'm sorry if I misspoke.

10 THE COURT: And I apologize to you. Anyway it
11 wasn't a bad day watching. Now I'm going to have you --
12 I'm going to let you call back. I'm going to excuse you
13 for this week reluctantly. If you would like to come
14 back and watch more I'd love for you to come.

15 MS. WILDER: I think I have a better -- to a better
16 service tomorrow --

17 THE COURT: Thank you very much.

18 MS. WILDER: Thank you.

19 [Whereupon, court adjourns at 4:52 p.m.]
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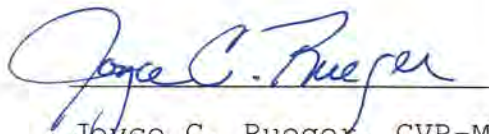
State v Jalann Williams
Certificate of the Court Reporter
January 5, 2015

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 5th day of January, 2015.

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

April 2, 2015


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2013-GS-10-2839
	)	2013-GS-10-2840
	)	
STATE OF SOUTH CAROLINA	)	
	)	
vs.	)	
	)	
JALANN WILLIAMS	)	
	)	
Defendant	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

January 6, 2015
Charleston, South Carolina

VOLUME 2 (OF 4)

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH, JUDGE

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

GREG VOIGT, ESQ.
DAVID OSBORNE, ESQ.
Attorneys for the State

CHRISTOPHER MURPHY, ESQ.
Attorney for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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PROCEEDINGS

THE COURT: Mr. Voigt, anything from the State we need to deal with before we get started this morning?

MR. VOIGT: Not that I am aware of, Your Honor.

THE COURT: Mr. Murphy?

MR. MURPHY: Nothing, Your Honor.

THE COURT: Very good. Could you bring the jury in when you have an opportunity please, sir?

[Whereupon, the jury enters at 9:45 a.m.]

THE COURT: Good morning ladies and gentlemen. Before we get started let me ask if anyone has read, seen or heard anything about this case or spoken with anyone about this case including one another during the break if so would you please raise your hand? Very good. Let the record reflect that no one responded in the affirmative. Mr. Voigt, is the State ready to proceed?

MR. VOIGT: Yes, sir.

THE COURT: Mr. Murphy is the defense ready?

MR. MURPHY: Yes, sir.

THE COURT: Would you call your next witness please sir.

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Lauren Thrower-Direct Examination by Mr. Osborne
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1 MR. OSBORNE: The State calls Lauren Thrower.

2 [Whereupon, Ms. Thrower comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Speak into the microphone and say
6 your full name and then spell your last name please?

7 THE WITNESS: Lauren Ashley Thrower, T-H-R-O-W-E-R.

8 - - - - -

9 LAUREN THROWER,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. OSBORNE:

14 Q. Good morning Lauren.

15 A. Good morning.

16 Q. Let's start off and tell the jury a little bit about
17 your background. How old are you?

18 A. Twenty-one.

19 Q. And where did you go to high school?

20 A. I went to Woodland and then I went to Summerville
21 High School.

22 Q. Do you work?

23 A. Yes.

24 Q. What kind of work do you do?

25 A. I'm a housekeeper.

State v Jalann Williams
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- 1 Q. Have you had any other jobs?
- 2 A. Yes, fast food places.
- 3 Q. Do you know the defendant?
- 4 A. Yes.
- 5 Q. How do you know him?
- 6 A. He was a friend of mine.
- 7 Q. And do you know his name?
- 8 A. Yes.
- 9 Q. What's his name?
- 10 A. Jalann Williams.
- 11 Q. Is that what you called him?
- 12 A. No.
- 13 Q. What did you call him?
- 14 A. Solo --
- 15 THE COURT: I need you to speak up a little bit
- 16 please.
- 17 A. Solo.
- 18 Q. [Mr. Osborne] You're going to have to kind of lean
- 19 into the mic.
- 20 A. Okay.
- 21 Q. Now you said that he was a friend of yours. Did you
- 22 know him or did someone else you know, know him?
- 23 A. Someone I else I knew, knew him too.
- 24 Q. And who was that?
- 25 A. Robert Mitchell.

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- 1 Q. Who is Robert to you?
- 2 A. He's my ex-boyfriend.
- 3 Q. Let's go back to January of 2013. What did Robert
- 4 do?
- 5 A. He...
- 6 Q. Does he work I mean?
- 7 A. He worked at a car wash.
- 8 Q. Did he do anything to supplement that income?
- 9 A. Sold weed.
- 10 Q. Did you know the victim in this case Akim Ladson?
- 11 A. I met him a couple of time; well twice.
- 12 Q. Specifically on January 30th of 2013 did you see
- 13 Robert that day?
- 14 A. Yes.
- 15 Q. Tell us what happened.
- 16 A. We woke up and he was talking about he needed
- 17 marijuana from somebody and he had the money for it and
- 18 that's when he called Solo to get in touch with him.
- 19 Q. Was he trying to buy marijuana for Solo or what was
- 20 the point of calling him?
- 21 A. They were both trying to buy marijuana so they went
- 22 and had the money for it and they were counting it out
- 23 and everything and had all the money for it.
- 24 Q. Okay. So they were going to try to buy it from
- 25 somebody else?

State v Jalann Williams
Lauren Thrower-Direct Examination by Mr. Osborne
January 6, 2015

- 1 A. Yes, sir.
- 2 Q. So what did they do then?
- 3 A. They called Akim to -- Mitch called Akim to set up
4 to get some marijuana from him.
- 5 Q. Do you know did Akim know Mitch better or did Akim
6 know Jalann better?
- 7 A. Akim knew Mitch better.
- 8 Q. So did you and the defendant and Mitch ever meet up
9 with Akim?
- 10 A. Later on that afternoon.
- 11 Q. So you made the phone call and made arrangements and
12 met up with him later?
- 13 A. Yes, sir.
- 14 Q. How did that go about?
- 15 A. We went to Solo's baby mother's house and sat there
16 for a while. And then they called Akim and then Akim was
17 procrastinating. He had some things to do and it took
18 him a little while to get there. And then we walked to
19 the back of the neighborhood where the little picnic
20 table is.
- 21 Q. Let me just back you up real quick. Solo's baby's
22 momma what is her name?
- 23 A. Taylor.
- 24 Q. And where does she live?
- 25 A. Lake Side.

State v Jalann Williams
Lauren Thrower-Direct Examination by Mr. Osborne
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1 Q. Okay. So how far was it from Taylor's trailer to
2 the picnic tables?

3 A. Maybe about a six minute walk in the back of the
4 neighborhood.

5 Q. You said a six what?

6 A. About a six minute walk.

7 Q. Okay. Six minute walk.

8 A. If you're walking there, yes.

9 Q. Okay. When you walked to the picnic table do you
10 remember if you had to jump a fence or walk around a
11 fence?

12 A. There's a hole in the fence where you can get
13 through by the apartments by the lake.

14 Q. Okay. When you went to the picnic tables what did
15 y'all do?

16 A. Sat there and smoked a blunt and then after that
17 that's when Akim eventually showed up and they jumped the
18 fence to go meet him and the girl he was with.

19 Q. So prior to Akim showing up was there any sort of
20 conversation that led you to believe that this was going
21 to be something other than a normal drug transaction?

22 A. Yes.

23 Q. Tell the jury about that.

24 A. They were talking about jacking him.

25 Q. What do you mean jacking? What does that mean?

State v Jalann Williams
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1 A. Basically if he had the marijuana he was going to
2 take the marijuana from him.

3 Q. Who was saying that?

4 A. Mitch and Solo.

5 Q. And Solo?

6 A. Yes, sir.

7 Q. So when Akim showed up tell the jury what happened?

8 A. When Akim showed up he asked them to come on, waved
9 at them to come on and they jumped the fence. And they
10 went and got in the car with him.

11 And then about I want to say approximately maybe
12 five or six minutes later I looked up and saw them
13 running. But I was on my telephone and looked up and saw
14 them running and then I started running because I didn't
15 know what was going on.

16 Q. When they went over to the vehicle, when Mitch and
17 solo went over to Akim's vehicle did you see how they got
18 into the vehicle and where they sat?

19 A. Yes. Mitch got behind the girl, the driver, and
20 Solo got behind the passenger, Akim.

21 Q. Now did you hear any gunshots?

22 A. No, sir.

23 Q. What were you doing?

24 A. I was on my phone just sitting there on my phone.

25 Q. How far away were you from the victim's vehicle?

State v Jalann Williams
Lauren Thrower-Direct Examination by Mr. Osborne
January 6, 2015

- 1 A. Where I was sitting at by the picnic table there's a
2 trailer park and the trailer was like down a little more
3 into the trailer park like in the middle of the trailer
4 park.
- 5 Q. But you could see them?
- 6 A. No, sir. I only saw the vehicle.
- 7 Q. Did you see them get in the car?
- 8 A. I saw them get in the car, yes.
- 9 Q. Did either Mitch or the defendant have a gun?
- 10 A. Yes.
- 11 Q. Who had a gun?
- 12 A. Solo.
- 13 Q. When did you see Solo with the gun?
- 14 A. Before we went down there.
- 15 Q. When y'all were talking about jacking him?
- 16 A. When they were talking about jacking him yes, sir.
- 17 Q. Did Mitch have a gun?
- 18 A. No, sir.
- 19 Q. Did Mitch ever hold the gun or touch the gun?
- 20 A. I think he just like played around with it like
21 laughing about it because he had one.
- 22 Q. And this is all going on while they're talking about
23 jacking him?
- 24 A. Yes, sir.
- 25 Q. So after they start running from the victim's

State v Jalann Williams
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January 6, 2015

1 vehicle where do y'all go and what do y'all do?

2 A. We ran from back there where the picnic table is
3 back to Taylor's house, Solo's baby mother. And that's
4 when Solo hid the gun to the next trailer and he got
5 Taylor to take us to where I was living; me and Mitch's
6 apartment.

7 THE COURT: What's the name of the apartments?
8 What did you just say?

9 A. They are Yeamans Hall Road. They are like right in
10 front of the B.P. It's like a little business and it's
11 the apartments in the back.

12 Q. [Mr. Osborne] Okay. You said when you ran over to
13 Taylor's apartment Mitch hid the gun by the neighbor's
14 trailer, by Taylor's neighbor's trailer. Where about in
15 the trailer did he hide it?

16 A. Solo hid the gun under the trailer in the back.

17 Q. Okay. Did he hide anything else?

18 A. No, sir.

19 Q. Now when y'all got to Taylor's trailer or before was
20 there any conversation about what happened at the
21 victim's vehicle?

22 A. I asked them what was going on and they were just
23 like they really weren't telling me right then. After
24 that when we got to my apartment that's when things on
25 the news started showing up the stuff.

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- 1 Q. What did you see on the news?
- 2 A. That there was a shooting on Ward Avenue.
- 3 Q. What was the conversation then?
- 4 A. Mitch went outside and was on the phone talking
- 5 about they shot Akim. At the same time while the news
- 6 was going on I was asking him what was wrong because they
- 7 were both shaking like really bad.
- 8 Q. Did you hear them say anything about the jack?
- 9 A. Yes.
- 10 Q. What did they say?
- 11 A. That they jacked him.
- 12 Q. Did they say anything about busting a jack?
- 13 A. Yes.
- 14 Q. And what does that mean to you?
- 15 A. Basically robbing somebody or taking something and
- 16 not paying for it.
- 17 Q. And who made that comment?
- 18 A. Mitch did.
- 19 Q. Was there any other talk in your apartment about
- 20 what had happened?
- 21 A. It was only when the news came on.
- 22 Q. Did either one of them react when they saw it on the
- 23 news?
- 24 A. Yes, they just acting like they were paranoid.
- 25 Q. Did they do anything else while you were at your

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- 1 apartment?
- 2 A. They split the marijuana.
- 3 Q. Walk us through that. What happened with that?
- 4 A. I know that they were splitting marijuana and it was
- 5 two different types of weed and it was split between the
- 6 two.
- 7 Q. Do you know where the marijuana came from?
- 8 A. I'm assuming -- I know it came from Akim because
- 9 that's who they were getting it from.
- 10 Q. Did Mitch or the defendant have marijuana prior to
- 11 meeting with Akim?
- 12 A. No, sir.
- 13 Q. I kind of breezed over it pretty quickly. You got
- 14 to your apartment by Taylor. Taylor drove all three of
- 15 you there?
- 16 A. Yes, sir.
- 17 Q. After they split the marijuana and had the
- 18 conversation what happened then?
- 19 A. Solo ended up leaving maybe 45 minutes to an hour
- 20 later. And Taylor came back and got him and took him to
- 21 wherever he was at.
- 22 Q. Did the police come by your apartment the next day?
- 23 A. Yes, sir.
- 24 Q. Did they take you down to the station?
- 25 A. Yes, sir.

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1 Q. Did they interview you?

2 A. Yes, sir.

3 Q. Now did you cooperate with them?

4 A. Yes, sir.

5 Q. While you were being interviewed could you hear
6 anything else that was going on in another interview
7 room?

8 A. Yes. I heard Solo talking to the police. They were
9 talking to him and asking him and all I could hear was
10 him laughing.

11 Q. What did you think about that?

12 A. I felt bad for that boy that had got shot.

13 Q. Do you see Solo sitting in this courtroom here
14 today?

15 A. Yes, sir.

16 Q. Can you point him out and describe what he's
17 wearing?

18 A. He's wearing a tan dress shirt with a tie and black
19 pants.

20 MR. OSBORNE: Your Honor let the record reflect the
21 witness identified the defendant.

22 THE COURT: It so reflects.

23 MR. OSBORNE: No further questions.

24 THE COURT: Cross-Examination.

25

State v Jalann Williams
Lauren Thrower-Direct Examination by Mr. Osborne
January 6, 2015

1 MR. MURPHY: Thank you, Your Honor. May it please
2 the court?

3 THE COURT: Yes, sir.
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State v Jalann Williams
Lauren Thrower-Cross-Examination by Mr. Murphy
January 6, 2015

1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. How long have you known Mitchell?

4 A. I've known him maybe almost three years.

5 Q. And you knew he was a drug dealer?

6 A. At first, yes.

7 Q. And up until this incident you knew he was a drug
8 dealer?

9 A. Yes, sir.

10 Q. Okay. Do you use drugs as well?

11 A. I smoked marijuana.

12 Q. And how often do you smoke marijuana?

13 A. I don't smoke marijuana no more.

14 Q. Okay. Up until the day of January of 2013 did you
15 smoke marijuana?

16 A. Yes, I did.

17 Q. Okay. How often would you do it prior to 2013?

18 A. Every other day, every day sometimes.

19 Q. What about other drugs? Did you use other drugs?

20 A. No, sir.

21 Q. Just marijuana?

22 A. [Nods affirmatively]

23 Q. Okay. You've known Mitch to participate in drug
24 buys before?

25 A. Excuse me?

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January 6, 2015

1 Q. You've known Mitchell, Mr. Robert Mitchell to
2 participate in drug deals before?

3 A. Yes.

4 Q. And how often did you know him to do that?

5 A. It just depends on when someone called him or he had
6 it.

7 Q. Once a week, twice a week?

8 A. Sometimes.

9 Q. And that would be for regular from 2012 to 2013?

10 A. Yes, but we weren't together that long. Me and him
11 were off and on.

12 Q. Okay. Well just while you were together how often
13 would he participate in drug deals?

14 A. Maybe once a week.

15 Q. Okay. And those drug deals went without incident?

16 A. Sir?

17 Q. Those drug deals went without incident; he gave the
18 money to the dealer and got the drugs?

19 A. Yes, sir.

20 Q. Okay. And you never saw Mitch with a gun did you
21 before this?

22 A. No, sir.

23 Q. And he never robbed anyone before has he?

24 A. No, sir.

25 Q. Now that day we're talking about you were smoking

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- 1 dope that day prior to this incident weren't you?
- 2 A. Yes, I did.
- 3 Q. And you actually smoked two blunts beforehand?
- 4 A. Yes.
- 5 Q. So you guys had marijuana prior to this incident?
- 6 A. I did.
- 7 Q. Right.
- 8 A. It was just a little bit. It wasn't enough to...
- 9 Q. It was enough for you and Mitch to smoke right?
- 10 A. Yes.
- 11 Q. Okay. And then you guys smoked it some early in
- 12 the morning correct?
- 13 A. Yes.
- 14 Q. And you smoked some later on prior to this incident
- 15 right?
- 16 A. Yes.
- 17 Q. So you were high when this incident happened weren't
- 18 you?
- 19 A. Yes, but I wasn't like I couldn't realize you know
- 20 what I'm saying -- I wasn't like out of it or nothing.
- 21 Q. Okay. So you're saying despite smoking dope you
- 22 were thinking clearly?
- 23 A. I always try to think clearly. I mean it's just
- 24 something that helps calm my nerves.
- 25 Q. Okay. So the drug doesn't affect your memory or

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1 your mental sense at all is that what you're saying?

2 A. No, sir. I don't think it does.

3 Q. Okay. And you gave a statement to the police
4 correct?

5 A. Yes, I did.

6 Q. And then they talked about an interview. Did you --
7 did the cops threaten to charge you with anything during
8 this interview?

9 A. No, sir.

10 Q. They didn't talk to you about being charged with a
11 drug crime at all?

12 A. Hanahan did. When they came to my apartment they
13 found marijuana there and the man charged us both with
14 simple possession of marijuana.

15 Q. Okay. And in this statement that you gave --

16 MR. MURPHY: If I may approach, Your Honor?

17 THE COURT: Yes, sir.

18 Q. [Mr. Murphy] I'm going to hand you a copy of this
19 statement. Do you recognize that statement?

20 [Whereupon, the witness is shown document]

21 A. Yes, I do.

22 Q. Is that your handwriting?

23 A. Yes, it is.

24 Q. Is that your signature on it?

25 A. Yes.

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1 Q. And in that statement you don't mention that the two
2 of them that you saw a gun prior to this incident do you?

3 A. I don't remember. It was about three -- almost two
4 and a half years ago.

5 Q. Well, I get that but my point is you would have a
6 better recollection the day after this happened than two
7 or three years ago wouldn't you agree with that?

8 A. Yes.

9 Q. Okay. So with that statement you'd agree that
10 what's in that statement is probably more accurate than
11 what you recall today?

12 A. Excuse me?

13 Q. Would you agree that what you put in your statement
14 the day after this incident occurred would be a more
15 accurate reflection of your memory than what you're
16 testifying to about today? Or do you think your memory
17 got better as time went on?

18 A. Both.

19 Q. Both? Okay. Well I'm trying to figure out how it
20 can be both. Do you think your memory was better right
21 after the incident or do you think it is better right
22 now?

23 A. After the incident.

24 Q. Right after the incident. And in that incident you
25 don't mention in that statement that Solo showed you a

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1 gun beforehand right?

2 A. No, but they knew that. I told them that.

3 Q. Okay. You told the cops that Solo had a gun
4 beforehand correct? That's what you're testifying to?

5 A. When we talked yes, sir.

6 Q. Okay.

7 MR. MURPHY: Your Honor, at this time we would move
8 this statement into evidence.

9 THE COURT: Any objection?

10 MR. OSBORNE: None at all.

11 THE COURT: Admitted without objection.

12 [Whereupon, defendant's exhibit number 1 is entered
13 into evidence by the court]

14 Q. [Mr. Murphy] And in that statement the cops asked
15 you specific questions didn't they?

16 A. Yes, they did.

17 Q. And is it your testimony they didn't -- and they
18 wrote down those specific questions correct?

19 A. Yes sir, they did.

20 Q. And you answered those specific questions right?

21 A. Yes, sir.

22 Q. And is it your testimony the cops didn't ask you or
23 didn't think it was proper to put in whether or not Solo
24 was waving a gun prior to the incident?

25 A. Yes, sir.

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1 Q. Okay. Now the whole reason if I understand it that
2 Mitchell called Akim is because he didn't have enough
3 money to buy the drugs initially is that right?

4 A. Yes, they did; both together.

5 Q. Okay. Both together but Mitchell had 450 bucks
6 prior to right?

7 A. No.

8 Q. How much money did he have?

9 A. I didn't know how much the marijuana was. I just
10 know they were getting marijuana and they had money for
11 it.

12 Q. I get that. Let me just back up because it really
13 doesn't matter how much but my question is Mitch didn't
14 have enough money to buy the drugs by himself did he?

15 A. Correct.

16 Q. And that's why he called Jalann because I need more
17 money right?

18 A. Yes, sir.

19 Q. Okay. And did you see a digital scale prior to
20 this drug transaction?

21 A. No, sir.

22 Q. Okay. You didn't see Jalann or Mitch bring a scale
23 to the car?

24 A. No, sir.

25 Q. Do you know if either of them had a scale?

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- 1 A. No, sir.
- 2 Q. You don't know that?
- 3 A. No, sir.
- 4 Q. And how long have you known Jalann?
- 5 A. About the same time I've known Mitch.
- 6 Q. Okay. And after this incident happened were they
- 7 both freaked out?
- 8 A. Yes.
- 9 Q. Were you freaked out?
- 10 A. Yes.
- 11 Q. Okay. And you guys were trying to figure out what
- 12 to do?
- 13 A. Yes.
- 14 Q. You were worried you were going to get arrested?
- 15 A. I didn't know what was going on until after the
- 16 fact.
- 17 Q. And were you aware that Mitch got into a fight with
- 18 somebody at the Red Store prior to this incident?
- 19 A. No, sir.
- 20 Q. You didn't know about anybody threatening him at
- 21 all?
- 22 A. No.
- 23 Q. Okay. And did you tell the police that Mitchell
- 24 had a gun for -- I'm sorry; Mr. Williams was carrying a
- 25 gun for protection?

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- 1 A. No, I didn't.
- 2 Q. You didn't?
- 3 [Whereupon, Mr. Murphy reviews documents]
- 4 Q. If you could turn to page 3 of your statement?
- 5 [Whereupon, the witness complies]
- 6 Q. Do you have page 3 there ma'am?
- 7 A. Yes.
- 8 Q. And the first full sentence is when I saw the gun.
- 9 Could you read that to the jury?
- 10 A. Yes sir, I remember that. When I saw the gun I just
- 11 thought Solo just had a gun for protection.
- 12 Q. When I saw the gun I thought Solo just had it on him
- 13 for protection. Did I read that correctly?
- 14 A. Yes.
- 15 Q. So that's what you told the police the day after
- 16 this incident.
- 17 A. Yes, sir.
- 18 Q. You didn't tell them that they had planned to rob
- 19 Akim at all did you?
- 20 A. No, I didn't know that they were going to.
- 21 Q. So there was no discussion prior to this drug deal
- 22 that you were aware of that they were going to rob Akim?
- 23 A. When they said that they was probably going to jack
- 24 him, yes.
- 25 Q. Okay. And there wasn't -- what you understood is

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1 that they were going to take marijuana from him?

2 A. I thought they were going to buy marijuana from him.

3 Q. Okay. So I'm just trying to understand. This
4 incident as opposed to all the other drug deals that you
5 knew Mr. Mitchell was involved with he brought money to
6 the drug deal in order to purchase drugs correct?

7 A. Yes.

8 Q. And that's what you thought was going to happen?

9 A. Yes.

10 MR. MURPHY: One moment, Your Honor.

11 [Whereupon, Mr. Murphy confers with his client]

12 MR. MURPHY: No further questions, Your Honor.

13 THE COURT: Did you mark that exhibit?

14 MR. MURPHY: I did not. If we can mark it as 1?

15 [Whereupon, defendant's exhibit number 1 is marked
16 by the court reporter]

17 THE COURT: What exhibit number is that?

18 THE COURT REPORTER: Defendant's 1.

19 THE COURT: All right. Redirect?

20 MR. OSBORNE: Thank you, Your Honor.

21

22

23

24

25

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1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. Lauren, let's look back at this statement again,
4 defendant's 1.

5 [Whereupon, Mr. Osborne reviews documents]

6 Q. I'll try not to have you read the whole statement
7 but let's not to take some of it out of context. Turn to
8 page 2.

9 [Whereupon, the witness complies]

10 Q. And I think if you start from the first line -- so
11 then Akim -- if you don't mind just reading that. And
12 this is your statement right?

13 A. Yes, sir.

14 Q. Just read that first portion there -- so then and
15 keep reading and I'll tell you when to stop.

16 A. Okay. [Reading] So then Akim told them he found a
17 ride which Solo said okay you can come to me so you don't
18 have to walk, told them to call when Akim got on Ward
19 Avenue.

20 Solo did have a gun which I overheard them say that
21 it was a .32. When Akim got there Mitch and Solo jumped
22 over the fence and entered Akim's vehicle.

23 Q. Okay, good enough. And from there you just on to
24 say what happened.

25 A. Yes, sir.

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1 Q. Let's turn to page -- okay, turn to page 4.

2 [Whereupon, the witness complies]

3 Q. And I believe Mr. Murphy asked you so the police
4 never asked you who had the gun. And you said you just
5 weren't sure it didn't seem like. On the fourth line
6 right by question what does that question say?

7 A. [Reading] Who did you hear call it a .32. Both of
8 them.

9 Q. Now go above that on the fourth line counting from
10 the top ---

11 A. --- [Reading] Who had the gun the first time you
12 saw it. Solo.

13 Q. And your answer was Solo.

14 A. Yes, sir.

15 Q. Then I believe the detective further asked you who
16 did you hear call it a .32 and what was your response?

17 A. Both of them.

18 Q. Both of them. Now let's go back to page 3. On the
19 first line there was some talk with Mr. Murphy about you
20 saying that the defendant had the gun for protection.
21 Let's look at what you really said. On the first line
22 start reading from when you say when.

23 A. [Reading] When I saw the gun I thought Solo just
24 had it on him for protection. When Mitch came back he
25 still had approximately 30 to 35 dollars left in his

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1 pocket.
2 Q. You can stop there. Now correct me if I'm wrong.
3 Did your opinion regarding why the defendant had the gun
4 on his possession change when you heard them talk about
5 jacking the victim?
6 A. Yes, sir.
7 Q. Say it again?
8 A. Yes, sir.
9 Q. And then what did you think the defendant had the
10 gun on him for then?
11 A. Protection.
12 Q. Protection or to be used in the robbery?
13 A. Both.
14 Q. Both.
15 MR. OSBORNE: No further questions.
16 THE COURT: May this witness be excused?
17 MR. OSBORNE: Yes, Your Honor.
18 MR. MURPHY: No objection.
19 THE COURT: Thank you. You may step down.
20 [Whereupon, the witness is excused and exits the
21 witness stand]
22 THE COURT: Would you call your next witness
23 please, sir?
24
25

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1 MR. VOIGT: The State calls Lisa Kubicsko.

2 [Whereupon, Ms. Kubicsko comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Speak into the microphone and
6 state your full name and spell your last name.

7 THE WITNESS: Lisa Kubicsko, K-U-B-I-C-S-K-O.

8 - - - - -

9 LISA KUBICKSKO,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. VOIGT:

14 Q. Where do you work Ms. Kubicsko?

15 A. I'm a civilian crime scene technician with the North
16 Charleston Police Department.

17 Q. And how long have you been with North Charleston
18 Police Department?

19 A. I hit four years on December 15th.

20 Q. And what are some of the duties that you have there
21 at the North Charleston Police Department?

22 A. My duties are to respond to a variety of crime
23 scenes whether it be burglaries, robberies, homicides,
24 shootings, suicides. My responsibilities are to take
25 photographs of the scene, locate and collect any evidence

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1 that is found, processing for fingerprints for D-N-A.
2 Also responsible for transferring that evidence back to
3 the station and submitting it to the property room where
4 there will be a chain of custody.

5 I'm also responsible for putting together any
6 paperwork for that evidence to then go to SLED for
7 further testing and generating a report on my findings.

8 Q. And besides the four years of on the job training
9 that you've had at North Charleston Police Department
10 what other education have you had in furtherance of this
11 career?

12 A. I have a Bachelor's degree in Forensic and
13 Investigative Science from West Virginia University.
14 Aside from on the job training I've also been to a
15 variety of classes whether it be shooting reconstruction
16 or blood scene pattern analysis.

17 Q. Were you called out on January 30th of 2013 to [REDACTED]
18 Ward Avenue in North Charleston?

19 A. Yes.

20 Q. And what was the purpose of you being called out?

21 A. We received calls of a shooting. So as part of our
22 job duties we responded.

23 Q. And would you -- was it just you who were called out
24 or who else from crime scene was called ---

25 A. --- myself and my co-worker crime scene technician

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1 Anita Moore.

2 Q. And did you take photographs?

3 A. Yes, I did.

4 MR. VOIGT: One moment, Your Honor.

5 THE COURT: Yes, sir.

6 [Whereupon, State's exhibit numbers 2 through 21 are
7 marked by the court reporter]

8 Q. [Mr. Voigt] Now when you go on scene first do you
9 try to -- what's the purpose of taking photographs?

10 A. We want to document the scene as it was upon our
11 arrival.

12 Q. Do you try to -- do you tamper with the scene at all
13 or move things around?

14 A. No.

15 Q. Approximately how many photographs were taken in
16 this particular case?

17 A. I took about 362 photographs and that's including my
18 photographs that I took of the search warrant after the
19 scene.

20 Q. Okay. And that includes the automobile afterwards
21 as well?

22 A. Yes.

23 MR. VOIGT: May I approach the witness, Your Honor?

24 THE COURT: Yes, sir.

25 Q. [Mr. Voigt] I'm going to show you what we've marked

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1 as State's 2 through 21.

2 [Whereupon, the witness is shown photographs]

3 Q. Do you recognize those as some of the 362 pictures
4 that you took while on the scene and during the execution
5 of that search warrant?

6 A. Yes.

7 Q. Now is there some -- that's not all 362 pictures
8 right?

9 A. No.

10 Q. Are there duplicates when you take that many
11 pictures?

12 A. Sometimes, yes.

13 Q. I mean are you going for volume in completeness?

14 A. No.

15 Q. Okay. So why do you take so many pictures?

16 A. In this case because it's a homicide we want to make
17 sure that we documented the entire scene just starting
18 from overall photographs to get from all different
19 corners of the scene.

20 We kind of start our way on the outside and work our
21 way in. In this case work our way in towards the vehicle
22 and make sure we take photographs of the entire vehicle;
23 everything that's in the vehicle.

24 Q. Do you --

25 MR. VOIGT: At this time the State would offer and

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1 file and introduce State's 2 through 21.

2 MR. MURPHY: No objection.

3 THE COURT: Admitted without objection.

4 [Whereupon, State's exhibit numbers 2 through 21 are
5 entered into evidence by the court]

6 Q. [Mr. Voigt] So you start off kind of wide and then
7 come around?

8 A. Yes.

9 Q. All right. So -- and this is an example of
10 starting wide?

11 [Whereupon, photographs are shown on screen for
12 jury]

13 A. Yes.

14 Q. Okay. And do you recall what that depicts?

15 A. That is the lot [REDACTED] trailer and the vehicle that the
16 victim was in.

17 Q. Okay. And that would be State's 2, State's 3.

18 That's another picture and that kind of shows the -- what
19 are you trying to depict there? Why is that different?

20 A. I believe at this point I'm standing in that
21 position kind of zooming in and panning a little bit
22 around the scene.

23 Q. Okay. And throughout this there are other police
24 doing other things at the time correct?

25 A. Yes.

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1 Q. I'm going to show you what has been marked as
2 State's 5. Again, here's another angle. Is this what
3 you're talking about kind of moving around to get
4 different perspectives?

5 A. Yes.

6 Q. This is State's 7. Now at this point had E-M-S been
7 out there?

8 A. Yes.

9 Q. And E-M-S -- do you know if they moved Mr. Ladson's
10 body at all?

11 A. To my knowledge, yes; to render aid.

12 Q. So where you found him may have been subject to what
13 E-M-S may have done before you got there?

14 A. Correct.

15 Q. Okay. So you don't -- these pictures are only as
16 you found them correct?

17 A. Correct.

18 Q. I'm going to show you what's State's exhibit 10 --
19 no actually I'll show you what State's exhibit 14 -- why
20 do you take pictures such as State's exhibit 14? What
21 are you trying to capture there?

22 A. This picture again was taking a general picture of
23 what was found in the vehicle. In this case a black hat
24 and some blood, an earring and the backing of an earring
25 in some blood.

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1 Q. Did the relationship -- or can the relationship
2 between where objects are found give investigators any
3 sort of clue as to what happened?

4 A. Yes.

5 Q. Okay. And so the blood on the seat is relative to
6 where Mr. Ladson's body was found; and this is State's
7 13. These are important tools in your investigation
8 aren't they?

9 A. Yes.

10 Q. Or rather -- you're just collecting and gathering
11 information?

12 A. Yes.

13 Q. Part of that collection and gathering of information
14 is processing the vehicle later and you did that didn't
15 you?

16 A. Yes.

17 Q. And did you do that for D-N-A?

18 A. Yes.

19 Q. Did you do that for fingerprints?

20 A. Yes.

21 Q. And where did you take it to?

22 A. We have a warehouse that the police department uses
23 where we tow all the vehicles for processing; it's a
24 secure location.

25 Q. This is State's 15. Is that a picture of the

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1 vehicle?

2 A. Yes.

3 Q. Now this is State's 17. You were looking to see
4 where blood may have been and whose blood it may have
5 been?

6 A. Yes.

7 Q. Were you able to find any blood in the vehicle that
8 wasn't Mr. Ladson's that you know of?

9 A. That I know of, no.

10 Q. And you testified that you tested this car for
11 fingerprints. And how do you typically do that?

12 A. We use a carbon base black powder, it's a fine
13 powder and a fiberglass brush. We dip the brush in the
14 powder, lightly go over the print.

15 What happens is the powder will adhere to the
16 fingerprint, which is left by the oils produced on your
17 fingers. And they coat the ridges so when you touch a
18 surface you're leaving your fingerprints and that's what
19 the powder is adhering to.

20 Q. Okay. In addition to lifting prints you have some
21 knowledge and training in identifying fingerprints as
22 well right?

23 A. Yes.

24 Q. This is State's 18. What does this show, can you
25 tell?

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1 A. This shows the driver's side door.

2 Q. Okay. And what are those black smudges on the
3 white vehicle?

4 A. That is where we processed for prints. We processed
5 the entire car. The black is depicting what the powder
6 adhered to.

7 Q. I'm going to show you what has been marked as
8 State's 17. What does that depict?

9 A. This is a fingerprint on the rear passenger exterior
10 door handle. It was processed and clear fingerprint tape
11 was placed on top and then numbered. That way we can
12 identify what lift came from what location on the
13 vehicle.

14 Q. Okay.

15 MR. VOIGT: May I approach the court reporter?

16 THE COURT: Yes, sir.

17 [Whereupon, State's exhibit number 22 is marked by
18 the court reporter]

19 Q. [Mr. Voigt] I'm going to show you what the state has
20 marked as State's 22. Can you identify that?

21 [Whereupon, the witness is shown photograph]

22 A. Yes. This is the latent lift that is depicted in
23 this picture.

24 MR. VOIGT: At this time the State would offer
25 State's 22.

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1 MR. MURPHY: No objection.

2 THE COURT: It's admitted without objection.

3 [Whereupon, State's exhibit number 22 is entered
4 into evidence by the court]

5 Q. [Mr. Voigt] Okay. What you're holding in your hand
6 here is depicted there in State's 17?

7 A. Yes.

8 Q. And what happens to that card that you have in your
9 hand right there? Where does it go?

10 A. This card either myself or at this time a co-worker
11 would be the two latent examiners in our unit. We would
12 examine this print to determine whether it's of quality
13 to either enter into AFIS our automated fingerprint
14 system or whether it's only of quality for a direct
15 comparison to a suspect or whether it's insufficient for
16 any kind of comparison. In this case it was sufficient
17 for AFIS.

18 Q. And I picked this particular printout because this
19 is the print that was ultimately identified is that
20 correct?

21 A. Yes.

22 Q. And how many different lifts did you take during the
23 processing of that vehicle do you recall?

24 A. I believe 28 lifts.

25 Q. Were you able -- in any of the other prints were any

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1 of them of sufficient quality to give you -- to identify
2 anybody?

3 A. Yes.

4 Q. Okay. Where was lift 2 taken?

5 A. This was taken from the rear passenger exterior door
6 handle.

7 Q. Okay. So in State's 16 is that the number 2 there
8 above the door handle?

9 A. Yes.

10 Q. So that's where that came from?

11 A. Yes.

12 Q. And this was then given to your -- the person who
13 was then your expert at North Charleston, Al Hallman?

14 A. Correct.

15 Q. And after Al Hallman reviewed that print did you
16 have any other further dealings with the print?

17 A. Yes. As being the second latent examiner in the
18 unit all of our identifications in any case go through a
19 verification process; basically just a quality assurance.

20 So then this case and these reports and all the
21 latents were then returned to me for me to go over and
22 basically confirm that I agreed with all those findings.

23 Q. Okay. And you have training in all that?

24 A. Yes.

25 Q. You also processed the car for D-N-A right?

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1 A. Yes.

2 Q. I'm going to show you what has been marked as
3 State's 21. What does that depict?

4 [Whereupon, the photograph is shown]

5 A. What we did in this case was we numbered all the
6 swabs and took a photo of the swab next to the location
7 we were going to swab prior to swabbing it.

8 Q. How many different swabs did you take from this
9 vehicle?

10 A. We took eleven D-N-A touch swabs and eight blood
11 swabs.

12 Q. To your knowledge did any D-N-A come back on those?

13 A. No.

14 Q. Let me show you what's been marked at State's 20.
15 What does that depict?

16 [Whereupon, the photograph is shown]

17 A. This depicts a possible gunshot through the
18 passenger head rest.

19 Q. And what does that rod purport to show?

20 A. This is a trajectory rod that we use to place
21 through the bullet holes. You need to have two points;
22 an entry and an exit, to be able to put the rod through
23 to be able to show an accurate trajectory of the path of
24 the bullet. In this case we found those two holes in the
25 head rest. We placed a trajectory rod through it and in

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1 my opinion it appears to be a bullet wound. Of course
2 sometimes people have holes in their cars you don't know
3 exactly what it is but in this case it appeared
4 consistent with a bullet hole through the passenger head
5 rest.

6 Q. With the weight of that rod because one side is out
7 more than the other tend to weigh it down and make the
8 angle seem more extreme or would that be as close as this
9 particular method gets to showing whether an object went
10 down to up or up to down through that seat?

11 A. It could be a little bit further down from the
12 weight of it. However the head rests are very stiff;
13 usually when we're trying to get a rod through it so it's
14 in there pretty tight. But it's not meant to show
15 direction; just the path.

16 Q. Okay. To the extent that that can be shown?

17 A. Right.

18 MR. VOIGT: One moment, Your Honor.

19 THE COURT: Yes, sir.

20 [Whereupon, Mr. Voigt confers with Mr. Osborne]

21 Q. [Mr. Voigt] Please answer any questions that Mr.
22 Murphy may have of you.

23 THE COURT: Cross-Examination.
24
25

State v Jalann Williams
Lisa Kubicko-Cross-Examination by Mr. Murphy
January 6, 2015

1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Did you find any money on Mr. Ladson? Did you
4 search him for any money that was in his pockets at all?

5 A. Yes. I was with the Coroner while she searched the
6 victim's pockets and emptied all its contents and I took
7 photographs of those contents.

8 Q. And was there money found in his pockets?

9 A. Yes.

10 Q. How much money?

11 A. Four hundred and thirty-five dollars.

12 MR. MURPHY: Thank you. That's all I have.

13 THE COURT: Redirect?

14 MR. VOIGT: No redirect, Your Honor.

15 THE COURT: May this witness be excused?

16 MR. VOIGT: Yes, Your Honor.

17 MR. MURPHY: Yes, Your Honor.

18 THE COURT: Thank you, ma'am. You may step down.

19 [Whereupon, the witness is excused and exits the
20 witness stand]

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State v Jalann Williams
Dr. Cynthia Schandl-Direct Examination by Mr. Osborne
January 6, 2015

1 MR. OSBORNE: The State calls Doctor Cynthia
2 Schandl.

3 [Whereupon, Doctor Schandl comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please state your full name and
7 spell your last name for the record.

8 THE WITNESS: Cynthia Anna Schandl, S-C-H-A-N-D-L.

9 - - - - -

10 CYNTHIA SCHANDL,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. OSBORNE:

15 Q. Good morning doctor.

16 A. Good morning.

17 Q. Where do you work?

18 A. I work at the Medical University of South Carolina
19 here in Charleston.

20 Q. And what is your position there?

21 A. I am an Associate Professor in the department of
22 Pathology and Laboratory Medicine and in the Forensic and
23 Medical Autopsy section.

24 Q. And what are some of your duties and
25 responsibilities in that position?

State v Jalann Williams
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1 A. They are varied. Since its an academic institution
2 my primary role in that section is as a forensic
3 pathologist.

4 And part of our job as a forensic pathologist is to
5 perform autopsies, which are medical procedures that are
6 intended to determine the cause of death and the manner
7 of death.

8 Q. And how long have you been performing autopsies for
9 Charleston County?

10 A. I've been performing autopsies since about 1999.

11 Q. And how many autopsies would you estimate you have
12 conducted?

13 A. Over 2,000.

14 Q. What would you say is your area of specialty or
15 expertise?

16 A. Well, I am board certified in anatomic pathology,
17 clinical pathology, and forensic pathology; so forensic
18 pathology is my subspecialty certification.

19 Q. And what is forensic pathology?

20 A. Well if we start with just the word pathology it's
21 the study of disease; things that can go wrong with the
22 body.

23 And if you add forensic on that then you're talking
24 about the study of disease and other things that can go
25 wrong with the body as it relates to the law; so where

State v Jalann Williams
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1 those two things intersect. Often the cases that we are
2 -- that are referred to us there is some foul play
3 involved or there may be just no answer as to why the
4 individual is dead. And so we're there to assist the
5 other authorities, the law enforcement and other
6 authorities, in determining the cause of death.

7 Q. Have you ever been qualified to testify as an expert
8 in the field of pathology in the State of South Carolina?

9 A. Yes, sir.

10 Q. Have you ever failed to be qualified as an expert?

11 A. No, sir.

12 MR. OSBORNE: Your Honor, at this time we would
13 offer Doctor Schandl as an expert in the field of
14 pathology.

15 MR. MURPHY: No objection.

16 THE COURT: Just one second. Ladies and gentlemen,
17 usually witnesses are limited in their testimony to what
18 they see, they hear, they feel, or smelled. However a
19 person who is qualified as an expert in a particular
20 field because of their education or experience or a
21 combination of those they are allowed to give their
22 testimony of their opinion in that area. In this
23 particular case Doctor Schandl has been stipulated to be
24 an expert in the field of forensic pathology and is being
25 allowed to give her testimony in that field and her

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1 opinion in that field. Expert testimony is like any
2 other testimony you will hear in this case; you may
3 accept it, you may reject it, or give it as much weight
4 as you think it deserves. Go ahead.

5 MR. OSBORNE: Thank you, Your Honor.

6 THE COURT: Yes, sir.

7 Q. [Mr. Osborne] So Doctor Schandl can you first start
8 by explaining to the jury when you're conducting an
9 autopsy what is your procedure and what do you first go
10 through?

11 A. Yes, sir. So in the State of South Carolina we have
12 what is called a coroner system. So each of the counties
13 has an elected official who is the coroner and that is
14 the person who will refer cases to us or other forensic
15 pathologists in the state so that we as medical
16 professionals, medical doctors can perform the autopsy.

17 So the coroner will refer a case to us. They will
18 call us or page us and we'll take the information,
19 whatever information they have about the person who has
20 died. And then they will transport the person to our
21 facility here at the Medical University of South
22 Carolina.

23 When we are prepared to do the case the body will
24 come up from downstairs where our morgue is up to the
25 autopsy room where we perform the procedure. The first

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1 thing that I do once I have the body upstairs is take
2 pictures of how the person gets to me, whether clothed or
3 unclothed, if they are in a body bag then in that state
4 if it has been sealed.

5 And then after taking those initial photographs and
6 documentation that I think is appropriate at that point
7 I'll take the clothing off to see the surfaces of the
8 body and sometimes to examine the clothing separately.

9 In cases such as this where a gunshot wound is
10 suspected the other thing that we will do at that point
11 is get a series of x-rays.

12 The reason to get x-rays in gunshot wound cases is
13 to generally to localize if there are any bullets left in
14 the body and where are those bullets or because one of
15 the things that we can provide as a service while we're
16 doing the autopsy is retrieval of the bullets if there
17 are any.

18 In this case and in other gunshot wound cases we
19 will get a series of x-rays to look for those things
20 because they are what they call radio-opaque where they
21 will turn up white on an x-ray so they're easy to see.

22 The next thing that I will do is look at the
23 surfaces of the body looking for anything that will give
24 me an idea of the identification of the person, the
25 height, the weight, what color hair, what color eyes, are

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1 there any tattoos or scars; those sorts of things. And
2 then I'll look for things that may be injuries that you
3 can see on the body surface such as in this case where I
4 found gunshot wounds.

5 After that we will turn to the inside of the body
6 and do what is usually thought of as the autopsy which is
7 the internal examination where a Y incision will be made
8 and we'll look at all the internal organs.

9 In a case like this where trauma is apparent, in
10 this case a gunshot wound, what I'm looking for
11 specifically is the pathway that the bullet may have
12 taken, what organs or tissues were affected by the
13 pathway of that bullet as it traveled through the body
14 and any other affects that it might have had to the body
15 like bleeding for example.

16 And also while we're in the body looking at each
17 organ we're going to also look for any disease processes.
18 So while we're there we're going to look at every organ
19 and see what else might be going on besides the injury
20 that is our primary focus in this sort of a case.

21 We also will take fluids, usually blood for
22 toxicology in every one of our forensic cases if blood is
23 available. And so that gets sent to a reference
24 laboratory and they will look for substance of
25 toxicological interest like drugs of abuse for example.

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1 Other things that I do routinely on my cases is look at
2 the tissues under the microscope so the different organs
3 if -- usually you see things with your eye if there is
4 something wrong but other things you can see better under
5 the microscope.

6 So I'll generally take sections, what we call
7 sections of different tissues and organs and look at
8 those under the microscope as part of my autopsy
9 procedure.

10 And once we bring all of that information together
11 we form a report and generate that and give that to the
12 coroner which includes our determination of the cause of
13 death and the manner of death.

14 Q. Did you have an occasion to perform an autopsy on
15 Mr. Akim Ladson?

16 A. Yes sir, I did.

17 Q. And how old was he?

18 A. According to my records he was 21 years old.

19 Q. And his height and weight?

20 A. My records suggest that he was about five foot three
21 and about 219 pounds.

22 Q. Did you observe any injuries to his body?

23 A. Yes. He had a few injuries. There were two
24 injuries to his back and buttock area, which were quite
25 superficial and did not enter any body cavities and did

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1 no damage to anything but skin and the superficial soft
2 tissues of the back and buttock. But then there was a
3 gunshot wound to his left chest.

4 And upon performing the entire autopsy I found that
5 that gunshot wound the bullet went through the left lung.
6 It went through the heart. It went through the liver and
7 then we found the bullet in his belly. And the other
8 things that we found associated with that bullet pathway
9 was a lot of bleeding.

10 So he had 1900 milliliters of blood in the different
11 body cavity altogether so just shy of a two-liter bottle
12 if you can imagine a body of soda, a two-liter bottle of
13 soda so just shy of that much blood into his chest cavity
14 on the left around his heart and into his belly. So
15 those were the major injuries that I found with him.

16 Q. So is it fair to say the second injury that you
17 mentioned would have been a trajectory or pathway up
18 going down?

19 A. So what I can tell as far as the trajectory of the
20 bullet so which way or direction is it going is simply
21 from where it starts on the body to where the pathway
22 ends.

23 And so in his case yes, it's going down through the
24 lung and heart and the liver so it's going to his right
25 and it's going down and it's going a bit back.

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1 Q. Other than the bullet that was recovered inside his
2 chest and the other bullet that was recovered I guess on
3 superficial back area did you recover any other
4 projectiles or bullets from his body?

5 A. So the bullet that we recovered -- we recovered one
6 that was associated with this gunshot wound to the chest
7 and that one was in the belly after it went through the
8 liver.

9 We did also find another bullet that was in his
10 boxer shorts and I presume that has to do with the
11 gunshot wound to his back and buttock area.

12 I can't prove that because I didn't get it from
13 inside his body; it was outside of his body. But it's
14 right in the same area of that gunshot wound.

15 Q. I believe there was a third bullet recovered as
16 well?

17 A. There was a third bullet recovered. So
18 interestingly when we were taking the x-rays on this case
19 we also found a bullet that was in his left chest which
20 was quite perplexing because it didn't have to do with
21 any of these gunshot wound pathways.

22 And so it turned out that he had been shot sometime
23 in the past. So we did get the bullet from his previous
24 shooting from his left lung. That bullet wasn't
25 associated with any current injury or any bleeding or

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Dr. Cynthia Schandl-Direct Examination by Mr. Osborne
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1 anything going on right now but we did get that bullet
2 out because it was very troubling to see it there on the
3 x-ray and not figure out what was going on.

4 Q. You had mentioned earlier as a part of your duties
5 you will recover bullets and then hand them over or
6 transfer them over to law enforcement.

7 A. Yes, sir.

8 Q. Was that done in this case?

9 A. Yes, sir.

10 Q. The three bullets that you mentioned?

11 A. Yes, sir.

12 Q. Based upon the history that you obtained in your
13 autopsy do you have an opinion based on a reasonable
14 degree of medical certainty as to the cause of Mr.
15 Ladson's death?

16 A. Yes, sir.

17 Q. And what is that?

18 A. I'll read it from the page. Cause of death:
19 Perforations of the lung, heart, and liver due to gunshot
20 wound to the chest.

21 Q. And were you able to determine the manner of death?

22 A. Yes, sir. The manner of death in this case is
23 homicide.

24 Q. Thank you. No further questions.

25 THE COURT: Cross-Examination.

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Dr. Cynthia Schandl-Cross-Examination by Mr. Murphy
January 6, 2015

1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Ma'am, did you find three or four bullets in Mr.
4 Ladson?

5 A. I found the three bullets -- well, let's see again.

6 [Whereupon, the witness reviews notes]

7 A. In Mr. Ladson there was one bullet and one very
8 small fragment and then another bullet from an old
9 gunshot wound; so two bullets and a small fragment.

10 Q. Okay. So the bullet -- you keep pointing to your
11 left chest. This is where one of the bullets would have
12 gone in?

13 A. Yes, sir.

14 Q. Okay. And I think the second bullet you said was
15 in the back or buttocks area?

16 A. That's correct.

17 Q. If you could just stand up and point to the jury
18 where this would have been.

19 [Whereupon, the witness complies]

20 A. Right in this [indicates] area here.

21 Q. And you mentioned -- let me ask you this. Can you
22 tell which bullet was fired first?

23 A. No sir, I cannot.

24 Q. And in terms of trajectory the bullet that entered
25 the chest there was some examination that if the gun was

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Dr. Cynthia Schandl-Cross-Examination by Mr. Murphy
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1 fired upward, being held upward it would have gone down
2 into the belly correct?

3 A. That is one possibility.

4 Q. Right. And another possibility is if was more
5 horizontal and the bullet was fired into the chest it
6 would end up in the same place correct?

7 A. Yes. So again, I can only explain what I see as far
8 as how it's going through the body. But if you can
9 imagine a body moves in space and so I cannot tell you
10 where a shooter was or where the gun was really in
11 relation to the body without knowing where that second
12 person was. So, yes that's accurate.

13 Q. And then did you have any opinion or are you able to
14 tell what the trajectory of the bullet that entered his
15 buttocks area or lower back area?

16 A. I am not able to with any certainty. The entrance
17 wounds are not classical so it could have gone either
18 way.

19 Q. Okay. And just from -- if you could -- would you
20 expect more bleeding from the shot that entered the chest
21 or from the shot that entered the buttock area?

22 A. It was clear to me that there was more blood from
23 the chest wound.

24 Q. And that would be external bleeding coming out of
25 the wound?

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Dr. Cynthia Schandl-Cross-Examination by Mr. Murphy
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1 A. I don't know about external bleeding. I'm speaking
2 about internal bleeding. External bleeding would have
3 been more at the scene and things that I wouldn't be able
4 to tell you about.

5 Q. Okay.

6 MR. MURPHY: One moment, Your Honor.

7 [Whereupon, Mr. Murphy confers with his client]

8 MR. MURPHY: Nothing further, Your Honor.

9 THE COURT: Any redirect?

10 MR. OSBORNE: No, Your Honor.

11 THE COURT: May this witness be excused?

12 MR. OSBORNE: Yes, Your Honor.

13 MR. MURPHY: Yes, Your Honor.

14 THE COURT: Thank you, ma'am.

15 [Whereupon, the witness is excused and exits the
16 witness stand]

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1 THE COURT: Madame Forelady I'm going to go ahead
2 and call the morning break. Let's take about a 15 minute
3 break and we'll resume the testimony at that point. If
4 the jury needs anything if you'll let the bailiff know
5 please.

6 [Whereupon, the jury exits at 10:46 a.m.]

7 THE COURT: How many witnesses do you anticipate
8 having more?

9 MR. VOIGT: We have five but only one -- only two
10 of any real length.

11 THE COURT: Okay. Thank you. Let's take about a
12 15 minute break.

13 [Whereupon, court is in recess from 10:48 a.m. until
14 11:08 a.m.]

15 [Whereupon, State's exhibit numbers 23 through 38
16 are marked by the court reporter]

17 THE COURT: Is the State ready with its next
18 witness?

19 MR. VOIGT: Yes, Your Honor.

20 THE COURT: The defense ready?

21 MR. MURPHY: Yes, Your Honor.

22 THE COURT: Will you get the jury in please?

23 [Whereupon, the jury enters at 11:10 a.m.]

24 THE COURT: Will you call your next witness please,
25 sir?

State v Jalann Williams
Matt Hughes-Direct Examination by Mr. Osborne
January 6, 2015

1 MR. OSBORNE: The State calls Detective Sergeant
2 Matt Hughes.

3 [Whereupon, Mr. Hughes comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Please state your full name and
7 spell your last name for the record.

8 THE WITNESS: Matthew Brian Hughes. My last name
9 is H-U-G-H-E-S.

10 - - - - -

11 MATTHEW HUGHES,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. OSBORNE:

16 Q. Good afternoon, Sergeant.

17 A. Good afternoon.

18 Q. Where do you work?

19 A. The City of North Charleston Police Department.

20 Q. And how long have you worked there?

21 A. Close to 14 years.

22 Q. And what's your assignment now?

23 A. Right now I'm the supervisor of the narcotics unit.

24 Q. And what other assignments have you had with North
25 Charleston?

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1 A. I was the supervisor of the person's crime homicide
2 unit. I was attached to an F-B-I task force in violent
3 crime; the street suppression unit control.

4 Q. And how long have you been a police officer?

5 A. Since 2000, so 14 years.

6 Q. Okay. Let's go back to January the 29th of 2013.
7 What was your assignment then?

8 A. At the time I was on the F-B-I task force for
9 violent crime.

10 Q. I want to kind of skip ahead a little bit.

11 MR. OSBORNE: Your Honor, may I approach?

12 THE COURT: Yes, sir.

13 Q. [Mr. Osborne] I want to show you what's been marked
14 as State's exhibit 37. Do you recognize this?

15 [Whereupon, the witness is shown exhibit]

16 A. Yes.

17 Q. And what is that?

18 A. That's a DVD. That's what we burn interviews on.

19 Q. And do you know whose interview is contained on this
20 DVD?

21 A. Yes sir that would be my interview with Jalann
22 Williams I believe.

23 Q. And I believe other detectives also ---

24 A. --- yes. Yes, sir myself and Captain Perry.

25 MR. OSBORNE: Your Honor, I believe without

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1 objection we'd offer State's exhibit 37 ---

2 MR. MURPHY: --- no objection.

3 THE COURT: Admitted without objection.

4 [Whereupon, State's exhibit number 37 is entered
5 into evidence by the court]

6 Q. [Mr. Osborne] While we continue to talk I'm going to
7 have Detective Terry cue this up.

8 A. Okay.

9 Q. So how did you first learn about the murder of Akim
10 Ladson?

11 A. I was on the Interstate and I was actually
12 responding to a different call, which got cancelled as I
13 was coming on scene and then another call that went out
14 for another shooting with a victim so I responded to
15 that. That was Mr. Ladson's shooting.

16 Q. Okay. So you actually went to the scene?

17 A. Yes, sir.

18 Q. And what did you see when you got to the scene?

19 A. When I got to the scene there were already a number
20 of officers there. When I got to the scene I noticed the
21 white SUV stopped close to a trailer and Mr. Ladson
22 inside the vehicle.

23 Q. Did you go and observe Mr. Ladson?

24 A. I walked up to the vehicle, yes sir, and looked
25 through the open door.

State v Jalann Williams
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1 Q. Was it pretty apparent early on what type of
2 investigation y'all would be working?

3 A. Yes, sir.

4 Q. And what was it?

5 A. A homicide.

6 Q. Now did you have the occasion at any point to follow
7 any sort of track or path from the scene of the homicide?

8 A. I did.

9 Q. And describe where that path led to.

10 A. It led back to a mobile home park, another mobile
11 home park directly beside the one we were in.

12 Q. And what was that mobile home park called?

13 A. Lake Ashley -- or Lakeside Mobile Home Park.

14 Q. And you said Lakeside is directly next to the mobile
15 park where the victim was found?

16 A. Yes, sir.

17 Q. Now early on in the investigation was there any
18 significance to the fact that that path led from the
19 scene of the murder to Lakeside Mobile homes?

20 A. Yes, sir. And one of the first things we did was
21 start to talk to people around that lived next door that
22 might have been witnesses to it. When we asked them what
23 they saw they said they saw two African American males
24 running in that direction towards --

25 THE COURT REPORTER: Toward where?

State v Jalann Williams
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January 6, 2015

1 A. Lakeside Mobile Home Park.

2 Q. [Mr. Osborne] After you had conducted your initial
3 on scene investigation did you have the occasion to
4 relocate back to North Charleston headquarters?

5 A. I did.

6 Q. And what happened when you got there?

7 A. That night when we got back we just discussed the
8 matters that we knew at the time and then I secured for
9 the evening shortly after that.

10 Q. Okay. Now what about the next day? Did anything
11 happen with the investigation from your perspective?

12 A. Yes, sir. As I came in the next morning I was
13 advised that new things had come up during the night and
14 early morning hours and that there were witnesses and
15 possible suspects at City Hall.

16 Q. And did you have the occasion to interview Lauren
17 Thrower?

18 A. I did.

19 Q. While speaking to Lauren at some point during the
20 interview did you stop?

21 A. I did.

22 Q. And why was that?

23 A. During the interview Lauren gave me information that
24 was important to the case and needed to be addressed at
25 that time; specifically she told me where she knew the

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1 gun was, the gun that was used in the homicide so I
2 needed to stop and relay that information to my
3 supervisor.

4 Q. And where did she say the gun would be located?

5 A. In the trailer adjacent to -- I can't think of the
6 name now. It was the lot next to the one that they were
7 in that morning or that day.

8 Q. So she had given you -- at this point in the
9 investigation you'd already developed a suspect?

10 A. Yes, sir ---

11 Q. --- the defendant ---

12 A. --- yes, sir.

13 Q. And she had given you information to say where the
14 gun was located?

15 A. Yes, sir.

16 Q. And that gun could be located next to the
17 defendant's trailer was it?

18 A. Yes, sir.

19 Q. And did you relay that information to anyone?

20 A. I did. I relayed it to Captain Perry.

21 Q. Do you know what they ended up doing as a result of
22 that information?

23 A. They did a search warrant for that specific mobile
24 home to recover the weapon.

25 Q. Now you said you had the occasion to speak to the

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1 defendant?

2 A. I did.

3 Q. Do you know if he had already been interviewed by
4 other detectives at that point?

5 A. Yes sir, he was.

6 Q. And so you know who?

7 A. Four different investigators had already spoken to
8 him. I know Sergeant Koochler [phonetic] and Detective
9 Desheers then Detective Terry and Sergeant Evans had
10 spoken to him.

11 Q. Through their interviews what was your understanding
12 as to how their interview went with the defendant?

13 A. From my understanding Sergeant Koochler [phonetic]
14 and Detective Desheers just advised him of his Miranda
15 Warnings and then got a basic timeline; his recollection
16 of the events as he was willing to offer --

17 Q. So when we're picking it up right here had the
18 defendant said anything regarding the shooting?

19 A. No sir, not to my knowledge.

20 Q. Had he indicated that he even knew there was a
21 shooting?

22 A. Not to my knowledge.

23 Q. So you're coming in here right now and the only that
24 has been said prior to this is a basic timeline of his
25 events?

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1 A. Yes, sir.

2 [Whereupon, the C.D. plays] [Not taken down]

3 [Whereupon, the C.D. pauses]

4 Q. [Mr. Osborne] Okay. Can you identify yourself?

5 A. Yes sir, I'm the first guy that came in the room;
6 the bald one.

7 Q. And who is the other individual?

8 A. That's Captain Perry.

9 [Whereupon, the C.D. plays] [Not taken down]

10 [Whereupon, the C.D. pauses]

11 Q. [Mr. Osborne] Minimizing the defendant's involvement
12 in a crime is that a pretty common tactic to develop a
13 rapport with the defendant?

14 A. Yes, sir.

15 [Whereupon, the C.D. plays] [Not taken down]

16 [Whereupon, the C.D. pauses]

17 Q. [Mr. Osborne] Is that the first time in the entire
18 interview that the defendant admitted knowing Lauren and
19 Mitchell?

20 A. Yes, sir.

21 [Whereupon, the C.D. plays] [Not taken down]

22 [Whereupon, the C.D. pauses]

23 Q. [Mr. Osborne] But there is another concern there too
24 isn't there? I mean if you were to show his other
25 witnesses statement to the defendant are you afraid that

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1 he is just going to parrot what he had read?

2 A. That's exactly what typically happens and that's why
3 we don't do that because that's what happens when ---

4 Q. --- even if they ask you don't ---

5 A. --- yes sir, we can't do that.

6 [Whereupon, the C.D. plays] [Not taken down]

7 [Whereupon, the C.D. pauses]

8 Q. [Mr. Osborne] What point does it match?

9 A. Until the point where he says he didn't have a gun
10 and he didn't shoot anybody and when he came back he
11 didn't have the gun with him.

12 Q. So what points do match? What did he say that was
13 corroborated by other witnesses and the evidence in the
14 case?

15 A. That he was in the car with his co-defendant and the
16 victim. They were doing a deal for marijuana and that a
17 fight broke out inside the car and then his story stops
18 at this point.

19 Q. So at this point he's just saying that he heard two
20 gunshots but he doesn't know how ---

21 A. --- doesn't know where they came from, right.

22 [Whereupon, the C.D. plays] [Not taken down]

23 [Whereupon, the C.D. pauses]

24 Q. [Mr. Osborne] Okay. So it was kind of hard to
25 understand what he was saying there. Is this where he

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1 talks about the drug transaction?

2 A. Yes, sir. When he says -- he refers to the victim
3 as Dog. He said Dog put the scale out and starting
4 laying the work on the scale; the work being marijuana.

5 He said they ordered a couple of ounces of regular
6 marijuana and a couple ounces of Loud meaning high grade
7 marijuana.

8 He laid it out on it and then he's saying that
9 Mitch, his co-defendant, said are you ready to go and the
10 victim said wait a minute where's my money. So that's
11 where we've stopped at this point.

12 [Whereupon, the C.D. plays] [Not taken down]

13 [Whereupon, the C.D. pauses]

14 Q. [Mr. Osborne] Lets go over a couple of things there.
15 His story seems to have changed.

16 A. Yes, sir.

17 Q. Again it was a little bit difficult to hear some of
18 what he was saying in there but is it fair to say that at
19 some point during the drug transaction the defendant's
20 story was that an argument occurred.

21 A. Yes, sir.

22 Q. Did you ever get an explanation as to what started
23 the argument?

24 A. The only explanation we ever got for what started
25 the argument was Mitch said are you ready to go and they

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1 were going to get out the car and the victim asked for
2 his money and they never produced the money. So the
3 argument started over the victim's belief -- we believe
4 the victim thought that he was going to get robbed of the
5 marijuana so he became confrontational and they became
6 confrontational with each other over who was going to
7 give the money or if the money was going to be given at
8 all.

9 Q. Now I think the defendant mentioned he shot him
10 twice. Did he say why he shot him twice?

11 A. To get him off of him, to get him to calm down.

12 Q. And I think he mentioned at one point the first shot
13 only seemed to anger him more.

14 A. Yes. He said he thought if he shot him once he
15 would back off but he didn't back off; it just made him
16 angry so he decided to shoot him again.

17 Q. Now I heard you say just before I stopped it that
18 that doesn't make any sense. Were you through your
19 investigation were you satisfied with the story that was
20 told at that point?

21 A. No, sir.

22 Q. And why was that?

23 A. The troubling thing to me was if his story were true
24 why would the victim turn to him first of all if he
25 already knew Mitch had the money in his hand and wasn't

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1 giving it up why would he turn his attention to the guy
2 who was sitting directly behind him, a) and b) why would
3 he grab for a gun that wasn't already displayed.

4 If the gun wasn't already pointed at him he wouldn't
5 have a gun to grab at so that was my hang up there that
6 he must have known that the defendant had a gun in his
7 hand; otherwise he wouldn't have had anything to reach
8 for.

9 [Whereupon, the C.D. plays] [Not taken down]

10 [Whereupon, the C.D. pauses]

11 Q. [Mr. Osborne] Is that a common police tactic during
12 police interrogations to try to pit one co-defendant
13 against another?

14 A. Yes, sir.

15 Q. It sounds like you're saying here you're almost
16 suggesting that maybe Mitch said let's rob him and then
17 you just went along with it.

18 A. Yes, sir.

19 Q. Is that what you're trying to get at there?

20 A. Yes, sir.

21 Q. Had the information that you had obtained so far in
22 the investigation indicated that Mitch had planned a
23 robbery?

24 A. In a previous statement there was a discussion --
25 there was information given that there was a discussion

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1 between the defendant and Mitch prior to them departing
2 to go meet the victim about jacking and robbing him.

3 Q. So at this point you're basically seeing if the
4 defendant would be willing to basically blame Mitch for
5 it?

6 A. To open up the discussion of the robbery was my
7 intent here.

8 [Whereupon, the C.D. plays] [Not taken down]

9 [Whereupon, the C.D. pauses]

10 Q. [Mr. Osborne] So it seems like you're having a
11 problem with the story in a sense that if the victim came
12 to sell marijuana and they came to buy it why did this
13 happen?

14 A. Correct.

15 Q. Is that ---

16 A. --- and he's -- Jalann said that -- when I
17 referenced him giving up the money earlier that was based
18 on his statement saying that I had given Mitch all the
19 money and Mitch was controlling all the money for the
20 deal.

21 [Whereupon, the C.D. plays] [Not taken down]

22 [Whereupon, the C.D. pauses]

23 Q. [Mr. Osborne] Do you know about how long your
24 segment of the interview with the defendant was?

25 A. I'd say like 45 to 50 minutes.

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1 Q. Did he appear as though he was intoxicated or under
2 the influence of any drugs?

3 A. No, not at all.

4 Q. Did y'all offer him bathroom breaks? I know we
5 didn't see it on here but did that occur at any time?

6 A. Just prior to me going in I know -- that's what I
7 was waiting on. He went and I came in and after I left
8 he was taken again.

9 Q. Did you give him any water?

10 A. Yes, he had a bottle of water.

11 MR. OSBORNE: Your Honor, may I approach?

12 THE COURT: Yes, sir.

13 Q. [Mr. Osborne] Detective Hughes, I'd like to show you
14 what has been marked as State's exhibit 38. Do you
15 recognize this item?

16 [Whereupon, the witness is shown photograph]

17 A. I do. This is the photograph of the firearm that I
18 showed him in the interview.

19 MR. OSBORNE: Your Honor, we'd request State's 38
20 be moved into evidence.

21 MR. MURPHY: No objection.

22 THE COURT: Admitted without objection.

23 [Whereupon, State's exhibit number 38 is entered
24 into evidence by the court]

25 Q. [Mr. Osborne] I'm going to show you State's 27 and

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1 28. Do you recognize these items?

2 [Whereupon, the witness is shown photographs]

3 A. Yes, sir.

4 Q. And what are they?

5 A. The first is a photograph of the fence that
6 separates the trailer park where the incident occurred
7 and Lakeside Mobile Home Park.

8 The second is the street leading away from the
9 incident location from this fence into Lakeside Mobile
10 Home Park directly to the mobile home where Jalann was
11 staying.

12 MR. OSBORNE: Your Honor, we would offer State's 28
13 and 27 into evidence.

14 MR. MURPHY: No objection.

15 THE COURT: Admitted without objection.

16 [Whereupon, State's exhibit numbers 27 and 28 are
17 entered into evidence by the court]

18 Q. [Mr. Osborne] The first item that I'm showing you is
19 State's 38.

20 [Whereupon, the witness is shown photograph]

21 Q. I believe you said this is the photograph that you
22 were showing the defendant in the interview?

23 A. Yes, sir.

24 Q. I think he writes down what you ask him to write
25 doesn't he?

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- 1 A. Yes sir, that the gun I used.
- 2 Q. Is that his signature there?
- 3 A. Yes, sir.
- 4 Q. Now let's talk a little bit more about these
- 5 photographs. Let's start with State's 27. What are we
- 6 looking at again here?
- 7 A. That's the chain link fence that separates Lakeside
- 8 Mobile Home Park from the trailer park where the incident
- 9 occurred.
- 10 Q. And you mentioned something about a hole in the
- 11 fence?
- 12 A. Yes, sir. It's hard to see ---
- 13 Q. --- you can actually touch that screen and I think
- 14 it should...
- 15 [Whereupon, the witness complies]
- 16 A. Okay. It's in this [indicates] area. There is a
- 17 pile of brush on the ground here [indicates] that kind of
- 18 separates the hole, the hole is about that [indicates].
- 19 Q. Okay. So when I'm looking at the picture right
- 20 here I think there are some benches in the back over
- 21 there?
- 22 A. Yes, sir.
- 23 Q. Were those benches at all significant in this
- 24 investigation?
- 25 A. Yes, sir. There is -- the bench there [indicates]

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1 and then there is a concrete pad I believe it sits right
2 there [indicates]. In the interview with Ms. Thrower
3 that's where they indicated and the defendant said they
4 were smoking marijuana prior to going over to meet the
5 victim; that's where they indicated they were standing
6 smoking marijuana.

7 Q. So if I'm facing let's say -- just using this
8 picture I'm looking and the bench is right there
9 [indicates]. Is the scene of the murder to the right or
10 to the left of the bench?

11 A. It's to the right if you're looking at that
12 photograph. It's -- go to the benches and turn right and
13 go 75 yards.

14 Q. So is it accurate to say through your investigation,
15 through the witness testimony, through the evidence that
16 you believe the defendant, Mitchell and Lauren went
17 through this hole in the fence and came back after the
18 shooting through this hole in the fence ---

19 A. --- yes, sir.

20 Q. Okay. So can you tell the jury in relation to the
21 hole in the fence what this photograph is depicting and
22 where the hole would be?

23 A. The hole would be in the bottom right corner. The
24 fence is just out of sight from where the sticker, the
25 orange sticker in the bottom of that corner the fence is

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1 runs along and it's just offset from that apartment
2 building right there [indicates] to your right.

3 Q. So right at the end of those apartment buildings
4 would be the fence?

5 A. Yes, sir.

6 Q. All right. Now what are we looking at in this
7 photograph? Why is it significant at all?

8 A. At the end of this road it's a straight shot -- from
9 this fence it's a straight shot to the end of the road to
10 the trailer where the defendant and his girlfriend were
11 staying.

12 Q. It's actually the trailer that we're looking at
13 right at the end of the road right?

14 A. Yes sir, right there [indicates].

15 [Whereupon, Mr. Osborne confers with Mr. Voigt]

16 Q. No further questions. Please answer any questions
17 Mr. Murphy may have.

18 MR. MURPHY: Thank you, Your Honor.

19 THE COURT: Yes, sir.
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21
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23
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25

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1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Prior to walking into that interview with Mr.
4 Williams you were going to charge him with murder
5 regardless of what he said wasn't that the case?

6 A. No, sir.

7 Q. So you're saying that based on what he told you, you
8 would have made the decision not to charge him with
9 murder?

10 A. It all depended on -- I can't say because it all
11 depended on how that interview ran. Going into that
12 interview I can't say what I would have done.

13 Q. Okay. And other than admitting that there was a
14 struggle and a shooting what other evidence did you --
15 what else was there that you didn't know about that led
16 to the murder charge?

17 A. The statements of a planned robbery beforehand.

18 Q. But those weren't his statements though.

19 A. It was not his statement, you're correct. The other
20 statements that there was a planned robbery the evidence
21 supported the idea of a robbery and that his own
22 statement of shooting the victim twice.

23 Q. And we're going to get -- you guys you said that you
24 had a problem with a part of his story. You guys went in
25 there dead set on that there was a planned robbery prior

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1 to talking to him right?

2 A. No, sir.

3 Q. You didn't?

4 A. No, sir.

5 Q. He didn't say that there was a planned robbery did
6 he?

7 A. No, sir.

8 Q. Okay. So tell me -- if you didn't go in there with
9 the preconceived idea that there was a planned robbery
10 and he didn't admit there was a planned robbery what
11 changed during the course of that interview for you to
12 make that determination?

13 A. Well now when you say I went in there with the idea
14 that that there was a robbery, I did.

15 Q. Okay.

16 A. I wasn't going in there convinced as you mentioned
17 earlier that there was a robbery. I did have the idea
18 that there was a robbery and I needed his side of the
19 story to compare to that.

20 Q. Okay. So if he didn't say he was involved in a
21 robbery though what convinced you from the time prior to
22 the interview or during it that you decided that there
23 was a robbery?

24 A. The statements that he made and a couple of
25 statements that others made didn't add up if there wasn't

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1 a robbery. If the guy went for his gun how did he know
2 he had a gun if it wasn't pointed at him was my problem
3 there. And if the gun was pointed at him then it
4 supports a robbery.

5 Q. And is there -- let's talk about the robbery. The
6 way the process works you folks, you detectives, do you
7 folks swear out a warrant for the initial charges?

8 A. Typically but not every time.

9 Q. No, I understand. But in this case you swore out a
10 warrant for possession of a weapon and for murder against
11 Mr. Williams correct?

12 A. Correct.

13 Q. And you didn't swear out a warrant for any armed
14 robbery against him did you?

15 A. Not at the time, no.

16 Q. That's because you didn't think the evidence
17 supported armed robbery at that time right?

18 A. No, I did. It just led -- it just supported the
19 murder; the robbery supported the murder so that's what I
20 decided at the time to leave it at.

21 And I wasn't actually the one making the call. It's
22 just the way as a group that we decided to go at the
23 time.

24 Q. All right. We talked about some police tactics. I
25 think you said -- did you say Detective Perry was with

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1 you?

2 A. Captain Perry.

3 Q. Captain Perry. So when Captain Perry was saying to
4 Mr. Williams I'm trying to save you that would be a
5 police tactic that you were using?

6 A. Yes sir, I guess so.

7 Q. Do you think he was really trying to save him?

8 A. Sure.

9 Q. What would he be saving him from?

10 A. From sticking with a lie and making things harder on
11 himself.

12 Q. From facing a murder charge?

13 A. Well, then if that's the case then that's the case.
14 You committed a murder and you want to tell the truth in
15 my opinion it is making it easy on yourself to tell the
16 truth.

17 Q. All right. And you're also I believe you're
18 threatening to convict or charge his children's mother
19 with a crime correct?

20 A. No sir, I never threatened.

21 Q. Okay. You stated that.

22 A. Well that was a possibility.

23 Q. Okay. And is that another police tactic that you
24 use to say that you're going to charge ---

25 A. --- I wouldn't say that's a tactic. I would say

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1 that's just the truth.

2 Q. Are you a father?

3 A. Yes, I am.

4 Q. Would you say anything to protect your children ---

5 MR. OSBORNE: --- objection, Your Honor. He's
6 talking about personal family matters to this detective.
7 I don't see how that is relevant to this case.

8 THE COURT: I sustain that objection.

9 Q. [Mr. Murphy] You talked about you had this idea that
10 there was a robbery that occurred. Did you know that
11 there was 435 dollars found on Mr. Ladson?

12 A. No, sir.

13 Q. Okay. If you didn't know that -- let's say if you
14 knew that there was 435 dollars would that change -- in
15 his pocket at the time of the incident -- would that
16 change your idea of whether or not there was a robbery?

17 A. Well, I knew Mr. Ladson had some money on him but
18 the deal as the defendant said was for 500 dollars. He
19 didn't have 500 dollars on him apparently.

20 Q. All right. And in just using common sense if there
21 was a planned robbery would the folks bring money to buy
22 the product? Does that make sense to you?

23 A. Well the idea as he says, the defendant said was to
24 put him at ease when they got in the car they showed him
25 money. He doesn't know how much money it was. It could

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1 have been 20 dollars in ones for all we know.

2 Q. And you don't know if that money ever got
3 transferred to Mr. Williams at all -- I'm sorry,
4 transferred to Mr. Ladson?

5 A. According to Mr. Williams -- like I said I wasn't
6 there that day. Only Mr. Williams can answer that. But
7 he says no it wasn't.

8 Q. In terms of your investigation did you review all
9 the evidence in this case or did you have a very limited
10 role in this case?

11 A. No. I reviewed a substantial portion of the
12 evidence.

13 Q. Just let me ask you this. As you're standing up
14 here is there anything that you can think about from the
15 State's case that doesn't make sense or doesn't add up?

16 A. No, sir.

17 Q. Nothing at all?

18 A. No, sir.

19 MR. MURPHY: One moment, Your Honor.

20 [Whereupon, Mr. Murphy confers with his client]

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

22 THE COURT: Redirect?

23 MR. OSBORNE: Very briefly.

24

25

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1 REDIRECT EXAMINATION

2 BY MR. OSBORNE:

3 Q. The defendant's girlfriend was Taylor McLean is that
4 correct?

5 A. Yes, sir.

6 Q. Now during the interview I mean let's be honest he
7 -- is it incorrect to say that it is the defendant who
8 was continuously asking is my girlfriend going to get
9 charged. Is my girlfriend going to get charged?

10 A. Yes, sir.

11 Q. And I think even at one point he even said can you
12 promise me you're not going to charge my girlfriend. Did
13 you make that promise?

14 A. No, sir.

15 Q. Because it was an ongoing investigation?

16 A. Correct.

17 Q. You're still gathering all the evidence, still
18 gathering all the facts?

19 A. Yes, sir.

20 Q. And from your point of view she basically drove them
21 from the scene so she could be charged?

22 A. Yes, sir.

23 Q. So you just told him the truth from where you were
24 at?

25 A. Yes, sir.

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1 Q. No further questions.

2 THE COURT: May this witness be excused?

3 MR. OSBORNE: Yes, Your Honor.

4 MR. MURPHY: Yes, Your Honor.

5 THE COURT: Thank you, sir.

6 [Whereupon, the witness is excused and exits the
7 witness stand]

8 THE COURT: May I see the attorneys up here?

9 [Whereupon, an off the record bench conference is
10 held]

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Jerome Desheers-Direct Examination by Mr. Osborne
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1 THE COURT: The State calls Detective Jerome
2 Desheers.

3 [Whereupon, Mr. Desheers comes forward]

4 MR. OSBORNE: Your Honor, may I approach the court
5 reporter?

6 THE COURT: Yes, sir.

7 [Whereupon, State's exhibit number 39 is marked by
8 the court reporter]

9 [Whereupon, the witness is duly sworn by the Clerk
10 of Court]

11 CLERK OF COURT: State you full name and spell your
12 last name for the record.

13 THE WITNESS: It's Jerome Desheers and the spelling
14 of my last name is D-E-S-H-E-E-R-S.

15 - - - - -

16 JEROME DESHEERS,

17 Having been first duly sworn,

18 Was examined and testified as follows:

19 DIRECT EXAMINATION

20 BY MR. OSBORNE:

21 Q. Mr. Desheers, can you tell the jury where you work?

22 A. I work for the City of North Charleston Police
23 Department.

24 Q. And what's your assignment there?

25 A. Currently I'm in the detective bureau.

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1 Q. How long have you been a detective?

2 A. Three years now.

3 Q. How long have you worked for North Charleston?

4 A. I've worked for North Charleston for seven years.

5 Q. And what type crimes do you investigate?

6 A. While in the detective bureau I've been assigned to
7 the person's unit, which I'm currently assigned to, and
8 also the property unit before I became a person's
9 detective.

10 Q. All right. Did you have the occasion to assist in
11 the investigation, the murder investigation of Akim
12 Ladson?

13 A. I did.

14 Q. How did you first learn about it?

15 A. I came in and started my shift at 8 o'clock p.m. on
16 the day of the incident and was briefed by the
17 supervisors that were there before me.

18 Q. I believe early on from your perspective y'all were
19 trying to identify the white female who was seen near the
20 murder at the time?

21 A. That's correct.

22 Q. Thinking maybe she was a witness or a suspect?

23 A. Correct.

24 Q. Did you have the occasion to show or to develop a
25 potential suspect?

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1 A. Detective Repman created a lineup and I assisted by
2 showing the lineup to the gentleman at the scene.

3 Q. And this individual was just a known person who was
4 associated in the area?

5 A. Correct.

6 Q. A white female who matched the description?

7 A. Yes.

8 Q. When you showed the lineup did you get an I.D.?

9 A. The person did make an identification. It was --
10 the hair color was the only discrepancy.

11 Q. Now from your perspective after you finished that
12 did you learn some information that sort of changed the
13 course of the investigation?

14 A. Yes. During the course of the night we did get
15 information from our crime scene that a fingerprint was
16 recovered that matched the defendant's.

17 Q. And that was recovered from the victim's vehicle I
18 believe?

19 A. Yes.

20 Q. Did you make any attempt to locate the defendant?

21 A. We did. We got information that he was actually at
22 the Relax Inn where he was located on Ashley Phosphate.

23 Q. Okay. Did you go by Relax Inn?

24 A. I did.

25 Q. And what happened when you got there?

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1 A. We got the information on what room he was in and
2 made contact just by a simple knock and talk and smelled
3 marijuana in the room and location was in plain view.

4 Q. Did you locate some marijuana?

5 A. Yes.

6 Q. Located the defendant?

7 A. Correct.

8 Q. Anybody else in the room?

9 A. There was nobody else in the room.

10 Q. Was the defendant then charged?

11 A. He was charged with simple possession of marijuana
12 at that time and taken into custody for that.

13 Q. And I think y'all brought him back to the station to
14 be interviewed?

15 A. Yes. He was transported back to our detective
16 bureau, put in an interview room for the interview, yes.

17 Q. Now you're not the case agent in this case?

18 A. Correct, I'm not.

19 Q. Detective Chris Terry is.

20 A. Yes.

21 Q. So -- but you began the interview with the
22 defendant?

23 A. Correct, because of the time of morning it was the
24 secretary had not come in yet so I started the interview
25 myself with Detective Sergeant Koochler [phonetic] and

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1 I'm the one that advised him of his Miranda rights.

2 MR. OSBORNE: Your Honor, may I approach?

3 THE COURT: Yes, sir.

4 Q. [Mr. Osborne] I'm going to show you what has been
5 marked as State's exhibit number 39. Do you recognize
6 that item?

7 [Whereupon, the witness is shown exhibit]

8 A. I do recognize this.

9 Q. What is it?

10 A. This is our advise of constitutional rights form
11 that we use at our department.

12 MR. OSBORNE: Your Honor, we would request State's
13 39 be moved into evidence.

14 MR. MURPHY: No objection, Your Honor.

15 THE COURT: Admitted without objection.

16 [Whereupon, State's exhibit number 39 is entered
17 into evidence by the court]

18 Q. [Mr. Osborne] So after you advised the defendant of
19 his Miranda warnings did he waive his rights?

20 A. He did.

21 Q. And what time and date was that?

22 A. January 31st, 2013 and this was at 8:50 a.m.

23 Q. You said you weren't the case agent so is it fair to
24 say you were just tasked with going in there and starting
25 an interview with him and just trying to get the baseline

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1 of where he was at that day?

2 A. Correct, the day of the incident, yes.

3 Q. And did he begin to tell you where he was at that
4 day?

5 A. I did get some statements from him about his
6 whereabouts during the day, leaving the girlfriend's
7 house and going to the area of Charleston Farms, also
8 going to another neighborhood on Rivers Avenue I believe
9 it was Hawthorn City and also to Northwood's Mall.

10 The story kind of -- the timeline of where he went
11 changed but that was his statement that he provided to
12 me.

13 Q. Did he mention anything about a shooting?

14 A. He did not mention anything about a shooting.

15 Q. Nothing about hearing a shooting, seeing a shooting,
16 being involved in a shooting?

17 A. No, sir.

18 Q. Was his story easy to follow?

19 A. It was not because it changed if I remember
20 correctly. I did note the fact that there was multiple
21 versions of his story from the day before.

22 Q. Did you ask him about the marijuana at the Relax
23 Inn?

24 A. We did ask him about the marijuana. He said it was
25 his personal use and he had it for about three weeks.

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1 Q. Now how long did that segment, did your segment of
2 the interview with the defendant last?

3 A. It was brief; I would say under 30 minutes or around
4 30 minutes.

5 Q. Did you challenge the defendant in any way regarding
6 his inconsistencies or what else you knew about the
7 investigation?

8 A. No, I did not.

9 Q. Just got the story and that's it?

10 A. Correct.

11 Q. And what did you do after you left the interview?

12 A. We went to a briefing when dayshift detectives came
13 on. That's when Chris Perry was present for that meeting
14 and we went throughout the information that was provided
15 during our interview and I was relieved from the
16 interview.

17 Q. And where did you go from there?

18 A. From there actually went to Hanahan an address to
19 locate a supposed witness; I believe her last name is
20 Thrower as well as a guy named Mitch.

21 Q. I think you went to [REDACTED] Yeamans Hall Road?

22 A. Yes.

23 Q. Did you locate them there?

24 A. We did. We located them in an apartment there; both
25 Ms. Thrower and Mitch were present at the apartment.

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1 Q. Did you bring Mitch, Robert Mitchell, and Lauren
2 Thrower back to the station?

3 A. Yes. They were transported back to the detective's
4 bureau.

5 Q. And I think other detectives then interviewed them
6 there?

7 A. Correct.

8 Q. Now did you have the occasion to then go back to
9 Lakeside?

10 A. I did go back to Lakeside where a search warrant was
11 completed.

12 Q. And what were the search warrants for?

13 A. We were looking for clothing, firearms, ammunition;
14 anything relevant to the case of the homicide.

15 Q. I think specifically you were looking under lot [REDACTED]?

16 A. Yes, we did look under lot -- we were provided
17 information that's where the gun would have been.

18 Q. When you went out there did you find the gun?

19 A. We did find the gun, yes.

20 MR. OSBORNE: Your Honor, may I approach?

21 THE COURT: Yes, sir. Let me see both of y'all up
22 here right quick.

23 [Whereupon, an off the record bench conference is
24 held]

25 THE COURT: Ladies and gentlemen, in just a moment

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1 there may be a weapon that will be displayed in the
2 courtroom. It is disabled; it is unable to fire but any
3 witnesses are directed not to point it at anybody. I
4 know you know so but just in case. Thank you.

5 MR. OSBORNE: Thank you, Your Honor.

6 Q. [Mr. Osborne] Detective Desheers I'm going to show
7 you what has been marked as State's exhibit number 36.
8 Can you take a look at that?

9 [Whereupon, the witness is shown exhibit]

10 A. Yes.

11 Q. Do you recognize that item?

12 A. I do recognize it.

13 Q. And what is it?

14 A. This is the weapon that was found underneath the
15 trailer when we pulled back the skirt.

16 MR. OSBORNE: Your Honor, the State would request I
17 think it's exhibit 37 -- 36 into evidence ---

18 MR. MURPHY: --- no objection ---

19 THE COURT: --- admitted without objection.

20 [Whereupon, State's exhibit number 36 is entered
21 into evidence by the court]

22 MR. OSBORNE: Your Honor, may I approach?

23 THE COURT: Yes, sir.

24 Q. [Mr. Osborne] Detective Desheers I'm showing you
25 what has been marked as State's exhibit 23 and 24. Can

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1 you take a look at those and tell me if you recognize
2 them?

3 [Whereupon, the witness is shown exhibits]

4 A. I do recognize these.

5 Q. And what are they?

6 A. Crime scene photos of where the gun was located.

7 MR. OSBORNE: Your Honor, we'd request State's 23
8 and 24 be moved into evidence.

9 MR. MURPHY: No objection.

10 THE COURT: Admitted without objection.

11 [Whereupon, State's exhibit numbers 23 and 24 are
12 entered into evidence by the court]

13 Q. [Mr. Osborne] You had mentioned earlier you had
14 pulled back the skirt.

15 A. That's correct.

16 Q. Is that what you meant?

17 [Whereupon, the photo is shown]

18 A. Yes, where you see the fingers pulling that back is
19 what I refer to as a skirting.

20 Q. And this is State's exhibit 23; that was 24.

21 [Whereupon, the photo is shown]

22 A. Correct.

23 Q. And I believe you said that was recovered from
24 underneath lot [REDACTED].

25 A. Yes.

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1 Q. And the defendant's girlfriend lived in lot [REDACTED] is
2 that correct?

3 A. That's correct.

4 Q. No further questions.
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1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. The marijuana that was found at the Relax Inn you
4 have no idea where that came from.

5 A. Before I came to the room?

6 Q. Right?

7 A. No.

8 Q. You're not up here saying that it was taken from Mr.
9 Ladson at all are you?

10 A. I'm not saying that, no.

11 Q. And you could understand why Mr. Williams would have
12 been scared when you were interviewing him.

13 A. Correct.

14 Q. It's not a good thing when you're interviewing
15 someone right?

16 A. You're right.

17 Q. And Mr. Williams waived his rights, his
18 constitutional rights correct?

19 A. Correct.

20 Q. He never asked for an attorney.

21 A. Correct.

22 Q. Because if he did you would have stopped questioning
23 him right?

24 A. Yes, sir.

25 Q. And I think you said you testified that you

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1 interviewed Lauren Thrower is that correct?

2 A. I did not.

3 Q. Oh, you did not?

4 A. No, sir.

5 Q. Did you have any dealings with Ms. Thrower at all?

6 A. Yes, just when I went to the apartment in Hanahan
7 and located her and she was transported to the detective
8 bureau.

9 Q. But you didn't ask her about this incident at all
10 did you?

11 A. No, sir.

12 MR. MURPHY: That's all I have, Your Honor.

13 THE COURT: Redirect?

14 MR. OSBORNE: No, Your Honor.

15 THE COURT: May this witness be excused?

16 MR. OSBORNE: Yes, Your Honor.

17 MR. MURPHY: Yes, Your Honor.

18 THE COURT: Thank you, sir.

19 [Whereupon, the witness is excused and exits the
20 witness stand]

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1 THE COURT: Madame Forelady and ladies and
2 gentlemen of the jury I'm going to go ahead and call a
3 lunch break now. I'm going to let y'all be gone until
4 about 2 o'clock and we'll resume testimony at that point.
5 I'm going to remind you not to speak with anyone about
6 this case or amongst yourselves about this case. Please
7 leave your pads in the jury room.

8 [Whereupon, the jury exits at 12:24 p.m.]

9 THE COURT: Recess until 2 o'clock.

10 MR. MURPHY: Thank you, Your Honor.

11 MR. VOIGT: Thank you, Judge.

12 [Whereupon, court is in recess from 12:25 p.m. until
13 2:05 p.m.]

14 THE COURT: Mr. Voigt, what's your lineup this
15 afternoon that you anticipate?

16 MR. VOIGT: I have got Al Hallman from North
17 Charleston Police Department who will be very brief. Dan
18 DeFreese from SLED ballistics should be very brief.
19 Robert Mitchell might be more lengthy. We may make the
20 decision to close with Detective Terry and he I think
21 will be fairly brief as well; so maybe one substantive
22 witness out of the five witnesses.

23 THE COURT: Okay. My rule of thumb is I don't
24 submit a case to the jury if it's going to be after 4:00.
25 I think they rush to judgment and I don't think it's fair

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1 to anybody involved. So if we just for your planning
2 purposes it looks like we're going to end up all
3 testimony around that time we'll just come back and
4 charge and argue tomorrow; maybe have a conference this
5 afternoon about the charges.

6 MR. VOIGT: That will be fine.

7 THE COURT: Anything else from the State before we
8 bring the jury back?

9 MR. VOIGT: No, Your Honor.

10 THE COURT: From the defense?

11 MR. MURPHY: The only thing I would ask Your Honor
12 is maybe a curative instruction. I walked past some of
13 the jurors and I purposely put my head down and don't say
14 anything to them. So maybe if you would just we're not
15 being rude as attorneys; we're not allowed to talk to
16 you. That would be my only recommendation.

17 THE COURT: Okay. Will you bring the jury in?

18 [Whereupon, the jury enters at 2:07 p.m.]

19 THE COURT: Madame Forelady and ladies and
20 gentlemen of the jury just before we get started let me
21 point out something to you. Some of my rules of court
22 are that the parties, witnesses, especially attorneys
23 aren't allowed to speak to jurors during the course of a
24 trial until after all the proceedings are over with. So
25 if you bump into anybody here in the courtroom or the

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1 courthouse and they don't acknowledge you they're not
2 being rude to you; they're just not allowed to speak to
3 you. With that being said is the State ready to proceed?

4 MR. VOIGT: Yes, Your Honor.

5 THE COURT: The defense ready?

6 MR. MURPHY: Yes, sir.

7 THE COURT: All right.

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State v Jalann Williams
Al Hallman-Direct Examination by Mr. Voigt
January 6, 2015

1 MR. VOIGT: Al Hallman.

2 [Whereupon, Mr. Hallman comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Please state your full name and
6 spell your last name for the record.

7 THE WITNESS: Al Hallman, H-A-L-L-M-A-N.

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9 AL HALLMAN,

10 Having been first duly sworn,

11 Was examined and testified as follows:

12 DIRECT EXAMINATION

13 BY MR. VOIGT:

14 Q. Mr. Hallman how are you employed now?

15 A. Currently I am the loss prevention team leader for
16 K-Mart.

17 Q. And how were you employed in January and February of
18 2013?

19 A. I worked for the City of North Charleston Police
20 Department.

21 Q. In what capacity did you work for them?

22 A. I was assigned to the forensic investigation unit.

23 Q. How long were you with North Charleston Police
24 Department?

25 A. I retired after 26 years.

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1 Q. And how long did you spend in forensics?

2 A. All together probably 16, 17 years; something like
3 that.

4 Q. And during that time did you become a latent
5 fingerprint examiner?

6 A. I did.

7 Q. And what kind of specialized training did you have
8 for that?

9 A. I've attended many, many basic and advanced training
10 courses around the country. I've also received a diploma
11 from the American Institute of Applied Science in
12 forensic science. And I've been to many, many Academy
13 sponsored training courses. I couldn't name them all
14 sitting here.

15 Q. And you did during the time you were with the
16 forensics unit you did most of the fingerprint analysis
17 for the City of North Charleston.

18 A. I did half of it pretty much.

19 Q. And you also did fingerprint analysis for other
20 agencies as well too, right?

21 A. Yes sir, I did.

22 Q. So places like Mount Pleasant and other places would
23 send the fingerprints that needed to be tested for you.

24 A. Yes. We did fingerprint comparisons for
25 approximately 13 other agencies.

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1 MR. VOIGT: At this time I would offer Al Hallman
2 as an expert in the analysis of latent fingerprints.

3 MR. MURPHY: No objection.

4 THE COURT: Ladies and gentlemen, again a person is
5 normally not allowed to give their opinion. But in this
6 case it has been stipulated that this gentleman is an
7 expert in the analysis of latent fingerprints. He'll be
8 allowed to give his opinion in that area and the basis
9 for his opinion. Expert testimony is just like any other
10 testimony you'll hear in this case. You may accept it,
11 you may reject it or give it as much weight as you think
12 it deserves.

13 MR. VOIGT: Thank you.

14 Q. [Mr. Voigt] Mr. Hallman, tell the jury a little bit
15 about what the analysis of latent fingerprints entail.
16 What does that study?

17 A. First of all the word latent means invisible to the
18 naked eye. And a latent print is an impression left on a
19 surface when someone's hands, the palms of the hands or
20 the fingers or even their feet come in contact with that
21 surface directly.

22 It will leave an impression that you can't see thus
23 being called a latent print. In order to make it what's
24 called a patent print or viewable by the naked eye it
25 takes -- there are numerous process that we can do to

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1 develop the prints on that particular surface;
2 fingerprint dust, superglue, a lot of different kind of
3 chemical processes, amido black and things like that will
4 actually enhance that image to where we can see it.

5 And once we can see it we can examine it and then
6 the examination of a latent print goes through three
7 different levels; levels one, two, and three and level
8 one being the shape or the pattern within that latent
9 print.

10 And there are three particular pattern types. There
11 are loops on a latent print where the ridge detail comes
12 into the print and then goes right back out the same
13 side.

14 There are arches where the image comes in and goes
15 out the opposite side and doesn't really do anything; it
16 looks like a wave. And then there are whirls that
17 resemble little hurricanes. They are little spinners
18 right in the middle of the print. It's very easy to pick
19 those out of just about anything.

20 So when I'm doing a comparison on prints I'm looking
21 at this latent print versus a known set of images or
22 fingerprints from a known person. Once I've found the
23 level one detail or shapes within that card that are
24 similar to the latent print then I'll go to level two,
25 which is I'm sure you've probably heard of points and

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1 ridges, ridge flow within the pattern of the print. And
2 what points are points are identifiable characteristics
3 within a fingerprint. Pretty much everybody here on just
4 the top digit of your fingerprint you have anywhere from
5 75 to 150 individual points of identification within that
6 frame.

7 It consists of dots, which is just one single little
8 island and is actually a ridge, friction ridge within the
9 print. You can have ending ridges where it just comes
10 and stops and doesn't go anywhere.

11 And you can have what is called a bifurcation where
12 one ridge will come in and it will split into two ridges.
13 Those are points of identification. They are
14 characteristics that we look for in level two detail to
15 match up to a known ink print.

16 If for some reason the level two detail points of
17 identification are eschewed where we can't really see
18 enough in there we can magnify the latent print to what
19 is called level 3 detail, which is the pores or the
20 poroscopy which is the identification and comparison of
21 the sweat pores within the individual ridges.

22 Now that in and of itself is a whole different
23 ballgame and to be honest with you I think I've done it
24 about ten times in my career. We never really have to go
25 past the points -- the points of identification pretty

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1 much solidify it for us. But that's what we're looking
2 at when we're trying to compare latent prints or patent
3 prints to known images.

4 And what makes this such a viable science is that
5 the chances of two people living, dead, past or present
6 of having the identical same fingerprints usually they
7 refer to it as ten to the forty-sixth power; that's ten
8 and forty six zeros. I don't know what that number is
9 but it's big; basically it's impossible.

10 Q. On January 31st, 2013 were you asked to review 28
11 latent print lifts that were taken in the case involving
12 the shooting of Akim Ladson?

13 A. Yes, I was.

14 Q. In how many of those prints was there enough detail
15 sufficient for you to do further analysis?

16 A. Can I look at my report real quick?

17 Q. Yes.

18 [Whereupon, the witness reviews documents]

19 A. There were 13 individual latent prints that had
20 identifiable characteristics within the print.

21 Q. Were you able to review or make any matches to a
22 Jalann Williams?

23 A. Yes.

24 Q. And what prints were those?

25 A. They were latent prints which were labeled L two

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1 point one and L two point two. The prints were lifted
2 from the rear passenger door above the door handle. And
3 latent print two point one was identified to the number
4 one right thumb of Jalann Lee Williams. And latent two
5 point two was also identified to the number one right
6 thumb of Jalann Lee Williams.

7 Q. I'm going to show you what has been previously
8 entered into evidence as State's exhibit 2. Do you
9 recognize that?

10 [Whereupon, the witness is shown photograph]

11 A. Yes.

12 Q. And are those the two point one and two point two
13 that you are talking about?

14 A. Yes.

15 Q. And those little red notations are those your
16 notations?

17 A. Those are my numbers at two point one and two point
18 two.

19 Q. So on all the cards that would have been collected
20 and given to you your notations would have been in small
21 red print where the prints may have been found?

22 A. Yes. And just for identification purposes I believe
23 the State's exhibit sticker was placed on top of what I
24 put as L two and then the date that I started examining
25 it and then my initials.

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1 Q. Actually that one is missing that.

2 A. Is it?

3 Q. It's the only card that is of all the ones you
4 picked out. We looked at that earlier because I know how
5 you normally do it and it wasn't there.

6 A. Okay.

7 Q. Tell the jury how did you make the identification
8 with Jalann Williams? How did that come about?

9 A. What I did was once the latent print cards were
10 presented to me I did a search in our database on the
11 prints and I put the print in the database. I started
12 marking the identifiable points that I was talking about
13 earlier.

14 And once it was submitted I was able to effect an
15 identification based on what I had entered to Jalann Lee
16 Williams. Then I obtained what we refer to as major case
17 prints, which are your fingers, your second and third
18 digits on your fingers and your palms; the whole hands.

19 And I did further comparisons from that point and
20 that's how I subsequently identified L-two point two as
21 being also the number one right thumb.

22 Q. In your expert opinion are the fingerprints that
23 were lifted from the vehicle described above the handle
24 on the rear passenger door are those the fingerprints of
25 Jalann Williams?

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1 A. Absolutely.

2 Q. Please answer any questions Mr. Murphy may have of
3 you.

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State v Jalann Williams
Al Hallman-Cross-Examination by Mr. Murphy
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1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Did you find any fingerprints on the handgun?

4 A. I don't know about any fingerprints on a handgun.

5 MR. MURPHY: Nothing further, Your Honor.

6 THE COURT: Any redirect?

7 MR. VOIGT: No redirect, Your Honor.

8 THE COURT: May this witness be excused?

9 MR. VOIGT: Yes, Your Honor.

10 MR. MURPHY: No objection.

11 THE COURT: Thank you, sir. You may step down.

12 [Whereupon, the witness is excused and exits the

13 witness stand]

14 THE COURT: Call your next witness please, sir.

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State v Jalann Williams
Dan DeFreese-Direct Examination by Mr. Voigt
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1 MR. VOIGT: The State calls Dan DeFreese.

2 [Whereupon, Mr. DeFreese comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: State your full name and spell
6 your last name for the record.

7 THE WITNESS: My name is Frank Dan DeFreese, its
8 capital D-E capital F-R-E-E-S-E.

9 - - - - -

10 DAN DEFREESE,

11 Having been first duly sworn,

12 Was examined and testified as follows:

13 DIRECT EXAMINATION

14 BY MR. VOIGT:

15 Q. Mr. DeFreese how are you employed?

16 A. I work for the South Carolina Law Enforcement
17 Division in the forensic services laboratory in Columbia.

18 Q. And how long have you worked there?

19 A. I will complete 48 years of service today.

20 Q. In what department do you work?

21 A. I work in the firearms department where we do the
22 analysis of firearm and tool mark evidence.

23 Q. Have you ever been qualified as an expert in firearm
24 and toolmark evidence before?

25 A. Yes, I have.

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1 Q. Approximately how many times?

2 A. I don't actually know. I estimate it to be between
3 600 and 700 times.

4 MR. VOIGT: At this time the State would offer Mr.
5 DeFreese as an expert in firearm and toolmark analysis.

6 MR. MURPHY: No objection.

7 THE COURT: Firearm and what analysis?

8 MR. VOIGT: Toolmark analysis.

9 THE COURT: Ladies and gentlemen Mr. DeFreese will
10 be considered an expert in the area of firearm toolmark
11 analysis. And my reminder to you about the prior
12 admonitions about expert witness testimony or just a
13 statement you accept it, you may reject it or give it as
14 much weight as you think it deserves. Thank you.

15 MR. VOIGT: Thank you.

16 Q. [Mr. Voigt] Tell the ladies and gentlemen of the
17 jury what exactly your expertise entails. What is
18 firearm and toolmark analysis?

19 A. Toolmark analysis is the analysis of marks that are
20 left on an object by some other object; a tool. Usually
21 the tool is the harder object and it usually leaves a
22 mark on the softer object.

23 We for instance would look at compromised locks or
24 safes or security devices that had been attacked by screw
25 drivers or pry bars or bolt cutters to determine if we

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1 could identify the marks it left on those devices with
2 the tools that attacked them. Firearms identification is
3 sort of a subspecialty of toolmark identification wherein
4 the firearm itself is the tool and it leaves marks on
5 ammunition components that are fired in that firearm.

6 It's really the most often requested examination
7 that we get. We're asked to identify fired bullets with
8 the gun barrels that may have fired them or with each
9 other and fired cartridge cases with the firearm that
10 fired them or with each other.

11 In some cases we will examine ammunition components
12 for instance to try to give the investigator an idea of
13 the possible makes of firearms that could have fired a
14 bullet or in some cases even a cartridge case.

15 We do some safety examinations on firearms and do
16 some trajectory studies and some other related things but
17 our real bread and butter is the identification of
18 bullets and cartridge cases back to the firearms or with
19 each other.

20 Q. I'm going to show you what has been previously
21 marked and entered into evidence as State's 36 and ask
22 you -- I think you can open that up and take a look.
23 Do you recognize that item? There should be some
24 identifying markings on the outside box.

25 [Whereupon, the witness is shown exhibit]

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1 A. I recognize the revolver both by its serial number
2 and by some markings which I had left on it at the time I
3 examined it.

4 Q. And that's so when you go back and do just what
5 you're doing you know that you handled that?

6 A. Correct.

7 Q. What kind of gun is that?

8 A. This is a Rom model RG 10-S. It's a .22 long rifle
9 caliber revolver.

10 Q. Is there anything different about .22 calibers that
11 makes them different to identify than other sorts of
12 firearms?

13 A. In principle, no. They all -- the identification of
14 firearms are based -- for instance the identification of
15 a fired bullet is dependent on the condition of the
16 bullet when it's recovered; that is the bullet travels at
17 a relatively high speed and if it strikes something it
18 may cause damage as a result of striking that object.

19 When the bullet is too badly damaged we -- they may
20 not have enough marks left on them to identify them to a
21 particular gun barrel. There are also we run across
22 situations where the firearm barrel itself is just
23 variable in its markings; that is that it doesn't leave
24 consistent individual markings on the bullets that are
25 fired in that particular barrel, which was the case with

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Dan DeFreese-Direct Examination by Mr. Voigt

January 6, 2015

1 this particular gun.

2 Q. And you were asked to look at fired bullets and that
3 firearm and asked to make some sort of comparison between
4 them is that correct?

5 A. Yes sir, I was.

6 Q. I'm going to show you what has been previously
7 marked as State's 34, 32, and 33 and ask you if these
8 were the bullets that you were asked to identify.

9 [Whereupon, the witness examines the bullets]

10 A. Yes sir, all three of these bullet specimens have my
11 marks. And I previously examined all three.

12 Q. Now due to the nature of the firearm being a .22 and
13 the specific kind of limitations that you testified to on
14 the markings that they leave what was the best conclusion
15 that you could come to as to items five and six which I
16 think correspond with the lower two numbers that are 33
17 and...

18 A. Yes. My item five is State's exhibit 32 and my item
19 six is State's exhibit 34. And both of these are .22
20 long rifle caliber copper plated hollow point bullets and
21 they both have the same rifling general characteristics;
22 the same number of lands and groove impressions.

23 I first compared them with each other and then
24 compared them with test bullets that I fired from the
25 revolver; from State's exhibit 36. And while the same

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1 general rifling characteristics and some individual
2 similarities were noted on all I couldn't say for certain
3 that the bullets in State's exhibits 32 and 34 were fired
4 by the revolver; by State's exhibit 36, but they could
5 have been fired by this revolver.

6 Q. You mentioned that they were hollow point bullets.
7 What does that mean a hollow point bullet?

8 A. It's a hollow cavity that is placed in the nose of a
9 bullet to slightly weaken the nose and presumably to
10 cause the bullet to expand upon impact thereby releasing
11 more of the bullet's energy in the target than for
12 instance a solid nose bullet of similar construction
13 might do.

14 Q. The last bullet, which I think is State's...

15 A. It's State's exhibit number 33, my item 7.

16 Q. And that's the one that in your report you note was
17 taken from the upper lung area?

18 A. Yes, sir.

19 Q. Could that have been fired by that weapon?

20 A. No, sir. It's the wrong caliber.

21 Q. Thank you. Please answer any questions that Mr.
22 Murphy may have.

23 MR. MURPHY: I've got nothing, Your Honor.

24 THE COURT: Any objection to this witness being
25 excused?

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Dan DeFreese-Direct Examination by Mr. Voigt
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1 MR. VOIGT: No, Your Honor.

2 MR. MURPHY: None, Your Honor.

3 THE COURT: Thank you, sir.

4 MR. VOIGT: Your Honor, just before he leaves at
5 this time I would move to introduce these three --

6 [Whereupon, Mr. Voigt confers with Mr. Osborne]

7 MR. VOIGT: I've already introduced these three.

8 I'm going to introduce these at this time unless you have
9 an objection?

10 MR. MURPHY: Of the bullets?

11 MR. VOIGT: Yes.

12 MR. MURPHY: No objection.

13 THE COURT: Admitted without objection. That's
14 numbers 32, 34, and what?

15 MR. VOIGT: 32, 33, 34. Thank you very much. I
16 apologize for that.

17 [Whereupon, State's exhibit numbers 32, 33, and 34
18 are entered into evidence by the court]

19 [Whereupon, the witness is excused and exits the
20 witness stand]

21 THE COURT: Call your next witness please sir.

22

23

24

25

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1 MR. VOIGT: Your Honor, I'm going to call Robert
2 Mitchell.

3 [Whereupon, Mr. Mitchell comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 CLERK OF COURT: Speak into this mic. You need to
7 get pretty close to it. Say your full name and then
8 spell your last name.

9 THE WITNESS: Robert Mitchell, M-I-T-C-H-E-L-L.

10 - - - - -

11 ROBERT MITCHELL,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. VOIGT:

16 Q. All right Mr. Mitchell. Speak loud so we can all
17 hear you all right. How old are you Mr. Mitchell?

18 A. 35.

19 Q. Did you know Akim Ladson?

20 A. Yes, sir.

21 Q. Do you know Jalann Williams?

22 A. Yes, sir.

23 Q. Do you see Mr. Williams in the courtroom today?

24 A. Yes, sir.

25 Q. How long did you know Akim Ladson?

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- 1 A. Almost two years.
- 2 Q. Mr. Mitchell, are you charged with any crimes?
- 3 A. Yes, sir.
- 4 Q. What are you charged with?
- 5 A. Murder.
- 6 Q. Mr. Mitchell have I promised you anything to get you
7 to come in here and testify today?
- 8 A. No, sir.
- 9 Q. Would you like something to happen with your case
10 other than it end in a murder conviction?
- 11 A. Yes, sir.
- 12 Q. Mr. Mitchell you've been convicted of crimes before
13 haven't you?
- 14 A. Yes, sir.
- 15 Q. You've been convicted of robberies right?
- 16 A. Yes, sir.
- 17 Q. Other sorts of drug offenses?
- 18 A. Yes, sir.
- 19 Q. Most of those in Florida?
- 20 A. Yes, sir.
- 21 Q. How did you know Akim Ladson?
- 22 A. I used to buy weed from him.
- 23 Q. And how often do you think you bought weed from him?
- 24 A. It all depends; probably four or five times a month.
- 25 Q. And on January 30th 2013 did you intend to buy some

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- 1 weed from Mr. Ladson?
- 2 A. Yes, sir.
- 3 Q. And what was he going to sell you?
- 4 A. He was going to sell me a quarter pound of Loud,
5 which is exotic weed.
- 6 Q. Exotic weed?
- 7 A. Yes, sir.
- 8 Q. How much was he going to sell it to you for?
- 9 A. Six hundred.
- 10 Q. Did you have 600 dollars?
- 11 A. No, sir.
- 12 Q. So how were you going to come up with it?
- 13 A. I had 450. I had called Jalann and asked him to
14 borrow the other money -- well, my bad 440, and I had
15 called Jalann and I asked him to borrow 150 dollars. And
16 he was like all right come get it. So I went to his
17 house to get the money.
- 18 Q. And where did he live?
- 19 A. He lived in I want to say the trailer park that's
20 Lakeside -- I really don't know the name of the trailer
21 park.
- 22 Q. Okay. And did y'all have to wait for Mr. Ladson?
- 23 A. Yes, sir.
- 24 Q. Who else was with you?
- 25 A. Lauren Thrower.

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- 1 Q. And who is she?
- 2 A. At the time she was my girlfriend.
- 3 Q. Did she have any weed on her herself?
- 4 A. No, sir.
- 5 Q. That you can recall? Okay. Did y'all smoke a
- 6 little weed while waiting for Mr. Ladson?
- 7 A. Yes, sir. But I had went and got that later.
- 8 Q. That was something you went and got?
- 9 A. Yes, sir.
- 10 Q. So who waited for Mr. Ladson?
- 11 A. Me, Lauren and Solo; Jalann.
- 12 Q. And Solo is what he is also known as?
- 13 A. Yes sir, that's what I knew him as. I just learned
- 14 his name Jalann being locked up. I called him Solo.
- 15 Q. Okay. Did you and Jalann discuss buying the weed?
- 16 A. Yes, sir ---
- 17 Q. --- from Akim?
- 18 A. Yes, sir. We had discussed buying weed and at the
- 19 time when I got to his house he was like -- he gave me
- 20 the money and he was telling me about his bond, how he
- 21 had to pay the bondsman or whatnot and he was like you
- 22 know I need to hit a lick you know what I'm saying.
- 23 Q. Let me stop you there. He needed to hit a lick.
- 24 What does that mean?
- 25 A. A lick is a come up of anyone a jam or anything.

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1 Q. It's a robbery?
2 A. It could be a robbery. It's a quick come up --
3 that's what a lick is.
4 THE COURT REPORTER: It's a quick what?
5 A. Come up.
6 Q. [Mr. Voigt] A quick come up?
7 A. Right.
8 Q. Just a quick way of raising cash?
9 A. Right.
10 Q. He needed some money?
11 A. Right.
12 Q. When you bought this weed from Akim you sold it
13 right?
14 A. Right.
15 Q. And made more money than you spent buying it right?
16 A. Right.
17 Q. You kind of how the theory worked.
18 A. Right.
19 Q. And he needed quick money?
20 A. Right.
21 Q. So how did he propose to do this lick?
22 A. Well he said that -- I asked him I said you going to
23 jam Akim? Then I was like man, I don't think he would
24 come with the money I said because he's supposed to get
25 600 dollars from me. I said so you know what I'm saying

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1 I don't think he going to have any money on him. And he
2 was like well shit -- excuse me -- he was like if he's
3 got money you know I'll get that. So I was like let me
4 handle my transaction then it's whatever; let me get on
5 through you know what I'm saying.

6 Q. When Akim eventually arrived did he arrive by
7 himself?

8 A. No. He arrived with a girl in the car.

9 Q. Had you ever seen her before?

10 A. No.

11 Q. When he got there in the car what did y'all do?

12 A. I went to the driver's side and Solo went to the
13 passenger side. It was a white dude and we was in his
14 yard and he was like y'all get out my yard and I said
15 yes, sir.

16 So when I jumped in the car Akim turned around in
17 the middle console he gave the weed. The girl started
18 driving and I'm weighing the weed out while she was ---

19 Q. --- hold on a second. You're weighing the weed out.
20 What are you weighing it on?

21 A. A digital scale.

22 Q. Okay. And where did the digital scale come from?

23 A. Me and him both had one; me and Akim.

24 Q. Okay. Which scale was this do you know?

25 A. It was Akim's scale because it was on the floor

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1 board already.

2 Q. Okay. Hold on a second. So you were weighing the
3 weed on the floor board. Whereabouts in that picture;
4 you can draw on that screen in front of you?

5 [Whereupon, a photograph is shown]

6 A. I was right there [indicates] ---

7 Q. --- no, no, you can draw right here. If you mark
8 it, it will show up for us.

9 A. I was right here [indicates].

10 Q. Okay. And Akim is in the front seat?

11 A. Yes, sir.

12 Q. He didn't look like that?

13 [Whereupon, a photograph is shown]

14 A. He didn't look like that like he was leaning over
15 pretty much the same way.

16 Q. Okay. And you're weighing the weed on the scale?

17 A. Right. I'm looking down like this [indicates]
18 weighing the weed.

19 Q. Did you know Solo had a gun?

20 A. Yes, sir. I mean he been had a gun ever since I
21 know him. I mean in our line of business some people
22 carry guns.

23 Q. Did you carry a gun?

24 A. No, but also I didn't know Solo ever to use the gun
25 either. So, I mean I thought the gun was for protection.

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1 Q. Can you use a gun while you do a lick?

2 A. Yes.

3 Q. Okay. So you're down weighing the weed. Did you
4 give Akim the money?

5 A. No, I still had the money in my hand.

6 Q. Did you intend to give him the money?

7 A. Yes. I intended on buying the weed.

8 Q. What happened next?

9 A. I heard a commotion and when I looked up Akim and
10 Solo was fighting. Akim had jumped across the seat and
11 they was fighting. Then I heard a shot and I jumped out
12 the car and ran.

13 Q. Let me slow you down. When you looked up did you
14 see the gun?

15 A. Yes. They was fighting over the gun.

16 Q. Were they fighting -- what's the first thing you
17 heard? Do you recall?

18 A. I heard something but I don't know what was said.

19 Q. Did you hear somebody say whoa or no or something
20 like that?

21 A. I don't want to lie. I didn't hear exactly what was
22 said. I just heard something and that's what caused me
23 to look up.

24 Q. Did you expect to see the gun?

25 A. No.

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1 Q. Who had the gun?

2 A. Solo had the gun.

3 Q. Did Akim ever have a gun?

4 A. No.

5 Q. Was Akim reaching for the gun?

6 A. To be honest all I seen is they was fighting. They
7 was fighting. I can't say that he was reaching for the
8 gun and I didn't see what he was doing. I just seen that
9 they was struggling over the gun.

10 The gun was like -- they was like this [indicates]
11 and the gun was like pointed like this [indicates] and
12 they were struggling.

13 Q. Which hand did Solo have the gun in?

14 A. The gun was farther away from him by the door.

15 Q. In his right hand or what would have been his right
16 hand?

17 A. I guess, yes.

18 Q. So you saw him with the gun before the shot went
19 off?

20 A. Yes.

21 Q. Did you see him pull the trigger?

22 A. No, I didn't see that. Like I said I seen them
23 fighting you know what I'm saying.

24 Q. Do you know if they knew each other at all?

25 A. He had -- Solo had seen him through me. They didn't

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1 know each other. He knew him through me. If he did know
2 him I didn't know about them knowing each other.

3 Q. Did Akim ask for his money?

4 A. No, he was letting me weigh the weed out.

5 Q. How much weed are we talking about?

6 A. Four ounces.

7 Q. That's a decent size amount of weed right? I mean
8 you know more than a nickel bag ---

9 A. --- yeah ---

10 Q. --- more than a dime bag ---

11 A. --- yeah.

12 Q. Right?

13 A. Right.

14 Q. And you want to make sure you're not getting shorted
15 at all?

16 A. Right.

17 Q. And you've got a digital scale there to make sure
18 you're close -- digital scales get you real close right?

19 A. Right.

20 Q. The car is moving right?

21 A. Right.

22 Q. And you're concentrating on I guess making sure you
23 got the right weight right?

24 A. Right.

25 Q. Were you arguing with Akim about anything?

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- 1 A. No.
- 2 Q. The weight was right? You had the money in your
3 hand right?
- 4 A. Right.
- 5 Q. What were they arguing about?
- 6 A. I mean like I said I don't know. I can't tell you
7 what I don't know.
- 8 Q. So in that brief period of time it went from just
9 what you expected to happen which was four ounces of weed
10 and some money to something else right?
- 11 A. Right.
- 12 Q. Did you run after the first shot or the second shot?
- 13 A. See I only remember hearing one shot and I was out
14 the car. And then when I was running I heard the car hit
15 the building and I stopped and looked because I wanted to
16 see who got out the car. And then Solo got out the car
17 and I continued to run.
- 18 Q. Where did you run to?
- 19 A. I ran to his baby momma house.
- 20 Q. To Taylor's house?
- 21 A. Right.
- 22 Q. And what did Solo do with the gun?
- 23 A. He hid the gun under the trailer.
- 24 Q. Did you take the weed with you?
- 25 A. No.

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1 Q. Did Solo take the weed with him?

2 A. I mean all I know is when we got to my house he had
3 weed. I gave him his money back and he had weed and he
4 gave me some.

5 Q. When you all left he didn't have weed did he?

6 A. No.

7 Q. That you knew of?

8 A. That I knew of.

9 Q. But when you were done you both got some weed?

10 A. Right.

11 Q. Okay.

12 [Whereupon, Mr. Voigt confers with Mr. Osborne]

13 Q. Please answer any questions Mr. Murphy may have of
14 you.

15 THE COURT: Cross-examine?

16 MR. MURPHY: Thank you, Your Honor.

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1 CROSS-EXAMINATION

2 BY MR. MURPHY:

3 Q. Mr. Mitchell how was your plan -- or what did you
4 guys decide on how you were going to split up the
5 marijuana that you were going to purchase from Mr.
6 Ladson?

7 A. We wasn't going to split it up. I asked to borrow
8 the 150 dollars.

9 Q. So you were going to take 100 percent of that
10 correct?

11 A. Right, because I was selling it but I was going to
12 pay him back. Me and Solo had -- we dealt in money like
13 that with each other.

14 Q. Okay. So he was going to just let you borrow 150
15 dollars?

16 A. Right.

17 Q. And he wasn't going to charge interest or you
18 weren't going to give him anything in return for
19 borrowing that money?

20 A. No.

21 Q. Okay. And then you were going to keep all the
22 weed?

23 A. Yes, but I was going to give him his 150 back later.

24 Q. Okay. Once you sold the drugs to make a profit you
25 would have given him back his 150 correct?

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1 A. Right.

2 Q. And you said that -- you talked about a lick. Did I
3 hear that right?

4 A. Right.

5 Q. And I think that you testified that you told Jalann
6 that Akim is not going to bring any money to this deal
7 right?

8 A. I said I don't think he would have brought no money
9 to the deal because I was going to give him 600 dollars.

10 Q. Right.

11 A. I mean me personally if the shoe was on the other
12 foot and I was going to get a 600 come up I wouldn't have
13 took no money to the scene. If I needed to spend the
14 money I would have spent it out of the 600 dollars.

15 Q. That's right. And when Akim got there he never
16 pulled out any money and said I've got cash in my pocket.

17 A. No.

18 Q. He never showed you any cash in his pocket right?

19 A. No. He showed me the weed.

20 Q. All right. So prior to when you were talking to
21 Jalann to when the fight started there was -- Akim never
22 said I've got some money on me or anything like that
23 right?

24 A. No.

25 Q. So there would be no reason to pull out a gun and

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1 try and rob Akim if he didn't have anything right?

2 A. Right.

3 Q. And if you were getting all the drugs anyways there
4 would be no reason for him to take the drugs right?

5 A. Right.

6 Q. And if he really needed money to get quick he could
7 have robbed you because he knew you had 450 bucks right?

8 A. Right.

9 Q. Okay. Now did you get into a fight at the Red Shoe
10 store that day?

11 A. Yes, sir.

12 Q. Tell us about that.

13 A. All right. I had had an incident with two other
14 dudes named Trouble and Snoopy. What that was, was prior
15 to this it was a drug that I was going to sell them some
16 weed and they tried to rob -- they was trying to jam me.

17 So I told the dude whenever I see him that we was
18 going to go to war. So I happened to see him that day at
19 the store. So when I seen him ---

20 Q. --- this is Trouble and Snoopy that you're talking
21 about?

22 A. Right. When I seen him me and him squared off and
23 Trouble said that he was going to go get his gun. So I
24 told Lauren go get Solo because like I said I know Solo
25 have a gun so.

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1 Q. And Snoopy and Trouble they had nothing to do with
2 this drug buy with Akim Ladson did they?

3 A. No.

4 Q. It was completely unrelated to them?

5 A. Right.

6 Q. And in your neighborhood did they threaten you at
7 all?

8 A. Yes. They said they was going to shoot me.

9 Q. Did you take it seriously?

10 A. Yes I took it serious.

11 Q. In your neighborhood folks tend to take threats
12 seriously right?

13 A. Yes.

14 Q. All right. And you indicated that you bought drugs
15 from Mr. Ladson about four to five times per month
16 correct?

17 A. Right.

18 Q. And how many months did this four to five time
19 period go upon?

20 A. I started dealing with Akim first buying little weed
21 from him because he used to come up to Cactus and give a
22 lot of people weed. But I'd known him about two years so
23 I was dealing with him probably about 16 months.

24 Q. Okay. And during that time you never robbed him
25 when you're doing a drug deal ---

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- 1 A. --- no, no.
- 2 Q. He was a reliable ---
- 3 A. --- I mean me and Akim we wasn't friends but we was
4 business partners.
- 5 Q. It was a business deal; I get it. You guys trust
6 each other.
- 7 A. Right. And like I said he had seen me and Solo
8 together before you know what I'm saying so he wouldn't
9 never have thought nothing crazy.
- 10 Q. All right. And that day in January of 2013 prior
11 to this deal you were smoking some marijuana?
- 12 A. Yes.
- 13 Q. And Ms. Thrower was smoking as well?
- 14 A. Yes.
- 15 Q. Okay. And how much do you guys remember smoking?
- 16 A. We probably smoked like two blunts.
- 17 Q. Two blunts? And then you said ---
- 18 A. --- probably more than that because we waited for a
19 long time ---
- 20 Q. --- you probably did ---
- 21 A. --- you know what I'm saying. I mean you know we
22 waited for a good minute.
- 23 Q. And you guys were high when Akim pulled up in the
24 Expedition correct?
- 25 A. Yeah.

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1 Q. You weren't thinking clearly were you? Or were you;

2 I don't know.

3 A. Yes, I was thinking clearly.

4 Q. All right. And other than smoking marijuana were
5 you doing anything else?

6 A. No.

7 Q. Now you didn't have any plans to rob Akim prior to
8 this deal did you?

9 A. I didn't. I had intentions on buying the weed.

10 Q. And you said you knew that Jalann carried a gun
11 around correct?

12 A. Right.

13 Q. And prior to this incident did you actually see the
14 gun with him or did you not see it?

15 A. I mean he -- I knew he had went to go get his gun.

16 Q. Right. And that would have been because Snoopy and
17 Trouble threatened you right?

18 A. No.

19 Q. No?

20 A. He -- we had been talked about when we first said
21 about Akim the lick he had said he was going to get his
22 gun then because he had to go across town to get his gun.

23 Q. Okay. But did you think that there was going to be
24 a robbery at that point?

25 A. No, I didn't.

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1 Q. And if you thought that Jalann had any idea or any
2 plan to rob Akim during this deal you would have stopped
3 it?

4 A. I would have went by myself because I wouldn't know
5 what was going to happen.

6 Q. That makes perfect sense I mean I get that. So you
7 two never discussed robbing Akim prior to this drug deal?

8 A. We didn't talk about per se robbing Akim. I was
9 like -- he was like I need to hit a lick that's what was
10 said.

11 Q. Right. And that could be anything as you said.

12 A. That's true.

13 Q. And like we already said Akim never said he had
14 money during the deal.

15 A. That's true.

16 Q. And your claim was you were going to get all the
17 drugs anyway right?

18 A. That's true.

19 Q. And you promised to pay him back the money right?

20 A. Right.

21 Q. So again there is only -- the only person that had
22 money in this whole thing was you?

23 A. Right.

24 Q. And you weren't worried about getting robbed from
25 Jalann were you?

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- 1 A. No.
- 2 Q. Now the digital scale that was brought the purpose
3 was so you made sure you got the right amount of drugs
4 right?
- 5 A. Right.
- 6 Q. You didn't want to get ripped off?
- 7 A. Right.
- 8 Q. And you believed that Jalann was carrying a gun
9 around at times for protection right?
- 10 A. Right.
- 11 Q. Now when this fight started were there any voices
12 raised at all that you recall?
- 13 A. Like I said I was looking down. I don't know what
14 was said. I ain't going to even say because I don't
15 know. But I just looked up and Akim had jumped across
16 the seat and him and Solo was struggling over the gun.
- 17 Q. So Akim was -- was he in the back of the car and his
18 feet were in the front?
- 19 A. He was leaning over the driver's seat towards Solo.
- 20 Q. Did he have both his hands on Solo?
- 21 A. Yes. They was like this [indicates]. The gun was
22 in this [indicates] hand.
- 23 Q. Okay.
- 24 A. And they was like -- they was interlocked.
- 25 Q. Okay. So you were looking down. Do you know if

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1 Akim jumped over the seat first or after he jumped over
2 the seat was the gun pulled out?

3 A. When I looked up like this [indicates] -- I had the
4 scale and when I looked up Akim was over the seat.

5 Q. Okay. And ---

6 A. --- I don't know if he jumped first I can't say
7 because my head was down. But Solo was still sitting by
8 me and Akim was over the seat.

9 Q. And you don't know what started this fight?

10 A. No.

11 Q. And how long did the fight last do you recall?

12 A. Like I said I heard the shot and I was gone.

13 Q. Okay. I would be too. In this fight was Akim
14 getting the better of Jalann? He was beating him up?

15 A. He wasn't beating him up but he was bigger than
16 Jalann.

17 Q. Was he stronger than Jalann?

18 A. I mean I don't know. I wasn't the one that was in
19 the situation.

20 Q. All I want to know is what you saw. When you saw it
21 was Akim getting the better of him would you say?

22 A. Yeah.

23 Q. Okay. And then I think you said you didn't hear
24 any shots that you recall.

25 A. No, I heard one shot.

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1 Q. You heard one shot all right. And then you got out
2 of the car right?

3 A. Right.

4 Q. Now when you got out of the car was the two of them
5 still fighting?

6 A. Yes. When I got out the car the dude was still
7 alive.

8 Q. Okay. When you say the dude was still alive the
9 door was locked or?

10 A. No, the door wasn't locked.

11 Q. And I'm sorry I just didn't hear you correctly.

12 A. I said the dude meaning Akim.

13 Q. Akim and Jalann were still locked together?

14 A. Yes, they were locked.

15 Q. And what happened to Ms. -- the driver of the car?

16 A. She jumped out the car with me.

17 Q. So you guys jumped out at the same time.

18 A. Right. She went one way and I went another way.

19 And I didn't even know Akim was dead. I don't think Solo
20 did either because we went to my house and watched the
21 news. And when I looked on the news I called Solo and
22 was like that man is dead.

23 Q. Right. Did you see the gun at all?

24 A. After the fact.

25 Q. Oh, after the fact, okay. After this would you

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1 agree if I said that area was a dangerous area?

2 A. Dangerous how?

3 Q. Well up at Ward Avenue is it dangerous, you got to
4 be on your guard all the time?

5 A. I mean -- I really -- I mean I lived in some states
6 so I really -- in that area I guess so. But I'm saying
7 the people that we was dealing with sometimes they were
8 shady so I didn't think nothing was wrong that Solo had a
9 gun because you know what I'm saying.

10 Sometimes he would sell crack. I didn't sell crack
11 you know what I'm saying. When you dealing with people
12 on crack you've got to -- that's a different type of
13 person so like I said...

14 Q. Okay. Let's back up. After you ran out of the car
15 did you ever get the marijuana or any drugs?

16 A. I didn't get nothing.

17 Q. Okay. And did you ever give Akim your money or did
18 you ---

19 A. --- no.

20 Q. So you still had the money?

21 A. Right.

22 Q. And I don't recall, did you say you gave Jalann
23 Williams his money back?

24 A. Right.

25 Q. Did you give him any drugs?

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- 1 A. No, he gave me some drugs.
- 2 Q. Okay. So he gave you some drugs okay.
- 3 A. Right.
- 4 Q. Were those drugs that you think came from Akim or
5 not?
- 6 A. I don't know where the drugs come from. I'm not
7 going to assume nothing.
- 8 Q. Okay. You were ---
- 9 A. --- because I don't know.
- 10 Q. And you were handling weighing the drugs on the
11 scale when the fight started.
- 12 A. Right.
- 13 Q. And you took off and left them there.
- 14 A. Right.
- 15 Q. And you don't know if the drugs were split up or
16 left in the car or not?
- 17 A. I don't know that's the...
- 18 Q. You heard gunshots and took off.
- 19 A. Right.
- 20 Q. And you were charged with murder I believe you
21 testified to?
- 22 A. Yes.
- 23 Q. You're also charged with armed robbery?
- 24 A. No.
- 25 Q. No, just murder okay. And are you charged with

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1 possession of a weapon in this case?
2 A. No.
3 Q. And you are cooperating with the State obviously?
4 A. Well, I guess so.
5 Q. Did you sign what's called a proffer letter or a
6 proffer statement?
7 A. Yes.
8 Q. And that's where you would agree to cooperate with
9 the State.
10 A. Yes.
11 Q. And you face life in prison for these charges --
12 this charge of murder?
13 A. I can -- what you mean if I ---
14 Q. --- do you understand that you face up to life in
15 prison for a murder charge?
16 A. I understand that.
17 Q. And you would say anything to avoid that sentence
18 wouldn't you?
19 A. I would say anything -- what you mean would I say
20 anything? You know I would say what was the truth and
21 hope that I could get a deal you know what I'm saying. I
22 mean that's all I can do but if not I got to get life.
23 Q. And that's what you're hoping for is to get a deal
24 in this case right?
25 A. Yeah.

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1 MR. MURPHY: One moment, Your Honor.
2 [Whereupon, Mr. Murphy confers with his client]
3 MR. MURPHY: Nothing further, Your Honor.
4 THE COURT: Redirect?
5 MR. VOIGT: Thank you, Your Honor.
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State v Jalann Williams
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1 REDIRECT EXAMINATION

2 BY MR. VOIGT:

3 Q. You signed a proffer agreement right?

4 A. Right.

5 Q. With me?

6 A. Right.

7 Q. Your attorney was present?

8 A. Right.

9 Q. Right?

10 A. Right.

11 Q. And I had investigators taking notes of what you

12 said right?

13 A. Yeah.

14 Q. Everything you said?

15 A. Right.

16 Q. The first story you told me, the second story you

17 told me, the third story you told me; I know all the

18 stories you told me right?

19 A. Right.

20 Q. Now there's always room for a fourth story right?

21 So you're -- this is what I'm going to ask you. I want

22 you to think very carefully about your answer. What's

23 the distance between those two seats in the back of that

24 SUV?

25 A. It ain't as far as this [indicates].

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1 Q. This much [indicates]?

2 A. Yes, probably.

3 Q. So it's closer than I am to you okay is how close
4 you were to Jalann right?

5 A. Right.

6 Q. To Solo. So you were that close. You could have
7 reached out and touched him without extending your arm
8 all the way. You would have had to go like that
9 [indicates] basically right?

10 A. Right.

11 Q. Okay. So y'all were close in the backseat. Did
12 you ever tell Lauren afterwards that you busted a jack?

13 A. Did I sell a joint?

14 Q. Busted a jack. Did you tell Lauren back at Lauren's
15 place ---

16 A. --- I said he jacked that Nigga.

17 Q. Okay. What does that mean?

18 A. Rob.

19 Q. Okay. Rob; that's what I'm getting at. Think very
20 carefully about this answer. When you went to meet up
21 and get in Akim's car, in that car right there
22 [indicates] you knew Jalann intended to jack him up
23 didn't you?

24 A. I mean we had talked about that. I didn't know that
25 he was going to do it you know what I'm saying but we had

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1 talked about that.

2 Q. You knew it was a very good possibility didn't you?

3 A. Yeah.

4 Q. And you knew he brought a gun that would let him do

5 it right?

6 A. Right.

7 Q. And you knew that after he did it you'd still had

8 the money and the weed right?

9 A. Right.

10 Q. So you come out ahead right?

11 A. Right.

12 Q. Jalann gets some weed and he comes out ahead right?

13 A. Right.

14 Q. The only person who doesn't come out ahead is Akim

15 right?

16 A. Right.

17 Q. And you knew that going to meet Akim because y'all

18 talked about it right?

19 A. Right.

20 Q. I mean very clearly you knew exactly what he meant

21 to do right?

22 A. Right.

23 Q. And you were okay with it.

24 A. Right.

25 Q. Okay. And this wasn't a fight. This was Akim

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1 trying to protect himself from that gun [indicates] isn't
2 it?

3 A. I mean like I told you they was struggling over the
4 gun. I seen the dude come across the seat. I don't know
5 when the gun was pulled or nothing.

6 Q. Where was Akim going to run? He wasn't going
7 anywhere was he?

8 A. No.

9 Q. You kept the money?

10 A. I gave him his money back.

11 Q. Right. You kept what you came with?

12 A. Right.

13 Q. And you got the weed?

14 A. Right.

15 Q. And that was your plan the whole time, yes?

16 A. Right.

17 Q. And that was his plan the whole time, yes?

18 THE COURT REPORTER: Is that yes?

19 A. Yes, sir, yes ma'am.

20 THE COURT: Any redirect -- re-cross?

21 MR. MURPHY: Nothing, Your Honor.

22 THE COURT: May this witness be excused?

23 MR. VOIGT: Yes, Your Honor.

24 MR. MURPHY: Yes, no objection.

25 THE COURT: Thank you. You may step down.

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1 [Whereupon, the witness is excused and exits the
2 witness stand]

3 THE COURT: Call your next witness.

4 MR. VOIGT: At this time, Your Honor, the State
5 rests.

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1 THE COURT: Madame Forelady, the State advises that
2 they have rested, which means they have ended their case
3 in chief. At this point I have a few administrative
4 matters that I need to attend to. Let's take an
5 afternoon break and quite frankly this will be a little
6 bit longer. I'll probably think we'll get you back
7 around 3:30 okay. If you need anything let the bailiffs
8 know.

9 [Whereupon, the jury exits at 3:07 p.m.]

10 THE COURT: Any motions?

11 MR. MURPHY: For the record, Your Honor, we would
12 make motions for a directed verdict on all the charges.
13 The State hasn't presented any evidence necessary to
14 support the elements in both murder, possession of a
15 weapon, and the armed robbery charge.

16 THE COURT: Thank you. Your motion is denied.

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1 FIFTH AMENDMENT RIGHTS

2 THE COURT: Mr. Williams, will you raise your right
3 hand and stand up please.

4 [Whereupon, the witness is duly sworn by the Court]

5 THE COURT: I need you to speak loud enough for me
6 to hear you and this lady right here [indicates] to hear
7 you do you understand?

8 MR. WILLIAMS: Yes, sir.

9 THE COURT: Okay, put your hand down. At this time
10 I need to explain to you Mr. Williams some of your rights
11 or certain of your rights. If you do not understand what
12 I tell you make sure you ask me and I'll do my best to
13 explain it as such that you do understand okay, sir?

14 MR. WILLIAMS: Yes, sir.

15 THE COURT: We have reached that point in this
16 trial where you may present a defense. That means that
17 you have the right to present testimony through witnesses
18 or through your own testimony. In other words you can
19 take the stand.

20 Also, you can claim the protections that are
21 afforded to you by the Fifth Amendment to the United
22 States Constitution which in part states as follows and
23 I'm going to read it to you: No person shall be
24 compelled in any criminal case to be a witness against
25 himself. Number one has that been explained to you by

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1 your attorney?

2 MR. WILLIAMS: Yes, sir.

3 THE COURT: Do you understand that right?

4 MR. WILLIAMS: Yes, sir.

5 THE COURT: Do you understand that not your
6 attorney, not the State, not myself, or not anybody in
7 this country can require you to take that witness stand
8 and testify against yourself? Do you understand that?

9 MR. WILLIAMS: Yes, sir.

10 THE COURT: Now that means that even though you
11 don't have a right -- excuse me, no one has the right to
12 compel you to testify. On the other hand you have the
13 right to testify if you want. But if you do let me warn
14 you, that you will be subject to cross-examination by the
15 State just like any other witnesses.

16 And if you have a crime or any convictions or guilty
17 pleas that would involve dishonesty or false statement or
18 imprisonment for more than a year and I find that the
19 probative value outweighs the prejudice to you the State
20 may be able to bring those things out in front of the
21 jury in order to impeach your creditability. Do you
22 understand that?

23 MR. WILLIAMS: Yes, sir.

24 THE COURT: Now the decision on whether or not to
25 take the stand is one that is personal to you. You may

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1 confer with your attorney, you may reasonably confer with
2 any other family members in close proximity to you but at
3 the end of the day the decision to take the stand or not
4 take the stand is going to be solely up to you do you
5 understand?

6 MR. WILLIAMS: Yes, sir.

7 THE COURT: Now do you understand your Fifth
8 Amendment Rights as I have explained them to you?

9 MR. WILLIAMS: Yes, sir.

10 THE COURT: Do you have any questions of me?

11 MR. WILLIAMS: No, sir.

12 THE COURT: Do you have any questions of your
13 attorney?

14 MR. WILLIAMS: No, sir.

15 THE COURT: Okay. We're going to take a break and
16 let you confer with your attorney or whomever and I'm
17 going to let you make your decision when I come back in
18 the courtroom okay?

19 MR. WILLIAMS: Yes, sir.

20 MR. MURPHY: Thank you, Your Honor.

21 THE COURT: We'll break until about 3:30.

22 [Whereupon, court is in recess from 3:10 p.m. until
23 3:35 p.m.]

24 THE COURT: All right Mr. Williams, have you had
25 sufficient time to confer with your attorney and anyone

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1 else as to whether or not you wish to testify or exercise
2 your rights under the Fifth Amendment?

3 MR. WILLIAMS: Yes, sir.

4 THE COURT: And which way would you like to go?

5 MR. WILLIAMS: I'd like to testify.

6 THE COURT: You want to testify?

7 MR. WILLIAMS: Yes, sir.

8 THE COURT: Very good.

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1 MR. MURPHY: Yes, Your Honor, just one other matter
2 and Mr. Voigt and I have been talking about it. He has a
3 prior conviction for Burglary 2nd non violent which we
4 would for the record move to be off limits for cross-
5 examination since it's probative value outweighs --
6 prejudicial effect outweighs any probative value. I
7 believe the burden is on the State to prove that this is
8 a crime associated with moral turpitude for it to be
9 admissible and at this point ---

10 THE COURT: --- I don't know that moral turpitude
11 is the standard as much as it is involving a tendency for
12 voracity.

13 MR. MURPHY: That's correct, Your Honor. I stand
14 corrected. But I believe at this point it's the State's
15 burden to show that some voracity for the truth was
16 involved in that crime for it to be admissible.

17 THE COURT: Mr. Voigt, what would be your position?

18 MR. VOIGT: My position, Your Honor would be that
19 this type of burglary, it's a burglary 2nd non violent
20 conviction that occurred on 12/9/2009 for which the
21 defendant received a Y-O-A sentence not to exceed three
22 years. It looks like he was on probation at the time of
23 this particular arrest. I pulled the incident report
24 from that burglary and it's the type of burglary
25 associated with a larceny. I know that's what the case

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1 law talks about but that there are some burglaries where
2 the intent to commit the felony therein is not a larceny
3 of any sort. And a larceny is a crime of dishonesty and
4 puts the person's voracity at stake.

5 This particular crime at least from the incident
6 report, which I can only presume is what he would have
7 'allocuted' to when he plead, indicated that he was going
8 into a building at [REDACTED] Stall Road, again another mobile
9 home park that's lot [REDACTED] and he was taking things out of
10 the residence. He was observed by witnesses taking
11 things out of the residence and hiding them in the tree
12 line. Then later he was caught and all the items were
13 retrieved from the tree line. So ---

14 THE COURT: --- what's the case that -- for some
15 reason I was thinking it might have been Justice
16 Pleicones but it might have been Justice Hearn wrote in
17 the last few years about prior convictions? And didn't
18 they give an example that if you were a drug dealer that
19 would not involve your ability to be believed or not
20 believed as far as telling the truth or not but they gave
21 other examples from where your voracity could be called
22 in question by the fact that you had this other charge?
23 Do you know which case I'm referring to?

24 MR. VOIGT: There is one specifically about prior
25 drug convictions. I know the Supreme Court has it.

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1 THE COURT: No, they gave a litany of examples.

2 MR. VOIGT: I don't know specifically the case
3 you're talking about.

4 THE COURT: Okay. Before you get into it let me
5 know and we'll send the jury out and I'll go check it out
6 and I'll let you know the case. And then I'll let you do
7 it in camera outside the presence of the jury, okay. I
8 know you know that but I was surprised the day when I
9 said that and it didn't happen. Are you otherwise ready
10 to proceed?

11 MR. MURPHY: The only thing I would ask for the
12 record because I don't have a copy of this report if we
13 could just mark it as a court's exhibit for the record.

14 MR. VOIGT: That's fine.

15 THE COURT: Just go ahead and mark it.

16 [Whereupon, court's exhibit number 3 is marked by
17 the court reporter]

18 THE COURT: Are you going to have any other
19 witnesses?

20 MR. MURPHY: No, sir.

21 THE COURT: I thought you said that. Do you
22 anticipate any reply?

23 MR. VOIGT: I don't, Your Honor.

24 THE COURT: Very good. You ready?

25 MR. MURPHY: I'm ready, Your Honor, yes.

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1 THE COURT: Mr. Voigt?

2 MR. VOIGT: Yes, Your Honor.

3 THE COURT: Would you bring the jury?

4 MR. MURPHY: Judge, may we approach?

5 THE COURT: Sure. Will you hold the jury out
6 before they come in?

7 [Whereupon, an off the record bench conference is
8 held]

9 THE COURT: Send the jury back to the jury room.
10 Let's take a quick break.

11 [Whereupon, court is in recess from 3:45 p.m. until
12 3:55 p.m.]

13 THE COURT: Here's the case that I think that I --
14 that I'm referring to, its State v Black. And that's
15 just one part of the equation. The other part I think
16 it's the C-O-L-F factors you've got to go through and
17 analyze the five factors on there.

18 And it showed -- let me number one, impeachment
19 value of prior crime if it involves burglary, dishonesty,
20 false -- I think that would fall under the probative
21 value because the case says it's not whether they are a
22 bad person its whether they had a tendency to lie or be
23 dishonest. But then you go to the point of time in the
24 conviction and -- when was that conviction or plea?

25 MR. VOIGT: That was December 9th, 2009. He had

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1 multiple arrests after that but nothing that we tried
2 until this arrest January the 31st, of 2013.

3 THE COURT: The one that you are going to have a
4 hard time with that kind of stands out to me is the
5 similarity between the past crime and this crime and
6 there is absolutely nothing similar between the two.

7 MR. VOIGT: Well, but the court's have also said if
8 they're too similar I can't use it too. So the court
9 kind of -- when I'm talking about the court I mean
10 obviously higher courts they talk out of both sides of
11 their mouth on this one. So if it's too similar I can't
12 use it and if it's not similar enough I can't use it.

13 THE COURT: Well, the important ---

14 MR. VOIGT: --- I mean in its essence for the armed
15 robbery purpose it's taking something from another and
16 the ---

17 THE COURT: --- I found that it is probative under
18 the first factor of C-O-L-F factors. But the other
19 factors the point in time of conviction and subsequent
20 history, similarity to the past crime and the charged
21 crime, the importance of his testimony at a trial when
22 creditability is an issue -- obviously what you are
23 saying is he is still on probation whether or not he's
24 got other prior convictions I don't think you have to
25 have all five and not one takes precedence over the

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1 other. But it is something that we have to consider. In
2 this case obviously the defendant's testimony is very
3 important and creditability in this case is a big factor.
4 So we've got testimony that goes around the board on
5 certain aspects of this case so...

6 MR. VOIGT: I think when Mr. Murphy and his
7 suggestions as to how to handle it if he were to have to.

8 THE COURT: I'm not ---

9 MR. VOIGT: --- my experience is ---

10 THE COURT: --- I'm not worried about Mr. Murphy.
11 I'm worried about what I'm going to rule, okay.

12 MR. VOIGT: I understand.

13 THE COURT: So thank you. But I'm going to find
14 that under 403 that the probative value is outweighed by
15 the prejudicial fact considering the COLF factors and I'm
16 not going to let you bring it up. You can proffer it for
17 the State Mr. Voigt but that is to be the court's ruling.
18 Would you like to proffer it?

19 MR. VOIGT: I don't see what point that could
20 possibly make, Your Honor. Thank you.

21 THE COURT: Thank you. Are you ready to proceed?

22 MR. MURPHY: Yes, Your Honor.

23 THE COURT: Would you bring the jury in please?

24 [Whereupon, the jury enters at 3:58 p.m.]

25 THE COURT: All right, Mr. Murphy is the defense

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1 ready with its side of the case?

2 MR. MURPHY: Yes, Your Honor.

3 THE COURT: Would you call your first witness?

4 MR. MURPHY: Thank you.

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1 MR. MURPHY: We'd call Mr. Jalann Williams please.

2 [Whereupon, Mr. Williams comes forward]

3 [Whereupon, the witness is duly sworn by the Clerk
4 of Court]

5 CLERK OF COURT: Speak into the microphone state
6 your full name and then spell your last name for the
7 record.

8 THE WITNESS: Jalann Williams, Williams W-I-L-L-I-
9 A-M-S.

10 - - - - -

11 JALANN WILLIAMS,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. MURPHY:

16 Q. Thank you Mr. Williams. Could you tell the jury a
17 little bit about yourself, where you were born and
18 raised, how far you went in school and that sort of
19 thing.

20 A. I'm from Charleston, South Carolina. I was born and
21 raised in Charleston. I went to school from Midland Park
22 Elementary to all the way to Stall High School. I made
23 it all the way to the 11th grade and I ended up dropping
24 out and I ended up getting my G-E-D after that. I have
25 two children. I have a four year old and a three year

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- 1 old.
- 2 Q. And those children are with Ms. McLean?
- 3 A. Yes, sir.
- 4 Q. And what are their names?
- 5 A. Chance and --
- 6 THE COURT REPORTER: What was the second name?
- 7 A. Honor [phonetic].
- 8 Q. [Mr. Murphy] Were you employed?
- 9 A. Yes sir, I worked at -- first I worked at Ryan's. I
- 10 was a dishwasher at Ryan's and I ended up quitting that
- 11 job. I worked at Taco Bell in Goose Creek. I maintained
- 12 that job for about three years.
- 13 Q. And how old are you?
- 14 A. I'm 22.
- 15 Q. And you have family here today?
- 16 A. Yes, sir.
- 17 Q. Who do you have here?
- 18 A. My mother and my auntie.
- 19 Q. And they're in the back there?
- 20 A. Yes, sir.
- 21 Q. Now there has been a lot of talk about marijuana in
- 22 this case. Do you smoke marijuana?
- 23 A. Yes, sir.
- 24 Q. How often would you do that?
- 25 A. When I was out there I smoked a good bit; probably

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1 every day.

2 Q. Did you use any other drugs?

3 A. No, sir.

4 Q. Are you a drinker?

5 A. No, sir.

6 Q. Now let's talk about Robert Mitchell. You heard him

7 testify. How long have you known Robert?

8 A. For about a year and a half.

9 Q. And did you go on other drug buys with him?

10 A. Yes, sir.

11 Q. How often?

12 A. Not all the time. Maybe two or three times a week.

13 Not all the time.

14 Q. And what about Akim Ladson. Did you know him before

15 this incident?

16 A. No, sir.

17 Q. Okay. What about Lauren Thrower? Did you know her

18 at all?

19 A. Only through Robert Mitchell; that was his

20 girlfriend.

21 Q. Let's talk about this day because that's really --

22 let's just cut to it. January 30th of 2013 tell us what

23 happened. Kind of walk us through that.

24 A. I was staying at my baby momma house, which is

25 Taylor McLean. It was a rare day that we both have off

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1 on the same day so we decided it would be like a family
2 day. When I woke up we were going to take our kids to
3 the park. Robert texted -- my phone was off at the time
4 because I was planning to get a new service that day so
5 Robert ended up texting my child's mother.

6 He was like is Solo around and she was like he's
7 sleeping right now. I was like -- she would wake me, I
8 asked her and she was like saying Robert texting you. I
9 called him Mitch; Mitch is texting you. I said what did
10 he want? He was just asking if you be around. I tell
11 her to just leave it alone. I don't feel like talking to
12 him right now.

13 He ended up texting back well, I'm about to come to
14 your house. I said all right. About 30 or 45 minutes
15 later I know by the time I'm up with my kids Taylor is
16 probably in the kitchen fixing something to eat. I'm not
17 necessarily sure what she was doing; I know I was up with
18 my kids.

19 I get a knock on the door Robert Mitchell and his
20 girlfriend was standing on the porch. I was like what's
21 up. He was like let me talk to you. You got some weed?
22 And I was like yeah. So we went on the side of the
23 house. We sat there and he was like I need to borrow
24 some money. I said how much money. I just got paid the
25 day before but I didn't want to let him know that because

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1 he might think I got a lot of money and I didn't have a
2 lot of money. So he was like 150 dollars. I was like
3 why you need 150 dollars? And he was like well I'm short
4 on my rent this week but I'm trying to flip a pack, which
5 means he was trying to buy some drugs and end up selling
6 it for more and cushioning the profit.

7 I was like all right but I need my money back at
8 least by the end of this week because I really don't have
9 it like that so I gave him 150 dollars. I never really
10 asked him who he was getting the weed from but he was
11 like he found somebody.

12 He said one of his old weed connections; that's the
13 word he used. One of his old weed connections came to
14 him with a low price. I said low price? The type of
15 weed he was buying is very expensive so I asked him how
16 much are you buying and he said a quarter pound.

17 I was like how much is he charging you and he was
18 like 600 dollars. Right there and then like a red flag
19 went off in my head because I was like that's a very
20 expensive type of weed so.

21 Q. And you were familiar with that type of weed.

22 A. Yes, it's like expensive. So I was like 600 dollars
23 that's really low. I didn't really trust that but I was
24 like that's him buying and as long as I get my money by
25 the end of the week I was all right. He was like I'm

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1 going call him. I said well, I'm going to go along with
2 you because I don't believe nobody got no price for that
3 weed. Like I said it's a very expensive type of weed.
4 So he was like all right.

5 And so we sat around and we smoked probably another
6 blunt. Lauren and Mitch ended up walking to the store.
7 I've been living around Midland Park for a good time so I
8 pretty much know everybody around there. Everybody
9 pretty much know me and everybody pretty much know my
10 family around there which is Taylor McLean you know.

11 Robert ended up going to the store and the next
12 thing I know Taylor's phone rang and she came running
13 outside. I was like what's wrong? She said she like
14 Lauren just called me. Lauren said Robert got into a
15 fight at the store and they're talking about shooting
16 him. I said shooting him? Who is he fighting with? And
17 she named Trouble and Snoopy.

18 Q. And did you know Trouble and Snoopy?

19 A. Yes.

20 Q. Okay.

21 A. I was like all right. I tell her to go in the house
22 and it will be all right. Just make sure my kids are all
23 right; just go in the house. Robert ended up coming
24 running back like maybe ten minutes after that and Lauren
25 was right behind him not too long after that. So I asked

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1 him what happened. He was like remember Trouble and
2 Snoopy they robbed me. Remember they tried to rob me a
3 couple of weeks ago. I was like yeah. He was like well
4 I saw them at the store and Snoopy grabbed a broom first
5 but then Trouble said he was going to go get a gun. I
6 said well did they see where you ran to? He was like
7 yeah.

8 Where my child's mother stay at is basically a T.
9 She lived on the left end of the T. And so I was like
10 did they see you running? And he was like yeah. I was
11 like you sure -- basically you run back here and I kind
12 of like got mad and I was like why you back here. I mean
13 this is where my kids live and I don't want no problems.

14 Q. You didn't want Trouble and Snoopy coming back to
15 your place?

16 A. Yeah. He was like I wasn't thinking. So I go in
17 the house. At that time I did grab a gun at that time.
18 I go on in the house and I came back outside and I sat
19 down with them.

20 I was like I just kept asking him why you run to my
21 house when you know my children here and technically this
22 ain't really my house but I mean I be here all the time.
23 Why would you run here? And he was like ---

24 Q. --- why -- I'm sorry; finish up.

25 A. He was like I just wasn't thinking. I was scared; I

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1 wasn't thinking.

2 Q. And why did you grab that gun?

3 A. Just to protect -- like I didn't know if they were
4 coming to shoot or whatever. Just a protection; I didn't
5 grab it to do nothing wrong.

6 Q. Okay. And then go on. So you were in the picnic
7 table area?

8 A. No, I'm still at my house. After he got back I just
9 decided -- there's a picnic area that we be chilling at
10 and we do smoke weed there too. But at the same time I
11 do take my little boys over there to feed the ducks. I
12 knew that was a place that was like kind of off the main
13 road so nobody really know it.

14 You would have to know the cut to be going through
15 there. So I was like let's go to the cut, let's go to
16 the cut just to get him away from the house. And once we
17 got there I was like well when is your friend coming or
18 whatever. And he was like I don't know; let me get
19 Lauren to text him.

20 So Lauren texted him and he was like saying
21 something about he didn't have a ride so I asked him like
22 do you want us to walk to you and he was like no, I'll
23 just text you back in a second. It was like a couple of
24 hours after that before we even heard from him. My
25 child's mother sister ended up coming down there like

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1 during that period and was like Taylor wants to know when
2 you're coming back because she's ready to go. And I told
3 her well just give me like 30 minutes and I'll be back.

4 I told Mitch at that time tell Lauren to text him
5 again and was like is he going to be here anytime soon
6 and if not I'm about to go leave and do whatever I had
7 planned to do with my family.

8 Q. And would you have taken your money if you left?

9 A. Yes.

10 Q. All right. Then what happened? He eventually
11 showed up?

12 A. Yes, sir.

13 Q. Prior to that did you have any conversations or
14 plans with Mitch about a robbery at all?

15 A. No, sir.

16 Q. Did you -- what was your agreement with Mitch about
17 how you were going to split up the marijuana?

18 A. I mean he was going to give me like probably like a
19 little couple of grams just for a smoke. Out of the
20 whole my main concern was just to get my money back at
21 the end of the week because I needed the money back.

22 Q. All right. And the Expedition pulled up?

23 A. Yes, sir.

24 Q. Tell us what happened.

25 A. We was sitting there. Lauren was sitting on the

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1 picnic table. By that time -- before I did bring my
2 scale; I did have a scale at the time.

3 Q. What did you bring the scale for?

4 A. To make sure that the drugs weighed the right amount
5 because I was still kind of skeptical about the drugs
6 being so little for that type of weed.

7 Q. Did you see any money -- that Robert Mitchell had
8 any money?

9 A. He had like a stack. Like it was folded over and
10 was like 20's but I couldn't really see the insides of
11 the bills you know so I didn't really know exactly how
12 much it is but that did seem like more than like five
13 20's so I knew it was more than like 100 dollars you
14 know.

15 Q. And what did you do with your money, your 150
16 dollars?

17 A. I been give that to him when we was at my house. I
18 never took the money to hold it.

19 Q. Did you two prior to the Expedition pulling up
20 discuss the gun that you had at all?

21 A. No, sir. I mean he was like do you have a gun. I
22 was like yes, sir. I didn't pull it out and flash it or
23 nothing.

24 Q. And just so we're clear the gun that you had was
25 this gun that has been admitted into evidence?

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1 A. Yes, sir.

2 Q. Okay. So the Expedition pulls up and what happens?

3 A. Mr. Ladson when he pulled up he hopped out the car.
4 He had I could see like a green plant material in his
5 hand and it was like wrapped up real tight.

6 I thought he was going to jump the fence because the
7 scale was sitting on the picnic table so I was like there
8 ain't no sense of getting it. But the yard that they
9 pulled in was somebody else's like backyard so the man
10 was -- they kind of had like a little built on I guess
11 you could call like a built on patio porch.

12 They had a built on porch where you could see
13 through it. He was like the landlord don't want y'all
14 coming through here can y'all please move. So me and
15 Mitch was going to hurry up and jump the fence and got in
16 the car. When we got in the car I got behind Mr. Ladson
17 and Mitch got behind the driver.

18 Q. Okay. Then what happened? Did you guys drive away
19 or did you sit?

20 A. She was like -- she asked me where do you go and I
21 said just back up and just drive kind of slow down the
22 line -- just down the dirt road kind of like a U. I was
23 like just drive slow. I guess we could do this while
24 we're driving.

25 Q. Okay. And did Mr. Ladson pull out any money during

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1 this?

2 A. No, sir.

3 Q. Okay. Tell us what happened? Did you ever see the
4 drugs?

5 A. Yes, sir.

6 Q. Okay. You saw the drugs. And Mr. Ladson had the
7 drugs?

8 A. Yes, sir.

9 Q. And what did he do with them?

10 A. When he got back in the car he handed the drugs to
11 Mitch.

12 Q. And what did Mitchell do?

13 A. Mitchell asked me for my scales. I put my scales on
14 the center console. While we were driving he was trying
15 to weigh the weed out but it kept reading wrong.

16 So I was like man, stop the car because the car is
17 moving like this it's not getting a clean reading or it's
18 not on a flat surface. He was like all right. So I
19 asked him to stop the car and they stopped the car.

20 Now I was looking at the package and it looked like
21 -- like I said it's an expensive type of weed and has a
22 distinct smell to it so I was like it don't even smell
23 right. It don't even smell like the type of weed that
24 we're supposed to be buying. And like I said it's still
25 the red flag in my head like it's still a low price and

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1 Mr. Ladson was acting like of anxious like he trying to
2 hurry up and hurry up and hurry up. And I was like why
3 was the package look like that? Why was it wrapped so
4 tight? It seemed he wrapped it up in more than like
5 three plastic bags. I was like I don't know. Mitch
6 ended up weighing the weed on the floor.

7 Q. Did you smell the weed?

8 A. I could barely smell it.

9 Q. You could barely smell it?

10 A. I could barely smell it.

11 Q. Was it the weed, the high dollar weed that you
12 thought you were buying?

13 A. I couldn't really tell because it was wrapped so
14 thick.

15 Q. And you said the weight wasn't working out or?

16 A. No, while we was driving the weight and when the
17 scale was on the center console while we were driving the
18 car was you know it was in movement so I didn't think it
19 was like a flat enough surface for the weight to actually
20 be right.

21 Q. And while you were driving at that point had anybody
22 raised any of their voices yet?

23 A. No, sir.

24 Q. Okay. Now let's go on to did the car eventually
25 stop?

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1 A. Yes, sir.

2 Q. And what happened at that point?

3 A. Mitchell took the weed. Mr. Ladson did have a scale
4 on the bottom of the floor and Mitch ended up weighing
5 the weed. I was just telling him like man let him -- ask
6 him to please open the drugs for you so you can make sure
7 it's what we're supposed to be buying.

8 The time before that somebody actually kind of
9 gypped us out of money like that. They told us well we
10 got this type of distinct weed for this price and wrapped
11 it up in like thick plastic and the whole time we're
12 thinking like okay, they only put a little bit of the
13 weed in the package; just enough for us to smell it like
14 you know put it like grabbing it.

15 But by the time we busted it open it was just
16 regular weed so we lost our money on it. So I was like
17 man I asked him to open it in front of you so therefore
18 you know the whole package is the whole.

19 Q. And how did Akim react when you asked -- when you
20 told Mitchell to open it up?

21 A. He was like what man you don't think I'm straight?
22 You don't think I'm good for it? I was like no, we just
23 spend the money. I mean there is money involved and
24 we're just trying to be clean. And he was like man you
25 don't think -- he just started getting loud and I was

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1 like man, it's not that serious. I'm not doing business
2 with you...

3 Q. Go on; I'm sorry.

4 A. I'm not doing business with you. You're doing
5 business with my friend at the time so I was like why are
6 you getting loud at me and he was like man, you need to
7 just mind your business and started cursing at me.

8 I did get mad. I was like you know -- I did say who
9 the fuck are you talking to like that. And I was like --
10 he was man I'm talking to you and stuff.

11 I was like man, please -- I was like man, Mitch are
12 you going to buy this weed? And he was like man, I don't
13 know. I want to see it open. I grabbed the scales and I
14 went to go for the door and that's when Mr. Ladson
15 grabbed me.

16 Q. Let's back up a little bit for a second. Were your
17 voices raised at that point?

18 A. Yes, sir.

19 Q. Okay. You guys were yelling back and forth?

20 A. Yes, sir.

21 Q. That would have been you and Akim?

22 A. Yes, sir.

23 Q. Okay. And at that point what was Mitch doing?

24 A. Just sitting there I assume. I wasn't really paying
25 attention to him.

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1 Q. You were focused on Akim?

2 A. Yes.

3 Q. What was Ms. Hamlin doing; the driver?

4 A. She kind of was looking back but trying to act like
5 not paying attention. I kind of seen her and then I
6 wasn't really paying attention to her either.

7 Q. Okay. So you started cursing at each other and
8 yelling at each other.

9 A. Yeah.

10 Q. Tell us what happened.

11 A. I was like -- I grabbed my scale off the center
12 console and when I went to grab my scale he grabbed me.
13 So my first reaction was to jump back. And that's when
14 he jumped and grabbed my shirt.

15 So now I'm trying to slap his hand away now and he's
16 pulling me towards the center console. I was like man;
17 I'm just kind of like what's this man -- are we supposed
18 to be fighting? What are we fighting over? I don't even
19 have nothing of yours. I'm grabbing what was mine; what
20 I brought here.

21 And he's pulling me and pulling me and pulling me so
22 I was like after that he ended up getting his hands
23 around my neck. I was like man I started panicking. I
24 ain't going to like I started panicking. I was like man
25 I hope he ain't like where's Mitch? I'm looking at Mitch

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1 now and he's ---

2 Q. --- what's Mitch doing?

3 A. Not even helping me. He's looking at me like I
4 don't know what to do you know. Just let them fight out
5 or something. So I'm sitting here trying to get this man
6 off of me and he keeps the better of me and we in the
7 center console kind of fighting.

8 I'm struggling with him and I started panicking. I
9 ended up just pulling out the gun and shoot. I didn't
10 really know whether I was going to hit him at. I wasn't
11 trying to kill him or nothing; I just shot. I thought
12 maybe if I shoot one he'll just stop and that will give
13 me enough time to go to the door and get out the car.

14 Q. Were you able -- prior to shooting him were you able
15 to get away from him?

16 A. No, sir.

17 Q. Did you try to get away from him?

18 A. Yes, sir.

19 Q. What were you saying as you were trying to get away
20 from him?

21 A. Like what are you doing? Get off of me. Like get
22 off me. What are you doing you know?

23 Q. And I trust you were talking a lot louder than you
24 are right now?

25 A. Yes, I was panicking. I was panicking.

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1 Q. All right. And you said you fired a shot. Did you
2 aim it anywhere that you recall?

3 A. No, I didn't aim at first I just pulled it out.
4 When he was pulling me I pulled it out my right pocket;
5 I'm right handed. And I just shot. I just shot.

6 And when I shot I didn't really know who it had hit
7 or where it did I just thought a gun going off he would
8 let go. I mean you know he would let go and that would
9 give me enough time to get out the car.

10 Q. After that shot was fired what happened to Mr.
11 Mitchell?

12 A. He jumped out the car.

13 Q. What about Ms. Hamlin?

14 A. I think she jumped out too.

15 Q. And then let's talk about Mr. Ladson. After that
16 first shot was fired what happened?

17 A. It made it madder. It was the opposite reaction
18 that I thought he would have did. It made him mad. He
19 was like now he's really trying to shake me. I guess now
20 he's aiming for the gun.

21 Now he's trying to grab the gun and I'm just like
22 trying to still get away. I'm still trying to get away.
23 Now when I did shoot him the first he kind of stopped so
24 I did get a little leeway but he ended up grabbing me
25 again. When he grabbed me I was like I started panicking

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1 again because now I know he's angry. He pretty much
2 going to -- whatever he was going to do he's going to try
3 to hurt me. I don't know if he had any gun. I don't
4 know if he had any weapons or whatever. This is the
5 first time I ever meet him. I don't know what's going on
6 with him.

7 Q. Who was winning the fight?

8 A. He was winning.

9 Q. And then you fired a second round?

10 A. Yes, sir.

11 Q. And what happened -- how did you fire that round?

12 A. Well, after a while I ended up getting like my hand
13 because he kept keeping my hand far away from the hand
14 with the gun. And I kind of like just raised it.

15 I didn't want to shoot nowhere in this area right
16 here [indicates] because I know this is where your vital
17 organs are at. I figured if maybe it hit something in
18 his lower part that would stop him enough. I wasn't
19 trying to kill him or nothing. I didn't want to kill
20 him.

21 Q. Okay. Did you end up pulling the trigger?

22 A. Yes, sir.

23 Q. All right. He was on top of you at that point?

24 A. Yes, sir.

25 Q. You were not ---

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1 A. --- it was like kind of like yes, kind of I'm semi
2 out of the seat and he's on top of me.

3 Q. Okay. And what -- you said you reached over him
4 and shot down towards his lower back or his legs?

5 A. I just stuck the gun out far away from him and just
6 shot down.

7 Q. Did you know where you were even shooting?

8 A. No.

9 Q. When you pulled the trigger what were you thinking?

10 A. Just trying to get him off me. I just been trying
11 to get him off me. I was trying to stop the threat.

12 Q. And then after the second shot was fired what
13 happened?

14 A. We struggled a little bit more. We continued to
15 struggle and then I guess he was weak and I was able to
16 push him off me that time he got weak and he just
17 stopped. I went for the door and when I first went for
18 the door it was still locked.

19 We ended up crashing -- after my second shot we
20 ended up crashing and I was able to push him off. I went
21 for the door and the door was locked so I had to pull the
22 latch up to get out first.

23 When I pulled the latch up I just got out the car
24 and ran. I just ran. I didn't really look at who was
25 coming out the trailer or what. I just ran.

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1 Q. All right. When you ran was Mr. Ladson moving at
2 all?

3 A. I didn't really even look back to even know.

4 Q. And what was going through your head at that point?

5 A. I just shot a man. I don't know if he's dead. I
6 don't know. Like man how did I get myself in this
7 situation? This was supposed to be something simple. It
8 wasn't supposed to turn out like this. I just ran. I
9 was panicking. I was scared; like I just ran.

10 Q. And after this incident happened after he was shot
11 and you took off where did you go?

12 A. I ran back through -- I jumped the fence, I ran
13 through the little cut and I ran towards my baby mother's
14 house.

15 Q. All right. And what were you doing afterwards when
16 you ran to Ms. McLean's house?

17 A. I ran to the side of the house. By the time Mitch
18 and Lauren was kind of following me they was in tow. I
19 ran to the side of the house.

20 Ms. McLean, Taylor's grandma has a side like bricks
21 and there is a ladder. I just put the gun down and I
22 went in the house. I went in the house and told her let
23 me get a ride to Remount Road.

24 Q. And what were you thinking when you put that gun
25 away or hid the gun?

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1 A. I was like I wasn't really thinking. I was just
2 panicking. I don't know what happened you know.

3 Q. And you went to Walmart with Ms. McLean?

4 A. Yes, sir.

5 Q. And what were you thinking then?

6 A. I just kept looking at her like man we got two kids.
7 We got two kids. I done been -- we don't been together
8 since we was little. You know we grew up together. How
9 am I going to explain this situation to her?

10 I know that by the time the police come they not
11 going to believe I say. They not going to even hear what
12 I say. I knew I was probably going to be sitting around
13 or gone for a while trying to fight this, you know like
14 trying to prove my innocence.

15 Q. Did you and Mitchell meet after this incident
16 occurred; after the shooting?

17 A. Yes, we went to his house. I was at this house.

18 Q. And did you get your money back?

19 A. No, sir. I wasn't even thinking about the money -- I
20 just disappeared.

21 Q. And what about the drugs? Did you guys divvy up any
22 drugs or did you ever get those drugs?

23 A. No, I never got no drugs.

24 Q. Did you ever -- once you were in the car did you
25 want the drugs?

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1 A. No. Like I said I only gave Mitch the money because
2 he was sounding like he needed the money to I guess flip
3 his pack so he could pay his rent. I know he was staying
4 in one of them like efficiency homes so the rent is due
5 every week at a certain time.

6 Q. And then the drugs that were found in the Relax Inn
7 when you were there where did you get those drugs from?

8 A. Before we even went to the Relax Inn I...

9 Q. Go on; I'm sorry.

10 Q. Before we went to the Relax Inn by that time I
11 already knew like the police is probably going to come
12 because like I say everybody know me around that park
13 even the cops they knew who my child's mother is so I
14 figured they probably coming there.

15 I got to go and got -- go to my house and get
16 everything out of it and that's where I got the drugs out
17 my house not her house.

18 Q. You didn't get those drugs from Akim Ladson?

19 A. No, sir.

20 Q. That's all I have. Please answer any questions the
21 State has.

22 THE COURT: Cross-Examination.

23 MR. VOIGT: Thank you.

24

25

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1 CROSS-EXAMINATION

2 BY MR. VOIGT:

3 Q. Thank you, Mr. Williams. I appreciate you waiting
4 your turn. Let's talk about this family day that you had
5 planned. At the time the kids were?

6 A. Two and one.

7 Q. And one?

8 A. Two and one.

9 Q. And you were going to take them to the park with
10 your girlfriend ---

11 A. --- with the child's mother, yes.

12 Q. And you were staying there at her grandmother's
13 house? That's where you kids live right?

14 A. Yes, sir.

15 Q. That's where they've always lived correct?

16 A. Yes, sir.

17 Q. And so you were going to do this family day the day
18 before New Year's Eve [sic] in January you're both off
19 and neither one of you are working.

20 A. It was the day before -- can you repeat the
21 question?

22 Q. It was the 30th of January, the day before New
23 Year's Eve [sic] right?

24 A. Yes, sir.

25 Q. And you were going to take the kids to the park.

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1 What else did you have planned?

2 A. Later me and her were going to go catch a movie
3 later on that day. It was like take the kids during the
4 day and have a family day and then me and her get some
5 personal time later on that night.

6 Q. Okay. So you got woken up. How late did you
7 sleep?

8 A. Probably like 9:30 or 10 o'clock. I'm not sure.

9 Q. Okay. So you woke up and somebody was texting you
10 and it was Mitchell?

11 A. He was texting my child's mother's phone. My phone
12 was off at the time.

13 Q. But he knew enough and he knew her well enough to
14 get at you through her phone right?

15 A. Yes, sir.

16 Q. And that wasn't an unusual circumstance was it?

17 A. Yes, sir because she really don't deal with Mitch.
18 I only rarely called her off -- I rarely called him off
19 her phone before because she don't really deal with Mitch
20 or Lauren.

21 Q. But he felt comfortable enough to roust you out of
22 bed right?

23 A. I mean yeah, I'm pretty sure.

24 Q. So the first thing you do on your family day is you
25 get up with Mitchell texting you. I guess you talked to

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1 him at that point?

2 A. You mean texting?

3 Q. Yes?

4 A. No, I told my baby momma not to even talk -- I

5 didn't even want to talk to him or anything that day.

6 Q. Didn't even want to talk to him. But he shows up?

7 A. Yes, sir.

8 Q. About how long after you get up?

9 A. Probably around like -- I mean he showed up probably

10 like 1 o'clock or 1:30 or something like that.

11 Q. So a couple of hours later. At this point you

12 hadn't gone to the park right?

13 A. No, sir.

14 Q. You hadn't done anything with your family at this

15 point yet right?

16 A. I mean I was up with my family.

17 Q. Well, you were up but you hadn't gone anywhere

18 right?

19 A. I mean no, sir.

20 Q. Okay. And he comes over and is that when you

21 smoked a little weed?

22 A. Yes, sir.

23 Q. Okay. So the first thing you do on your family

24 day, the first event is walk outside and smoke a little

25 weed with Mitch and Lauren Thrower right?

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- 1 A. Yes, sir.
- 2 Q. Okay. And he starts talking to you about flipping
3 a pack right?
- 4 A. Yes, sir.
- 5 Q. And you were sophisticated enough in the ways of the
6 world to know exactly what he's talking about. You don't
7 need a translation. Some of these folks need
8 translations but you didn't need a translation did you?
- 9 A. No, sir.
- 10 Q. You didn't want to have any part of this drug deal
11 though did you?
- 12 A. No, sir.
- 13 Q. This wasn't your drug deal at all.
- 14 A. It wasn't my drug deal. I just brought the scale.
- 15 Q. This was Mitch's plan and he was going to execute it
16 right?
- 17 A. To my knowledge.
- 18 Q. Right. And then Akim doesn't show up right away
19 does he?
- 20 A. No, sir.
- 21 Q. You've never seen him before with Mitch?
- 22 A. No, sir.
- 23 Q. First time ever.
- 24 A. First time.
- 25 Q. Big scary dude.

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- 1 A. I mean he was big.
- 2 Q. Real big scary dude you've never seen him before.
- 3 It takes him hours to get there doesn't it?
- 4 A. Yes, sir.
- 5 Q. So you smoked some more weed right?
- 6 A. Yes, sir.
- 7 Q. So your family day so far we're like six hours into
- 8 your family day and you've smoked weed with your buddy
- 9 Robert Mitchell.
- 10 A. Yes, sir.
- 11 Q. That's your family day so far right?
- 12 A. I mean I was waiting for her to finish whatever she
- 13 was going to do.
- 14 Q. Okay. Then he goes out and he gets in trouble; I
- 15 guess literally and figuratively. He meets up with
- 16 somebody named Trouble.
- 17 A. Yes, sir.
- 18 Q. And I guess that person named Trouble earned that
- 19 nickname the honest way right?
- 20 A. What do you mean by that?
- 21 Q. He's trouble?
- 22 A. Yes, sir. I mean that's a nickname. I don't know
- 23 how he earned his name; that's just how I know him.
- 24 Q. How did you earn Solo?
- 25 A. I'm kind of like a loner.

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1 Q. Okay. So on your big family day you wait around
2 for hours smoking weed waiting for Akim Ladson to show up
3 for a drug deal that's not yours and you give Mitch some
4 money. But you brought the scale.

5 A. Yes, sir.

6 Q. Okay. You're a sophisticated business man; you
7 don't want to be cheated do you?

8 A. No, sir. But maybe more or less I didn't want my
9 friend to be cheated.

10 Q. So you decided you were going to bring the scale to
11 make sure he wasn't cheated. That was just out of the
12 kindness of your heart that you did that?

13 A. I mean we just -- that's the type of line of work we
14 been doing. It's not even work; that's how we just --

15 Q. It's really not about the kindness of your heart at
16 all is it? It's about making sure you make your money
17 right?

18 A. And making sure he doesn't get cheated out of
19 whatever he is buying.

20 Q. Y'all were in this together weren't you? Your
21 money, his money; it's all mixed together right, in his
22 hand right?

23 A. The drugs weren't for me.

24 Q. You made sure he wasn't going to get cheated so you
25 brought the scale right?

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1 A. Yes, sir.

2 Q. On your family day?

3 A. Yes, sir.

4 Q. Maybe we should just call it family day from now on
5 so we know what we're talking about. Then you head out
6 to the picnic table.

7 And I think we saw a picture of that picnic table.
8 And this is where -- I'm going to put up on the screen
9 here State's 27. It'll show up on the screen right in
10 front of you.

11 [Whereupon, the photograph is shown]

12 Q. This is where you've had other family days. You
13 brought your kids here right? Right here down by this
14 lake [indicates]?

15 A. Yes, sir.

16 Q. Right here [indicates]?

17 A. That's the picnic table. The lake is kind of on the
18 other side of the bush like around this area [indicates].

19 Q. The lake is on this side [indicates] right?

20 A. Yes sir, there is like an opening.

21 Q. And so you spent the next part of your family day
22 smoking weed down here waiting for Mr. Ladson right, with
23 Lauren and Mitch?

24 A. Yes, sir.

25 Q. So you smoked weed back by the house and then you

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1 come down here to the picnic area where you bring your
2 kids. But you didn't bring your kids this day; this is
3 family day. So you came here with Mitchell, Lauren
4 Thrower and you're sitting here smoking weed waiting for
5 Akim Ladson?

6 A. Yes, sir.

7 Q. And the time passes doesn't it? All day basically
8 passes doesn't it?

9 A. Basically.

10 Q. I mean by the time you're running away because back
11 here [indicates] that's where they picked you up and you
12 hopped in the car, right, in that direction?

13 A. No, sir. As a matter of fact the yard right here
14 [indicates] where you see the fence is where they picked
15 us up.

16 Q. Okay. But over here [indicates] I'm talking about
17 where you jumped out the car is over on that side right?

18 A. Yes, sir.

19 Q. Okay. By the time you jump out that car and you're
20 running away it's getting dark right?

21 A. No, there was still sun up.

22 Q. Still sun up?

23 A. Yes, sir.

24 Q. So when the police get there and start taking
25 pictures -- this is the best one. This is State's 7.

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1 [Whereupon, the photograph is shown]

2 Q. You can see a little sunlight back there right?

3 A. Yes, sir.

4 Q. You're long gone. But not hours have passed. You
5 basically spent the whole day out there. You spent the
6 whole day out there smoking weed with Mitch and Lauren
7 Thrower am I right?

8 A. Yes, sir.

9 Q. Okay. And you go to do this drug transaction back
10 here you're the one who tells the girl where to go right?

11 A. I mean once we got in the car and back up out the
12 yard ---

13 Q. --- she doesn't know the area right?

14 MR. MURPHY: Judge, if he could just let him
15 finish.

16 A. I mean it was just kind of like it's a big U. I
17 just told her to back up the car and get out the man's
18 yard.

19 Q. [Mr. Voigt] So you bring the scale, you tell her
20 where to go. This isn't your deal at all. And you
21 already had the gun with you.

22 A. Yes, sir ---

23 Q. --- your protection.

24 A. At that time ---

25 Q. --- not for Mitchell's protection. Your intention

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- 1 wasn't to protect Robert Mitchell was it?
- 2 A. No, sir.
- 3 Q. Okay. You didn't have a beef with Akim Ladson did
4 you?
- 5 A. No, sir.
- 6 Q. Never met him before had you?
- 7 A. No, sir.
- 8 Q. Okay. These other fellows Trouble, whatever; the
9 other one, you hadn't seen them had you?
- 10 A. No, sir.
- 11 Q. And been outside most of the day. You'd been
12 outside from the time Mitchell came over at 1 o'clock
13 until you're running away from that car back to Taylor's
14 house. You hadn't seen those two guys.
- 15 A. Because we went to the cut. I don't know if they
16 ever drive through or not. That was the whole reason to
17 go to the picnic area so that they wouldn't see us
18 outside.
- 19 Q. You didn't have any beef with them?
- 20 A. I mean they know who I am and I don't like them and
21 they don't like me.
- 22 Q. Okay. That was a legally bought gun I presume?
- 23 A. No, sir.
- 24 Q. Of course not. Where did you get that?
- 25 A. Actually from my cousin but I been had it for a

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1 couple of weeks now by that time.

2 Q. Okay. How did you carry it? Where did you put it?

3 A. In my back right pocket.

4 Q. So when you hopped in that truck you're basically
5 sitting on it?

6 A. Somewhat.

7 Q. Did you ever have any courses or any training in
8 firearms?

9 A. No, sir.

10 Q. You think it's a good idea to sit on a gun?

11 A. I mean I really didn't think about it.

12 Q. Let's see what you did think about. So you thought
13 about meeting up with Akim and you gave Mitchell some
14 money and you knew Mitchell was going to get drugs out of
15 it right?

16 A. Yes, sir.

17 Q. And the idea was that you were going to flip it
18 meaning he was going to make money from the drugs he got?

19 A. Yes, sir.

20 Q. And you didn't expect anything back from that?

21 A. My original 150 dollars later on that week.

22 Q. And you sell drugs from time to time?

23 A. Sometimes.

24 Q. And you don't do it as a charity do you?

25 A. No, sir.

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1 Q. You do it for profit right? I mean basically drugs
2 are a profit business right?

3 A. Yes, sir.

4 Q. I mean you don't do it if you don't make a little
5 bit of money right?

6 A. Yes, sir.

7 Q. And so this was the one time you were going to get
8 involved -- I mean you're involved because you're sitting
9 in the car right, in a drug deal but you didn't
10 anticipate making any money at all.

11 A. No, sir. Like I said I was there just to make sure
12 Mitch didn't get cheated out of whatever he was buying
13 because as I said the man informed Mitch that the price
14 of the weed was real little.

15 This is distinctive type of weed. It shouldn't have
16 been that low. I didn't know nobody who had a price that
17 low so something just sounded fishy but...

18 Q. And you know the business so you kind of know what
19 the going rate for certain kinds of weed is right?

20 A. Yes, sir.

21 Q. And you were just there so he wouldn't get ripped
22 off right?

23 A. I wanted to see myself. I wanted to see how this
24 man got this price for this type of weed when I have
25 never met anybody who has ever had that type of price.

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1 Q. So you wanted to see how your money was going to be
2 spent right?

3 A. Yeah. I hope he wasn't just trying to just lose my
4 money. I mean I didn't have that much money to be giving
5 away like that anyway but he was my friend so I wanted to
6 help him out.

7 Q. Did Robert ever express to you that he really didn't
8 want to pay for the weed?

9 A. That he didn't want to pay for the weed? Not
10 necessarily. He kind of look confused.

11 Q. Huh?

12 A. He kind of look confused. I don't think he was
13 thinking about Mr. Ladson like cheating him out of it
14 because I guess they dealt business before.

15 But as I said we done took a loss like that before
16 as in buying a certain type of weed and not getting that
17 certain type of weed.

18 Q. And when you say we you mean you and Robert
19 Mitchell?

20 A. Yes, sir.

21 Q. So this is not unusual that you and Robert Mitchell
22 go in on weed together right? This is something you had
23 done before right?

24 A. Yes, sir.

25 Q. And when you did it before your plan was always to

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1 make money right? That's why you do -- that's why we
2 sell drugs right; to make a little money?

3 A. Yes, and support my habit.

4 Q. Okay, your habit. Was this the only time in your
5 life that you ever entered into a drug transaction not
6 wanting to make any money?

7 A. It wasn't necessarily going -- I didn't go there
8 necessarily to make money off of it because I wasn't
9 buying no drugs. It was my friend at the time wanted to
10 buy some drugs.

11 He needed the money so I lent him the money but I
12 didn't trust who he was buying the drugs from. Not
13 necessarily who he was buying the drugs from but the
14 price of the drugs.

15 Q. So you get in this car and it sounds like based on
16 what you told Mr. Murphy you did all the talking. You
17 raised concerns about the quality of the weed, the smell
18 of the weed, how it was packaged. These were things that
19 you openly voiced concerns about right?

20 A. Somewhat, yes sir.

21 Q. So the man who brings the scale, the man who brings
22 the money that lets the transaction take place he's the
23 man who also brings a gun and he's the one in the
24 backseat saying hey, we're about to get ripped off. Is
25 that what you were doing?

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1 A. I told Mitch this like man I'm kind of putting him
2 on point. We done did business together and I didn't
3 want him to get cheated out of his weed.

4 Q. Because Mitch doesn't know what he's doing when he's
5 selling drugs, right? He's just not very good at it;
6 he's not good like you.

7 A. I wouldn't say he was good as much as I don't think
8 he take it as serious; like he be careless about it.

9 Q. You're much more serious about selling drugs than
10 Mitch is aren't you?

11 A. Not necessarily.

12 Q. Well you had to school him on how to do this didn't
13 you?

14 A. No, I was just voicing my opinion because we done
15 took a loss like that before. We done been cheated out
16 like that before.

17 Q. How long were you in the car?

18 A. I'd say maybe a couple of minutes, a couple like
19 three, four; about five minutes.

20 Q. Were you talking loudly or real quietly?

21 A. I actually never really even said nothing. I mean
22 when I first got in the car I told Mr. Ladson what's up.
23 He was like what's up. I noticed he was anxious so the
24 whole time I really was focused on Mitch like to make
25 sure he do the right thing. And I just when I seen the

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1 package I said I just voiced my opinion to Mitch like
2 something ain't right about this man. I done remember
3 last time you know.

4 Q. So let's talk about what Mitch did. Mitch gets in
5 the other seat. So you're in this seat here [indicates].
6 Mitch is on the other side right?

7 A. Yes, sir.

8 Q. And Akim gives Mitch the weed and Mitch starts to
9 weigh it just like Mitch said he did right?

10 A. Yes, sir.

11 Q. Okay. And you sat here and you heard Ms. Hamlin.

12 A. Yes, sir.

13 Q. And you heard what she said y'all did.

14 A. Yes, sir.

15 Q. Okay. And after a few seconds Mr. Ladson says
16 whoa, whoa, whoa or something like that. Do you remember
17 him saying that?

18 A. No sir, he didn't say that.

19 Q. You don't remember telling the police that.

20 A. If I did I -- when I was talking with the police to
21 be honest after they started threatening to lock my
22 child's mother up I kind of got distraught.

23 I didn't really -- I just thought like I got to save
24 her some type of way of getting out of this, you know
25 being involved with this because I didn't want my kids to

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1 be in DSS.

2 Q. So you just did it for her? You just said that to
3 the police for her?

4 A. I mean yes, and I wanted them to believe my story
5 but I'm pretty sure they weren't going to believe me.

6 Q. So you made that up? We sat here and listened to it
7 and we heard it on the tape and now you're saying you
8 never said that?

9 A. No. What I'm saying is when I was talking to them
10 if I did it wasn't actually -- I was kind of distraught.
11 My mind was thinking I have to save my child's mother.

12 Q. So you have to save her because she shot somebody?

13 A. No sir, because due to me I involved her by accident
14 for her to take me for the ride even though I'm not
15 guilty of trying to rob nobody or none of that.

16 Q. So let's see if you understand what accident means.
17 You just said you involved her by accident. When you
18 went back to her house and asked her to give you a ride
19 to get you out of there you meant for her to give you a
20 ride to get you out of there right?

21 A. Yes, sir.

22 Q. That's exactly what you meant.

23 A. Yes, sir.

24 Q. So there is nothing accidental about any part of
25 that is there?

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1 A. I didn't mean -- like when I say accident I mean to
2 involve her in this situation at all. It didn't dawn
3 across my mind to be like man, she's going to be involved
4 in what I'm involved in right now. As I said when I ran
5 back to the house I was panicking. I panicked. I was
6 scared. I didn't know what to do.

7 Q. All right. You didn't know what to do so the first
8 thing you did when you got back to the house was? You
9 didn't know what to do so you dumped this [indicates]
10 next door right?

11 A. I put the gun down.

12 Q. That was the first thing -- you didn't know what to
13 do so the first thing you did was you hid the gun right?

14 A. It was ---

15 Q. --- let's back up. First thing you did was you ran
16 out of there. You didn't wait for anybody, didn't wait
17 for police, didn't wait to call 911, didn't wait for
18 anybody; you ran. The first thing, you knew exactly what
19 you were doing. That wasn't accidental right?

20 A. I was panicking.

21 Q. You were panicking?

22 A. I didn't -- I mean I was panicking.

23 Q. Okay. So then you got not to Taylor's house but to
24 the trailer next door and you hid this [indicates] gun.

25 A. No, sir.

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1 Q. Was that still panicking when you did that?

2 A. No, sir. Actually I put the gun down on the side of
3 my baby momma's house. I don't really recall how the gun
4 get there to be honest with you.

5 Q. So you just put the -- right next to the house where
6 your children play in the yard you just decided that was
7 where you were going to put the gun?

8 A. As I say sir I was panicking. I was scared and I
9 wasn't thinking.

10 Q. Do you think somebody else put the gun under the
11 trailer next door?

12 A. They could have. I assumed it was Mitch. It wasn't
13 me.

14 Q. You just put it next to the trailer where your kids
15 play right? Where you kids live right? That's where
16 you're telling this jury you put that gun?

17 A. I was panicking, sir.

18 Q. And then ---

19 A. --- I was not thinking.

20 Q. And then you walked into the house to Taylor's
21 trailer right?

22 A. Yes, sir.

23 Q. And you got her out and you had her take you to
24 Hanahan.

25 A. Yes, sir.

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1 Q. And the whole time you were panicked right?

2 A. Yes, sir. My mind was -- I was distraught. I mean
3 I was like this situation just turned into something I
4 never intended it to be. I thought it would be just like
5 any other time I bought drugs. Simple; just buy and go.

6 Q. Do you always buy drugs with a gun?

7 A. No, sir. The only reason I had a gun that day
8 because of the situation that Mitch got in with the
9 people at the store.

10 Q. You weren't afraid of Akim Ladson at all were you?

11 A. Not in the sense of -- I didn't really know him to
12 be afraid of him to be honest with you.

13 Q. You waited all day for him to show up with that gun
14 but it wasn't because you were afraid of him?

15 A. No, sir.

16 Q. Or anything that he would do to you?

17 A. No, sir.

18 Q. Why did you bring a gun to a drug sale?

19 A. It wasn't necessarily an intention to bring a gun to
20 the drug sale. I grabbed the gun when Mitch first came
21 back. My mind was they might come around here and shoot
22 at us.

23 They might come around here and shoot at my family
24 house; my kids are in the house. By that time I been had
25 a gun. I never -- it didn't dawn across me to be like

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1 oh, let me go put this gun up real quick. I didn't think
2 like that.

3 Q. It was a short walk back to the house to put it away
4 wasn't it?

5 A. It was kind of down the street.

6 Q. Yes, just down the street. You could have just gone
7 down the street and put the gun away right?

8 A. I could have.

9 Q. But you wanted to have that gun with you right?

10 A. I wasn't thinking like that. I wasn't thinking as
11 oh, I got to take a gun to a drug deal. That's not the
12 thought I had in mind.

13 Q. It sure came in handy though didn't it?

14 A. I guess ---

15 Q. --- when you needed it, it was right there in your
16 back pocket, right?

17 A. I'm scared for my life. I guess so.

18 Q. Scared for your life. You're in another man's car
19 right -- or a woman's car? You hop in their back seat
20 with a gun. You never saw another gun right? You never
21 saw him with a gun? That's a question.

22 A. No, sir.

23 Q. Did you think the girl had a gun?

24 A. No, sir. I don't know what they had -- I don't know
25 them. I didn't ---

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1 Q. --- she looked pretty rough huh? Did she look like
2 the kind of person that is going to be packing heat?

3 A. I don't really know a person look who is packing
4 heat.

5 Q. You knew she didn't have a gun. You knew he didn't
6 have a gun.

7 A. I actually didn't know if he didn't have a gun.

8 Q. You knew the only person in that car with a gun was
9 you right?

10 A. No, sir. Like I say I didn't know if he had a gun.
11 That was the first time I ever met him.

12 Q. Who is the first person who took a gun out in the
13 car?

14 A. After me and him was fighting, me.

15 Q. You were the only person who took a gun out in the
16 car right?

17 A. Yes, sir.

18 Q. And he's fighting you. This big 5-3 person is
19 fighting you. And you're telling me -- can you see the
20 back of his head there [indicates]?

21 A. Yes, sir.

22 Q. You telling me he's up over that seat, all 5-3 of
23 him attacking you in the backseat?

24 A. Some of his feet was kind of in the middle of the
25 console but most of his upper body was over it.

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1 Q. Okay. And fighting -- he's not fighting Mitchell?

2 A. No, sir.

3 Q. He had no business to fight Mitchell. He wanted to
4 fight you for some reason.

5 A. He grabbed me.

6 Q. And you weren't involved in this drug transaction?

7 A. Like I say I grabbed the scale to get out the car.
8 He grabbed me and that's kind of what started it all up.

9 Q. The car was moving wasn't it? She was driving
10 wasn't she?

11 A. At first she was and it stopped.

12 Q. So you went to jump out of a moving car?

13 A. No, sir. As I said when we first got in the car
14 Mitch was weighing the weed but the weed wasn't reading
15 out right so I asked him to stop the car, I asked her to
16 stop the car. Mitch then proceeded to weigh the weed on
17 the floor.

18 Q. You told Mitchell to weigh the weed on the floor of
19 the car.

20 A. No, sir. That was like as soon as we got in the car
21 Akim handed the weed to Mitch. I guess they dealt --
22 like I said I never met him before so I wouldn't assume
23 why he would hand me the weed.

24 Q. So he handed Mitchell the weed?

25 A. Yes, sir.

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1 Q. And you put the scale up on that center console.

2 Where's that scale now?

3 A. I believe Ms. Hamlin threw it in the pond.

4 Q. So then you put the scale on the floor. So that
5 wasn't even...

6 A. No, there was another scale on the floor.

7 Q. There was another scale on the floor, okay. And
8 Mitchell is weighing it on the floor. And you're telling
9 Mitchell -- what are you telling Mitchell at this point?

10 A. I was like man I was like tell him to open it in
11 front of you so you make sure that all the marijuana is
12 the same kind.

13 Q. And you said that really quietly so nobody could
14 hear you.

15 A. No, sir. I actually was like -- it wasn't loud, I
16 wasn't being belligerent. I was kind of voicing my
17 opinion.

18 Q. You're telling me this man just came and attacked
19 you for no reason?

20 A. Yes, sir. Once again, I grabbed the scale. We was
21 already having words prior to that. It was already
22 getting in the heat of the moment. We was having words,
23 I grabbed the scale. He grabbed me and that started the
24 initial contact. He grabbed me. I pulled away and ---

25 Q. --- with what hand did he grab you?

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1 A. His right.

2 Q. His right hand? And where did he grab you?

3 A. First he grabbed like my forearm right here
4 [indicates]. He grabbed my forearm. I'm not that big of
5 a person so he kind of jerked me when he did that. I
6 pulled back and he ended up grabbing my shirt and that's
7 when he had a hold of my shirt.

8 Q. And then I think you actually said he grabbed you
9 around the neck?

10 A. Yes sir, after he grabbed my shirt.

11 Q. And when the police came and arrested you when you
12 were smoking weed at the Relax Inn you showed them all
13 the wounds on your neck didn't you?

14 A. They never even asked me if I had wounds on my neck.

15 Q. And when you went to the station and you told the
16 police what happened you told them about how he put his
17 hands around your neck and you showed them where.

18 A. Like I said when they started threatening my friend
19 I just went in trying to save my family; that's all. I
20 didn't want her to get arrested. I didn't want my kids
21 to be in DSS. I was distraught. I didn't clearly be
22 able to say what I wanted -- should have said like I am
23 saying now.

24 Q. You've had a long time to think about what you're
25 saying now right?

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1 A. Yes, sir. I've been incarcerated for 23 months now.

2 Q. At no point did you ever tell anybody that he put
3 his hands around your neck right, until you're telling
4 the jury that today?

5 A. I mean I wasn't ---

6 Q. --- this is the first time anybody has ever heard
7 it.

8 A. Who would I have told it to? I mean I didn't see
9 the police. They didn't keep coming visiting me at the
10 jail and we're not supposed to talk our case at the jail
11 so who would I told it to? The only thing I even let my
12 child's mother know is that I didn't want this to happen.
13 I never intended this to happen.

14 Q. You intended to go to a drug deal right?

15 A. Yes, sir.

16 Q. You intended to take your gun. There was nothing
17 accidental about you taking the gun was there?

18 A. Not thinking that I need a gun to go to a drug deal
19 no.

20 Q. I mean you intentionally put it in your pocket and
21 you intentionally walked to where the picnic table was.
22 Then you intentionally got in his car. And you
23 intentionally sat in that back seat. That's all correct
24 right?

25 A. Not necessarily. The gun was -- when I was at my

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1 house the gun was already in my back pocket. That's what
2 I'm telling you sir. I did walk down there with the gun
3 but the gun was already in my back pocket when we was
4 there.

5 Q. Well, that's fine. Let me back up. You
6 intentionally got the gun out of Taylor's grandmother's
7 house?

8 A. Yes, sir.

9 Q. Where you're not allowed to keep a gun.

10 A. Yes, sir.

11 Q. Okay. So you intentionally hid a gun from Taylor's
12 grandmother in her house where she doesn't allow you to
13 keep one.

14 A. Yes, sir.

15 Q. We'll start there. Then you intentionally put it in
16 your pocket. You intentionally armed yourself, correct?

17 A. Yes, sir.

18 Q. Then you intentionally walked down the street with
19 Robert Mitchell and conducted a drug deal with Akim
20 Ladson?

21 A. Yes, sir.

22 Q. Then you intentionally waited there for him. Then
23 when he arrived with his girlfriend you intentionally got
24 in the back seat of their car right?

25 A. Yes, sir.

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1 Q. I mean nobody forced you to get back there.

2 A. No, sir.

3 Q. It wasn't an accident that you got back there.

4 A. No, sir.

5 Q. And to get him off you, you intentionally shot him
6 right?

7 A. I was panicking. I was panicking. I just shot. I
8 didn't really even know where that shot went. I just
9 shot. I was panicking.

10 Q. You intentionally reached into your back pocket
11 right? And you reached and got the gun, this gun
12 [indicates] right here. And you intentionally pointed it
13 at him right?

14 A. At the time we was wrestling. He was already done.
15 Me and him was already kind of in the center of the
16 console so my -- it's not like I'm sitting straight up
17 and I just pull the gun out.

18 I'm like leaning back. I'm wrestling this man. I
19 don't know what this man is planning to do. He's choking
20 me and I'm starting to panic.

21 Q. Yes, we've been through that. You reached into your
22 back pocket to get your gun that you knew you had right?

23 A. Yes, sir.

24 Q. Your brain is working. You can say you panicked but
25 your brain is working through this whole thing. You

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1 remembered this incident, right?

2 A. Yes, sir. It's natural. It's just survival. I
3 think it's just natural if anybody you feel like your
4 life is being threatened if you feel like you're scared
5 you'll start to panic.

6 It's not like -- I don't know nobody who can just be
7 calm while they feel like their life is being threatened
8 or they being or they're going to be hurt is some type of
9 form.

10 Q. Do you remember sitting in here and watching your
11 statement to police?

12 A. Yes, sir.

13 Q. And maybe more than anybody else in this room you
14 knew what you were saying, right, you could hear because
15 you know your speech patterns and your speech inflexions.

16 A. Yes, sir.

17 Q. So you probably heard yourself more clearly than
18 anybody else did; am I correct about that?

19 A. Yes, sir.

20 Q. And one of the things I remember you saying is your
21 first shot you hit him in the chest somewhere, you
22 remember? And you even pointed to your chest.

23 A. I assume -- like I said sir, when you ---

24 Q. --- and you intentionally did that. You
25 intentionally pointed your weapon at him and shot him and

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1 pulled the trigger.

2 A. Not necessarily, sir.

3 Q. Is it a yes or a not; because not necessarily is
4 kind of ---

5 A. --- if you would let me explain. I said we was in a
6 fight, we was fighting. This man had his hand around his
7 neck. I don't know exactly where I was going to shoot
8 him at. I didn't try to pick an area. I just like this
9 [indicates], I just shot. I didn't know where he was
10 hit.

11 Q. You know when they start a race they fire up in the
12 air. Have you ever seen that ---

13 A. --- yes, sir ---

14 Q. --- like at the start of a foot race they have a
15 special starter gun. Boom and they go, okay. And when
16 they're doing that they're pointing up in the air on
17 purpose, right?

18 A. Yes, sir.

19 Q. You didn't do that did you? You didn't -- I mean
20 we're not pulling bullets out of the top of this vehicle
21 are we? You didn't shoot up right?

22 A. No, sir.

23 Q. That would have been a warning shot like hey, get
24 off me. You could have done that but you didn't.

25 A. I was panicking, sir. I was panicking.

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1 Q. I understand. And you didn't shoot down? You could
2 have done that too right? You've heard of people getting
3 shot in the leg or in the foot or some other place.

4 A. How could I shoot him in the leg or the foot if his
5 whole upper body is in the -- more in the center console?
6 It would have been -- at the angle that I was I don't
7 even know how it could do that let alone I wasn't even
8 thinking where I was going to shoot him at. I just shot.

9 Q. Was your purpose to scare him?

10 A. It was to get him off me. I guess scare him, get
11 him off me.

12 Q. So scaring him wasn't your purpose?

13 A. Yes sir, somewhat, to get him off me. I was
14 panicking. I was threatened. I was threatened.

15 Q. And you told police that you shot him in the chest
16 right? I mean we watched it. You told them that. You
17 heard that right, when we were sitting in here?

18 A. I told them I shot towards him.

19 Q. And you said you that you thought you hit him in the
20 chest.

21 A. I would assume it was in the chest just being as
22 close as we was.

23 Q. And that made him angry. That's what you said
24 right?

25 A. Yes, sir.

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1 Q. Made him -- I don't know how getting shot in the
2 chest is supposed to make you feel but that made him
3 angry so you thought.

4 A. It made him be more aggressive.

5 Q. He fought harder.

6 A. He fought harder.

7 Q. And then your second shot, if I remember correctly,
8 you hold the gun way out and I think you were going to
9 shoot him in the butt. What were you going to do? I
10 think that's what you told me.

11 A. When I stuck the gun out I didn't want to hit him.
12 If I had shot any more times I figured I would hit him
13 somewhere vital. I didn't want to kill this man. I
14 never wanted to kill this man. I never wanted him to
15 die. I just stuck it out trying to hit something not
16 vital. He wasn't stopping. I was panicking.

17 Q. So you thought the first shot when you shot him in
18 the chest well maybe that's not going to be vital and the
19 second shot ---

20 A. --- I wasn't even looking. I wasn't looking.

21 Q. You got some weed out of this at the end?

22 A. No, sir.

23 Q. That was your own weed?

24 A. Yes, sir.

25 Q. That whole thing was your own weed and so on this

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1 family day you ultimately then go to a movie?

2 A. Yes, sir.

3 Q. So you killed a man because you know by this point
4 you killed a man right?

5 A. No, sir. I wasn't really -- I didn't see it on the
6 news. It wasn't until me and my child's mother was in
7 the movie that her family texted her that somebody died
8 down the street.

9 Q. She was nervous when she drove you out of the there
10 and the police sirens were going wasn't she?

11 A. I wasn't really -- I was lost in my own thoughts to
12 be honest with you sir.

13 Q. You were nervous. You heard the police sirens too
14 didn't you?

15 A. I was scared.

16 Q. You knew you had shot somebody.

17 A. Yes, sir.

18 Q. So you fulfilled your family day obligation and you
19 went and saw a movie. Do you remember what movie you
20 saw?

21 A. I know it was late so there was only like one movie
22 left. I can't really remember; I'm not sure. I think it
23 was like -- I'm really not sure.

24 Q. Okay. So you went and saw a movie and you went and
25 got a hotel room and you just started smoking weed until

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1 the cops got there.

2 A. No, sir.

3 Q. No?

4 A. No, sir.

5 Q. What did you do at the hotel besides smoke weed?

6 A. Me and my child's mother we just sat there and
7 talked. Actually we did have sex after that. We did
8 have sex but the whole time she's just looking at me and
9 I'm looking at her like -- she knows something is
10 bothering me.

11 She knows that I -- I'm quiet by nature; that's just
12 me. But I was just thinking like man, I can't believe I
13 even in this situation. I can't believe how I'm going to
14 explain this to my kids.

15 How am I going to explain this to her? How am I
16 going to explain this to the police? They're not going
17 to believe me. They don't care what happens to me or my
18 kids.

19 Q. Do you remember talking to Detective Terry?

20 A. Yes, sir. I kind of do but I don't remember exactly
21 how the interview went but I do remember talking to him.

22 Q. It got heated with Detective Terry. And we saw
23 Detective Hughes. And that went a little more nicely
24 didn't it? They were a little nicer to you than the last
25 group.

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1 A. Yes, I remember it got heated.

2 Q. Do you remember laughing?

3 A. No, sir. But I do remember Mr. Terry saying that I
4 didn't love my kids. That really did get a reaction out
5 of me because I figure like who is he to tell me I don't
6 love my kids when I'm with them every day.

7 My kids know me by daddy every day. They don't know
8 nobody else as daddy. Even as I've been incarcerated for
9 these 23 months the kids still come up there and call me
10 daddy.

11 If anything that seemed like a laugh or anything
12 that was what it was for. It was not because of this
13 situation. I don't believe it's funny for a man to die.
14 I don't think -- I just don't have no disregard for human
15 life.

16 Q. So you remember telling Detective Terry to stack it?

17 A. No, sir. I asked him to -- I told Detective Terry I
18 would like a speedy trial.

19 Q. So let's go back. Let's recount the love you had
20 for your kids on family day. You wake up late and you
21 smoke weed, right?

22 A. Yes, sir.

23 Q. And then you went and you smoked some more weed and
24 you waited to buy weed, right?

25 A. Yes, sir.

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1 Q. And then you argue about the weed and then you shoot
2 somebody twice and then you have your baby's mother and
3 your kids drive you away from the scene, is that right?

4 A. I'm panicking sir. I'm not thinking logical.

5 Q. I mean you took your kids with you right?

6 A. I mean there was nobody else to leave them with ---

7 Q. --- you fled the scene, you took the kids with you;
8 the kids you love so much. You put them in the car with
9 you ---

10 A. --- there was ---

11 Q. --- to drive away from where you shot a man ---

12 A. --- home; her grandmother was not home. There was
13 no one -- I wasn't even thinking logically sir. All I
14 was thinking about was getting away from there. I didn't
15 want that situation to come towards the house.

16 Q. And then you go to a movie, you go to Walmart and
17 you go get yourself a hotel room to hide from the police.

18 A. Down the street? I don't consider the Relax Inn --
19 if I stay -- if me and my child's mother is staying over
20 on Midland Park and the Relax Inn is on Ashley Phosphate
21 how is that hiding from the police? And I got the hotel
22 in my name; so how would I be trying to hide from the
23 police?

24 Q. Thank you.

25 MR. MURPHY: Nothing, Your Honor.

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1 THE COURT: Thank you. You may step down.

2 [Whereupon, the witness is excused and exits the
3 witness stand]

4 THE COURT: Any other witnesses?

5 MR. MURPHY: No, Your Honor, we rest.

6 THE COURT: Very good. Any reply from the State?

7 MR. VOIGT: No, Your Honor.

8 THE COURT: All right, very good.

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1 THE COURT: Madame Forelady and ladies and
2 gentlemen of the jury what the attorneys have advised is
3 that they have presented all the evidence they intend to
4 present. What we're going to do is bring you back
5 tomorrow. There will be closing arguments, then I will
6 charge you on the law and then you will be allowed to
7 deliberate.

8 I think probably -- let's bring you back about 10
9 o'clock in the morning. Is there any problem with
10 anybody on the jury coming back at 10:00? Okay. And
11 then we will finish the case tomorrow. Remember leave
12 your jury pads in the jury room and do not speak amongst
13 yourselves or with anybody about the case. Thank you.

14 [Whereupon, the jury exits at 5:05 p.m.]

15 THE COURT: I'm going to have my clerk give you my
16 proposed charge. I don't see involuntary being a part of
17 this case at all. I'll be glad to hear from you but
18 looking at the factors of involuntary I just don't see
19 it. What would be your position Mr. Murphy?

20 MR. MURPHY: Your Honor, as I understand the
21 elements of involuntary is if there is a killing without
22 malice while engaging in an unlawful activity. And we
23 have an unlawful activity with the drug transaction or an
24 unlawful activity with firing the gun. The testimony is
25 that he was firing randomly. He didn't aim anywhere. He

1 had no intent to kill. There is no malice. Whether the
2 unlawful activity be simply firing the gun, which he had
3 illegally or involved in a drug transaction I think that
4 is the first element. Then it would be the lack of
5 malice or intent; he said he didn't intend to kill him,
6 he didn't do it. And we have a homicide; we have a dead
7 person which would be the third element, Your Honor. And
8 that's why I think it would be applicable.

9 THE COURT: I'll think about it. I doubt very
10 seriously I'm going to charge involuntary. I don't think
11 the elements fit it. What's the State's position with
12 regard to my charging voluntary?

13 MR. VOIGT: I don't think Your Honor that voluntary
14 -- it meets the element of voluntary.

15 THE COURT: The way I look at it is the unlawful
16 killing of a human in a sudden heat of passion with
17 sufficient legal provocation without malice. I guess the
18 question is whether or not there is sufficient
19 provocation.

20 MR. VOIGT: I just don't see how the facts in the
21 light most favorable to the defense would justify that as
22 sufficient provocation. I don't know that the haggling
23 over the amount of weed and somebody grabbing your arm
24 like I said in a light most favorable to him -- even if
25 that is directly contradicted by the evidence and the

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1 testimony of two other witnesses in the car ---

2 THE COURT: --- but that's just the existence ---

3 MR. VOIGT: --- I understand.

4 THE COURT: And so I'm going to let y'all think
5 about it. I'm not going to rule now but I think that I
6 probably will charge voluntary. I don't believe I will
7 charge involuntary. That is just my thoughts as we speak
8 sitting here today. But what I thought I would do is
9 just throw those out to both sides and let you think
10 about it overnight. Let's meet here tomorrow about 9:15
11 and let's have a charge conference.

12 MR. MURPHY: And Your Honor I would while we're
13 talking about charge I would ask you to consider a self
14 defense charge.

15 THE COURT: I doubt I'll charge that either.

16 MR. MURPHY: Very well. And just for ---

17 THE COURT: --- the reason I am taking that at this
18 stage is about the fault in bringing about the cause of
19 the trouble. I'll look at those elements again but my
20 feeling has been that is not applicable in this case.

21 MR. MURPHY: And just for ---

22 THE COURT: --- without prejudice to you to argue
23 tomorrow, but go ahead.

24 MR. MURPHY: I understand. Just for -- this is the
25 first trial I've been in front of you and some judges

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1 give the charges first before our closing arguments and
2 some do it the old fashioned way.

3 THE COURT: I will -- quite frankly I will let you
4 make that call. If both sides prefer that I charge first
5 I will. If both sides are not in agreement then I'll do
6 it the old fashioned way, okay.

7 MR. MURPHY: Thank you, Your Honor.

8 THE COURT: So whatever y'all want to do let me
9 know.

10 MR. VOIGT: Thank you, Your Honor. I'm inclined
11 since we know -- we're going to know what the charges are
12 we can tailor our arguments to them. I kind of prefer
13 you ---

14 THE COURT: --- do me a favor and don't sit there
15 and read my charge to the jury. Also, by the way I would
16 take out the language about the inferred malice with use
17 of a weapon. I've got that marked; it's just in the old
18 charge. I wouldn't give an example of using the type of
19 weapon in this case. That being said we'll go over that
20 tomorrow.

21 MR. VOIGT: Thank you.

22 MR. MURPHY: What time tomorrow?

23 THE COURT: Sir?

24 MR. MURPHY: What time do you want us back?

25 THE COURT: About 9:15.

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1 MR. MURPHY: That's fine.

2 THE COURT: Any problem with that?

3 MR. VOIGT: Thank you, Judge.

4 THE COURT: Is that okay?

5 MR. MURPHY: That's fine.

6 THE COURT: All right. Thank you guys.

7 MR. MURPHY: Thank you.

8 [Whereupon, court is adjourned at 5:10 p.m.]

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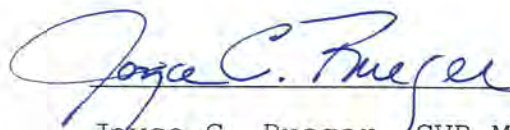
State v Jalann Williams
Certificate of the Court Reporter
January 6, 2015

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 6th day of January, 2015.

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

April 2, 2015



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTON

STATE OF SOUTH CAROLINA

vs.

JALANN WILLIAMS

Defendant

COURT OF GENERAL SESSIONS

DOCKET NO. 2013-GS-10-2839
2013-GS-10-2840

TRANSCRIPT OF RECORD

January 7, 2015
Charleston, South Carolina**VOLUME 3 (OF 4)****B E F O R E:**

THE HONORABLE R. LAWTON MCINTOSH, JUDGE

A P P E A R A N C E S:GREG VOIGT, ESQ.
DAVID OSBORNE, ESQ.
Attorneys for the StateCHRISTOPHER MURPHY, ESQ.
Attorney for the DefendantJOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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[All exhibits pre-marked prior to start of trial unless otherwise indicated in transcript]

STATE

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COURT

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PROCEEDINGS

CHARGE CONFERENCE

THE COURT: Guys, I've looked through some cases and consulted with my fellow brethren up here and I'm not charging self defense. I understand your objection and I'll let you put your grounds for your objection on the record but in my mind the defendant fails on the very first element and that is that he was not without fault in bringing on the difficulty.

The basis behind that is one; he armed himself early on in the situation. He wasn't allowed to carry -- there is no evidence he had a concealed weapons permit. He voluntarily went to a drug transaction. While he's at the drug transaction he himself engaged in an argument with the victim in this case. There was no basis of the drug deal argument -- but he actually started the altercation himself with the victim. That's argued.

Also I think he fails on the last element. There is no evidence that once the altercation started the defendant did anything whatsoever to try to extricate himself from the situation; instead he went straight to his weapon and killed the defendant -- I mean the victim. So I think you failed to establish your grounds for self defense. I'll be glad to let you make your record because if I'm wrong I'm wrong.

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1 MR. MURPHY: Your Honor, we would just note if you
2 -- if the court record -- court would just note our
3 exception to your ruling, Your Honor.

4 THE COURT: Absolutely. With that being said have
5 you had an opportunity to look at -- I have a charge for
6 murder. If you look at page 2 of the proposed charge I
7 am not going to -- about the last paragraph beginning
8 with the inferred malice language I will not charge that.
9 I don't think that's the law anymore, which would go all
10 the way through the language on the third page until
11 voluntary manslaughter. Does anybody have any exception
12 to deleting that language? Mr. Voigt?

13 MR. VOIGT: None from the State, Your Honor.

14 MR. MURPHY: None, Your Honor.

15 THE COURT: Okay. Voluntary manslaughter I'm
16 going to charge it as charged. Armed robbery; and I'm
17 saying I'm going to charge -- I'm asking for exceptions
18 if you think there need to be some deletions or additions
19 so please let me know. So armed robbery will be as
20 charged.

21 Possession of a weapon is going to be as charged
22 with deletion in the first paragraph the knife; the third
23 paragraph any language regarding knives. Also in
24 addition I would add the following as being violent
25 crimes; murder, voluntary manslaughter and armed robbery.

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1 Do y'all agree with that?

2 MR. MURPHY: I agree, Your Honor.

3 MR. VOIGT: I do as well, Your Honor.

4 THE COURT: Any additions or exceptions as to the
5 substantive charge from the defense?

6 MR. MURPHY: Yes, Your Honor. When we left
7 yesterday I don't think you said -- you said you were
8 going to look at it but you didn't think you were going
9 to charge involuntary manslaughter but you were going to
10 look at it. Your Honor, we would ask that it be charged.

11 And I was looking up some cases and the courts are
12 kind of -- it's a complicated issue and its pretty fact
13 sensitive. The elements as I read them is the
14 unintentional killing without malice, which I think the
15 evidence supports, while engaged in unlawful activity,
16 which would be a drug deal but not tending to cause great
17 bodily harm. And I don't think a drug transaction causes
18 bodily harm I think gets us to involuntary manslaughter
19 on the first prong. The second prong, or, doesn't apply
20 here but I think that first prong gets us to it and I
21 would ask the court to consider charging the involuntary
22 manslaughter.

23 THE COURT: I hear and I would disagree. I think
24 the defendant himself testified that his shooting while
25 he didn't mean to kill him he intended to shoot him. So

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1 I think he misses out under the first prong and I think
2 also the cases seem to point out if you engage in the
3 drug trade violence and weaponry is all a part of that so
4 I would disagree that it doesn't tend to cause great
5 bodily injury.

6 MR. MURPHY: And that being the case Your Honor we
7 would just ask the court to note our exception to that
8 ruling. And also I've spoken with Mr. Williams
9 beforehand understanding that was most likely going to be
10 your ruling and that being the case we would ask you not
11 to charge the voluntary manslaughter and we'd just go
12 forward with the charge of murder.

13 THE COURT: What's the State's position on that?

14 MR. VOIGT: Let me think that through for a second,
15 Judge. I think -- I always worried when I asked the
16 court to instruct on an area of law over the defense's
17 objection. I don't want to build an appealable issue
18 into any case. I have no objection to the court
19 acquiescing to the defense's request.

20 THE COURT: Very good.

21 MR. MURPHY: Thank you, Your Honor.

22 THE COURT: Yes, sir. Do y'all want a couple of
23 minutes to get your heads together before we go forward
24 with the closing arguments?

25 MR. MURPHY: I'm ready whenever ---

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1 THE COURT: --- did y'all decide whether you want
2 me to charge first and then you argue after or do you
3 want to go ahead and close and then let me charge after?

4 MR. VOIGT: I would prefer that we close and you
5 charge after.

6 THE COURT: That's what we'll do. Let me go back
7 and double check my documents to make sure...

8 MR. MURPHY: And just procedurally Judge; I don't
9 do a whole lot of this; my understanding is I go first
10 and Mr. Voigt goes second?

11 THE COURT: That's correct.

12 MR. MURPHY: Very good.

13 THE COURT: FYI if you start going over an hour
14 you'll start hearing something up here knocking at the
15 desk, if you start hearing [indicates] get ready to sit
16 down, okay.

17 MR. MURPHY: Yes, sir. That's won't be a problem.

18 THE COURT: All right, guys. Be back in just one
19 moment.

20 [Whereupon, court is in recess from 9:35 a.m. until
21 9:40 a.m.]

22 THE COURT: I do want to do one thing -- would you
23 bring the defendant in please. Voluntary range is what
24 two to 30?

25 MR. VOIGT: Yes, Your Honor.

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1 THE COURT: At 85 percent?

2 MR. VOIGT: Yes, Your Honor. Violent most serious.

3 THE COURT: Mr. Williams, I just want to make sure
4 that you understand. Your attorney advises me that you
5 do not wish for me to charge the jury on voluntary
6 manslaughter.

7 MR. WILLIAMS: Yes, sir.

8 THE COURT: Instead you can basically do all or
9 nothing on the murder charge is that correct?

10 MR. WILLIAMS: Yes, sir.

11 THE COURT: Do you understand that murder the
12 minimum sentence is 30 years up to life?

13 MR. WILLIAMS: Yes, sir.

14 THE COURT: And whatever sentence may be imposed if
15 the jury were to find you guilty is served day for day.

16 MR. WILLIAMS: Yes, sir.

17 THE COURT: Do you understand that?

18 MR. WILLIAMS: Yes, sir.

19 THE COURT: Voluntary manslaughter has a range of
20 two years to 30 years. Do you understand that?

21 MR. WILLIAMS: Yes, sir.

22 THE COURT: It's not necessarily a day for day
23 sentence; it could be but you have a right to get out at
24 your 85 percent if you conduct yourself accordingly. Do
25 you understand?

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1 MR. WILLIAMS: Yes, sir.

2 THE COURT: And do you -- did your attorney explain
3 the differences in these charges to you?

4 MR. WILLIAMS: Yes, sir.

5 THE COURT: And did you freely and voluntarily make
6 the decision for me not -- to ask me not to charge the
7 jury on voluntary manslaughter?

8 MR. WILLIAMS: Yes, sir.

9 THE COURT: Knowing the consequences of that
10 decision?

11 MR. WILLIAMS: Yes, sir.

12 THE COURT: Okay. Very good. Thank you
13 gentlemen. We'll be back at 10 o'clock or when the jury
14 gets here.

15 MR. MURPHY: Thank you, Judge.

16 THE COURT: Thank you.

17 [Whereupon, court is in recess from 9:42 a.m. until
18 10:14 a.m.]

19 THE COURT: Mr. Voigt, are you ready?

20 MR. VOIGT: I am.

21 THE COURT: Are you ready?

22 MR. MURPHY: Yes, sir.

23 THE COURT: Would you bring the jury in please?

24 [Whereupon, the jury enters at 10:15 a.m.]

25 THE COURT: Good morning ladies and gentlemen.

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1 Before we get started let me ask if any member of the
2 jury has spoken with anyone about this case, with one
3 another, or read, heard or seen anything about it during
4 the break. If so would you raise your right hand?

5 [Whereupon, no jurors raised their hand]

6 THE COURT: Very well. Let the record reflect no
7 one responded. Ladies and gentlemen, we're about to
8 enter into the third phase of this trial, which will be
9 closing arguments. After the closing arguments I'm going
10 to give you Madame Forelady a chance to have a break and
11 then I will charge you on the law. Then we will give you
12 word back after we confer and then you'll begin your
13 deliberations. That's just to let you know where you
14 are. Mr. Voigt, is the State ready?

15 MR. VOIGT: Yes, Your Honor.

16 THE COURT: Mr. Murphy?

17 MR. MURPHY: Yes, sir.

18 THE COURT: Very good.

19 MR. MURPHY: Thank you, Your Honor. May it please
20 the court?

21 THE COURT: Yes, sir.

22

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25

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CLOSING ARGUMENT

BY MR. MURPHY:

Madame Forelady and ladies and gentlemen of the jury
I want to thank you folks for your attention. I hope
that by these three days you see how important you are to
our system of justice, which is the best there is in the
world.

I've tried a lot of cases and I've never really
liked closing arguments because I feel like I'm just
telling you folks stuff you already know. In all the
cases I've been involved with juries have done the right
thing. They haven't always agreed with me but they've
done the right thing; and that's no coincidence. And
that's because you folks are smart. You're a whole lot
smarter than most attorneys give you credit for. You
pick up a whole lot more than most attorneys think. And
that's why you're here; that's why you're so important to
this system.

Now the Judge is going to charge you that you have
to find that the State proved the elements of murder and
armed robbery beyond a reasonable doubt, which is the
highest standard we have in our judicial system. And the
reason we have such a high standard is because we're
dealing with a person's liberty, their freedom, which is
the most precious possession any of us posses. Now you

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1 folks are the conscience of the community here. You
2 folks are here to make sure the State proves each and
3 every element beyond a reasonable doubt. And you're not
4 just doing this for Jalann's case; you're here for the
5 next guy, and the next guy, and the next guy to make sure
6 that the State always comes when they're trying to take
7 away someone's liberty proves their case beyond a
8 reasonable doubt.

9 Now I used to prosecute cases and I always looked at
10 these cases like being a good scientist. Any good
11 scientist comes up with a theory and then they go about
12 trying to disprove that theory. And that's what you
13 ought to expect from the State. In fact you guys ought
14 to demand that as jurors here.

15 But that's not what the State did here. What they
16 did was have a theory from the very beginning and they
17 were blinded by the facts that didn't support that
18 theory. And they ignored those facts as they presented
19 this case to you.

20 Now Detective Hughes I think said it best when he
21 said we thought there was an armed robbery beforehand
22 before we talked to anybody we thought this was a robbery
23 and we still think it's the case. And I've looked at all
24 the evidence and I don't see any crime. Now I told you
25 at the beginning of this case that we wanted you folks to

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1 hear everything. We weren't going to try and hide
2 anything. We weren't going to play any games with you.
3 Now I don't think that's what the State did in this case.
4 And usually it's the defense that puts up the red
5 herring, the smoke screens, and tries to distract you
6 from the real issues in this case. And here throughout
7 this case I felt like I've been the one doing that. I
8 feel like the State has put up this weak flimsy evidence
9 and I've had to disprove the inferences or prove that
10 those instances or that evidence wasn't true.

11 Now let's first look at the armed robbery charge
12 because I think that's the easiest. Now the undisputed
13 fact there is no question that Jalann and Mitchell the
14 two robbers brought money, gathered money to get together
15 to purchase the drugs. Now that doesn't make any sense.
16 Thieves don't get money together to purchase a product
17 and then steal it.

18 We also have the undisputed fact that the two
19 robbers brought a scale, a digital scale to this drug buy
20 to make sure that they weighed the drugs that they were
21 appropriate before they robbed Mr. Ladson; and that
22 doesn't make it any sense. We also know its undisputed
23 Mr. Ladson had 435 dollars in his pocket when they left.
24 Now I have no idea how that money got there. One of two
25 instances; it either was there when he pulled up in the

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1 car or he got some of the money from Mitchell. And if he
2 got the money from Mitchell that would be consistent with
3 Ms. Thrower's testimony that Mitchell had 35 to 40
4 dollars in his pocket afterward. I don't know which one
5 it is but in any event the money was left on him and
6 robbers don't leave money left behind at the scene.

7 We also know it's undisputed that Akim Ladson never
8 showed any money during this deal. There was nothing
9 from Jalann to rob. But the State wants you to ignore
10 these common sense facts and they've presented four
11 witnesses to support their theory of armed robbery. And
12 the first was Ms. Hamlin who was clearly coached and who
13 was clearly upset her boyfriend had died.

14 Now Ms. Hamlin wants you to believe that she got
15 into that car and Ladson told her to drive to some
16 strange place and she had no idea that this was going to
17 be a drug buy. And folks if you believe that you might
18 as well believe in the tooth fairy or Santa Claus. And I
19 would submit that if Ms. Hamlin is going to lie about
20 something that minor at the very beginning of her
21 testimony the rest of her testimony is just as skewed.

22 She went on to say she never saw any drugs, she
23 never saw any money in the car, she didn't hear any
24 detail of what the folks were arguing about. And folks
25 that's an easy way to say I'm not saying anything because

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1 it makes it difficult to cross-examine. If she didn't
2 see anything and didn't know anything how can I cross-
3 examine on that. It also doesn't make sense that if she
4 didn't see any money or didn't see any drugs what were
5 they robbing him of; what were they trying to rob Akim
6 of?

7 She did say she turned to the gun and saw a gun as
8 she was driving. She's driving and she saw a gun and she
9 turned around and said stop it. Folks, is that
10 believable at all? I've never had a gun pulled in front
11 of me. I've had friends that had it and when that
12 happens folks say whoa, whoa, whoa calm down. Let's
13 chill, let's relax; no one needs to get hurt. She said
14 she turned and said stop it. That's the best she could
15 come up with?

16 We also know she tampered with the scene. I'm
17 sorry; we know Ms. Hamlin was sure of two things. She
18 was sure that she said what the State wanted, which was
19 she was getting robbed or Akim was getting robbed. She
20 didn't see any drugs or money but she knew they were
21 getting robbed. And she said she recalls the gun being
22 held over Akim's head. And you folks have to look at
23 your notes and discuss it but I thought she said it was a
24 silver gun that was held over his head when she described
25 it. And the gun we saw was black; it wasn't silver. Now

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1 we know she tampered with the scene. She threw out the
2 digital scale. She probably threw out the drugs in the
3 car as well. We don't know this but it doesn't make
4 sense that she ran to a trailer and the guy in the
5 trailer said throw out a digital scale. He probably said
6 you got drugs in the car? Get rid of them. And she went
7 back, got the scale; the drugs would have been right next
8 to it and she threw all that stuff out to try and clean
9 the scene. And that makes sense reading between the
10 lines.

11 The second witness the State had was Lauren Thrower.
12 She was stoned at the time; no argument about that. And
13 she knew nothing about the robbery prior to this drug
14 deal. She's a druggie. She was clearly intimidated by
15 the State and she was going to say anything she could to
16 get out of here as fast as possible. Her statement is in
17 evidence and you can read it. There is nothing to show
18 that these guys planned a robbery or any evidence that
19 they had planned to rob Akim prior to this deal.

20 And that makes most sense because if you look at the
21 State's star witness, Mr. Mitchell who came in last he
22 said there was no robbery. Mr. Mitchell got up there and
23 I think he was the State's most credible witness because
24 number one he's not smart enough to lie. You've got to
25 be smart to lie and he just didn't have that folks. He

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1 couldn't have been any plainer when he said he was the
2 only one with money. He told Jalann Akim is not going to
3 have any money when he comes. He's expecting to get
4 money, which makes perfect sense. And if Jalann really
5 needed money he would have robbed the only guy that had
6 money he wouldn't have let him borrow some.

7 And Akim -- there was no reason but the State
8 focused on this lick language that Jalann said he wanted
9 to turn a lick. And as Mitchell said all he wanted to do
10 was get some money. Now the State has ignored the fact
11 that Mitchell had the money and Jalann didn't get any
12 money from him. And Jalann said look, I thought I was
13 going to get a little bit of drugs and I was going to get
14 my money back that week. And that's why he let him
15 borrow the money.

16 Mitchell was smart enough though to know when he was
17 being threatened. And I can tell you I've never seen a
18 government employee intimidate a witness on recross like
19 the State did here. When he said you better think long
20 and hard about your answer, i.e. I've got a murder charge
21 and if you don't say exactly what I want you to say there
22 is going to be trouble.

23 And folks what you saw with Mr. Mitchell on recross
24 is just a small glimmer of what the government did when
25 they were handling Ms. Hamlin, Ms. Thrower, and Mr.

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1 Williams during this investigation. And if they are
2 going to act like that in front of you imagine what they
3 do behind closed doors when there is no camera rolling
4 and no one can see.

5 Now, the last witness we have is Ms. Kubicsko which
6 was the crime scene lady and she gave just as flimsy of
7 evidence. Her testimony about the trajectory about this
8 trajectory of the bullet that it somehow came through the
9 seat in a downward, and I guess the inference is that in
10 the backseat Jalann held a gun and fired it and it went
11 through the chair into the victim's left chest here
12 [indicates].

13 The problem with that is that doesn't make sense
14 because if -- we know that the bullet went through the
15 left chest and if there was a bullet hole which Ms.
16 Kubicsko said it looks like one. They didn't do any
17 tests. They didn't see if there was any gun powder
18 residue on it, if it was fresh or associated with this.

19 And the reason they didn't do anything is because
20 they knew the answer okay. It probably was a bullet hole
21 but it had nothing to do with this crime because if it
22 did there are two things that would happen; either Akim
23 was sitting here pressed against this [indicates] and the
24 bullet went right through into his chest or he was back
25 down like this [indicates] in the seat and the bullet

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1 went into his left ventricle there. And there is no
2 testimony to support either of those factual findings.
3 But you don't have to take the testimony for it. You can
4 just look at that picture. If there was any shot -- if
5 Akim was behind this seat you would have blood splatter,
6 some blood there; it's not there and that is just common
7 sense. You don't need CSI to come in and say that he was
8 shot, that the bullet went through there when there is no
9 blood. But the State wants you to ignore that fact and
10 I'm interested to see when they get up here how they
11 explain that away.

12 Now we're looking at a murder charge here and we've
13 made it easier for you. You're only going to be
14 concerned with the charge of murder, armed robbery and
15 murder; that's it. And what you need to do is focus
16 solely on the elements of murder when deciding whether or
17 not Jalann is innocent.

18 And you have to look at his state of mind. And the
19 Judge is going to tell you that you have to find in order
20 to find him guilty that Jalann had hatred, an ill will,
21 hostility that there is a combination of an evil intent
22 in the act of pulling that trigger. And he's going to
23 say that in order to convict him you've got to find that
24 there was that criminal intent, that malice aforethought.
25 And folks that's not here. There was a fight, okay. He

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1 was scared. He tried to kick him off. He fired one shot
2 and it made Akim madder. He fired a second shot. He
3 wasn't trying to hit him -- just hit him in the back of
4 the leg or the buttock area in the back. He was not
5 trying to kill him. There is no ill will or hatred.

6 Malice in this case just doesn't exist. Now to
7 support this murder charge the State has offered
8 witnesses again. And we've already talked about Ms.
9 Hamlin. She says there was a fight and she changed her
10 story as to who was cross-examining whether the gun was
11 pulled out first or the fight was first. When the State
12 asked her it was the gun pulled out first. When I asked
13 her she said it was the fight first.

14 We know that according to Mitchell that Akim jumped
15 Jalann first and then the gun was pulled out. We know
16 that Akim says or Mitchell says Akim was getting the
17 better of him. He's bigger, he's heavier; he's 220 to
18 145. He's stronger than Jalann.

19 Those facts are uncontroverted. Jalann told you
20 what happened. And what Jalann explained is that he
21 turned around and grabbed him and his feet would have
22 been in this area [indicates] and his body over here
23 [indicates] fighting. And the testimony is a little bit
24 skewed as to what exactly happened but you can look at
25 the picture here.

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1 [Whereupon, photo is shown]

2 THE COURT: Mr. Bailiff, don't let anybody come in
3 and out of the courtroom during the closing arguments
4 please, sir. No more people leave the courtroom or come
5 in the courtroom. Thank you.

6 MR. MURPHY: You can see the rear seat. You see
7 the blood there. That supports it. This is the rear
8 seat and his chest was over here [indicates]. He got
9 shot in the chest and it bled right down onto that seat.
10 Akim was all the way back there fighting with Jalann when
11 he got shot. That supports Mitchell's testimony and it
12 corroborates Jalann's testimony.

13 Now Jalann told you why he had a gun. Mitchell
14 supported that. Mitchell said yeah, I got in a fight
15 with Snoopy and Trouble and Mitchell got up and said I
16 declared war on them. And up in North Charleston that's
17 serious stuff; you better take that seriously. That's
18 why Jalann was mad. Why did you bring those guys to my
19 house? Did they see where you came? Why did you do
20 that? And he went and got a gun.

21 It wasn't anything to do with this drug deal. He
22 was concerned about Trouble and Snoopy coming there
23 because they knew that they were dangerous and they could
24 come there with guns. Now Jalann with the start of the
25 fight he's the only one that gave any detail about what

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1 was said in the car, what led up to the fight, what
2 happened during the fight, and he gave the exact words of
3 what people were saying. And it makes sense to me is
4 that Mitchell dealt with Akim a number of times
5 beforehand.

6 And Akim ripped Mitchell off a few times beforehand
7 and he was going to do so again. And he was giving him
8 some cheap drugs and going to be taking advantage of him.
9 And Jalann was messing up that deal. Akim was getting
10 some quick money; Jalann messed it up and Akim got mad at
11 him and grabbed him. Now I don't think Akim thought he
12 was going to get shot but he thought he was going to
13 rough that guy up; rough up Jalann.

14 That's when the fight broke out and that's when we
15 have Mr. Ladson jumping across that seat. And that also
16 makes sense if Mr. Ladson is in this horizontal position
17 if he got shot just like the pathologist said the bullet
18 would have gone in and ended up exactly where it ended;
19 in his belly.

20 Folks, I told you at the beginning it's all intent.
21 That hasn't changed. If you find that he had evil -- if
22 Mr. Williams had evil intent, malice aforethought,
23 hostility, ill will then he's guilty of murder. If you
24 find that he didn't have that and he was just trying to
25 get him off and stop this fight he's not guilty of murder

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1 folks. Now the rest of the evidence in this case is all
2 red herrings. The fingerprints, we got the SLED folks up
3 with the fingerprints on the Expedition there. It's a
4 red herring. We admit being there. Why does the State
5 want to prove something we admitted? I don't know.

6 The ballistics test being fired from the gun? We
7 admitted we fired the gun. They didn't find any
8 fingerprints when they processed it for fingerprints but
9 we said yeah that's our gun; we shot it. We told them
10 that was the case. Why they wanted to prove that when it
11 something we said? I don't know.

12 The drugs at the Relax Inn; another red herring. It
13 was just intent by the State to make Jalann look bad.
14 They had nothing to do with the drugs at the crime scene
15 in this instance. They were completely different and we
16 said that; we had drugs. We admitted that he smoked
17 marijuana; he sold marijuana once in a while. We're not
18 hiding anything folks.

19 And that pathologist coming up here stating cause of
20 death is just another red herring because he admitted he
21 died from a gunshot wound. He didn't have to bring us an
22 expert in here to say that. The trajectory of the
23 bullet. Again, that's that final red herring and that's
24 their strongest piece that this was a murder. I think it
25 also shows that it wasn't. It's our strongest piece when

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1 you look at the exhibits and the lack of blood on the
2 seat that this wasn't a murder. Now this whole thing
3 happened in about ten seconds. And Jalann didn't think,
4 he reacted. And I think most of us would react. We're
5 not thinking when someone grabs us. And reacting doesn't
6 make Jalann a murderer in this case. I said at the
7 beginning he's a small time guy. He spent 23 months in
8 jail waiting for this day in court. And we're going to
9 ask you to do the right thing and find him not guilty of
10 the murder and not guilty of the armed robbery. Thank
11 you.

12 THE COURT: Mr. Voigt?

13 MR. VOIGT: Thank you, Your Honor.
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CLOSING ARGUMENT

BY MR. VOIGT:

Ladies and gentlemen, thank you. I thank you for your service, for your duty. We call it duty, we call it service; jury duty, jury service. In a country where four co-workers can get into a car and not agree where to eat lunch we're going to ask twelve of you from different backgrounds and professions to agree on the facts that occurred in an automobile almost two years ago because you have to be unanimous. That's a leap of faith but one that we take regularly down here because we trust you.

I have just listened to Mr. Murphy. I appreciate Mr. Murphy what he does. I appreciate him; I like him. I've worked with him for years. You have notes and you have memories and you have opinions about what you've seen and what you've heard from us. I hope that I don't seem that intimidating to you because apparently I must to others.

But I almost can smell the seed from where Mr. Murphy gave his closing statement for all the herring that apparently I have purported into this courtroom. A red herring, the phrase red herring goes back about a hundred years. It's something most common in mysteries. Again, this is not a mystery. Akim Ladson's life is a little bit more or the ending of it is a little bit more

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1 profound than something that Agatha Christie would have
2 written about. But a red herring is typically a clue
3 given early in a mystery novel that is meant to throw you
4 off. And they're actually unclear as to why -- a herring
5 by the way is not red; it's a different colored fish, a
6 silver fish, and why that came to mean a clue to throw
7 you off I don't know exactly.

8 But we didn't introduce our evidence to throw you
9 off. That's not the purpose of any of this. What if we
10 don't have a fingerprint? What if Al Hallman who when
11 North Charleston lost Al Hallman after 26 years they lost
12 the best fingerprint analyst they had ever had. What if
13 Al Hallman doesn't almost immediately within hours after
14 Akim Ladson is brutally murdered what if he doesn't find
15 a fingerprint. Would we know who killed Mr. Ladson? We
16 don't know.

17 But Al Hallman is very good at what he does. And
18 Lisa Kubicsko with less experience but with a college
19 degree has trained her whole career to do crime scene
20 forensic analysis and collection. She collects -- she
21 walks around that car and dusts it so that the whole side
22 of the car looks black and she finds two fingerprints
23 that Al immediately identifies them and they know Jalann
24 immediately so that the person who without thought,
25 without reason ended the life of another human being is

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1 almost immediately caught. These are not red herrings.
2 When Jalann Williams and this is -- did you hear -- you
3 got to watch a video of Jalann his first story and not a
4 single mention of it here. That was evidence that was
5 shown to you for a reason.

6 Jalann Williams was in that interview room for a
7 reason. His fingerprint had been found. Ms. Hamlin had
8 looked at pictures of him and was fairly clear that he
9 was involved. Lauren Thrower had been talked to and she
10 said he was involved. It wasn't tunnel vision. It
11 wasn't a rush to judgment. It was following the evidence
12 wherever the evidence takes you.

13 And Mr. Williams said many things in that interview.
14 Difficult to understand you know. He changes his hair
15 cut to come here. He's had a long time to think about
16 his story and he now has a different story for you;
17 slightly different but he can't change certain facts
18 those are inconvenient facts but they are facts
19 nevertheless and they come out of his own mouth. And we
20 didn't hear anything about that.

21 If I had wanted to kill I would have used all six
22 rounds. That I think from his very first statement tells
23 you just about everything you need to know about deeply
24 Jalann Williams thought about the life of Akim Ladson and
25 how the lack of understanding he has for what he's done

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1 and why he's here and why I am bringing you this evidence
2 against him because he tells all of us in that first
3 interview that his first shot, the one to get him off,
4 the one that just made him angry was in his chest. And
5 he starts actually on the right side where it actually
6 was and then kind of moves around right there on the
7 video.

8 Was Akim Ladson fighting him to fight him? No.
9 Akim Ladson was struggling for his life. The person who
10 he doesn't know or barely knows or maybe he has seen once
11 or twice in his life is in his car with a gun inches,
12 feet from his head in a situation which he didn't expect
13 because Mitchell is somebody he's done deals with a
14 number of times.

15 That's evidence. You've heard that. You heard
16 that, that came from the witness stand that Akim Ladson
17 had ripped off Robert Mitchell was something that Mr.
18 Murphy said. That's not evidence because you didn't hear
19 it from the witness stand. That would be a red herring;
20 that's meant to throw you off.

21 But the evidence that you heard was that the very
22 first shot was in the chest area. Mr. Murphy brought out
23 the simple -- props a chair to show you how this must
24 have happened; how he must have turned in his seat. Now
25 think for yourself at 5-3 or 5-6 however tall Akim Ladson

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1 was how much leverage could you have against somebody
2 turned around with his butt in the seat turned around
3 over the center console. At that height would his feet
4 have even hit the floor? He's struggling for his life.
5 He's basically laying on a car seat and the second shot
6 the red herring nobody ever said that the trajectory
7 through the seat was the shot that killed Mr. Ladson. No
8 witness said that; no witness. We only go as far as the
9 evidence will take us.

10 All we know is there is a bullet hole through the
11 top of the car seat. It doesn't mean that it continued
12 on and hit anybody although there was no loose bullet in
13 the passenger compartment of the car so that bullet must
14 have gone somewhere. And there were two bullets; one
15 taken from around Mr. Ladson's belly that was the one
16 that killed him. That was the first shot that Mr.
17 Williams told you about.

18 And then he told you he did something else. He held
19 the gun out probably because the man who was fighting for
20 his life is trying to get it so he wouldn't be shot again
21 and he reached out, way out, and shot and he thought he
22 shot into his butt but he didn't. That makes sense.
23 That could have been the trajectory but I don't even
24 know. That's not meant to get you to the truth. There
25 were two shots fired in that car and one killed him. One

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1 barely grazed him. Would it only have been one shot that
2 barely grazed him we would all be happy. That was how it
3 started. This is what murder is okay, we talked about
4 that. You're going to hear the law on that, what malice
5 aforethought is either express or implied, what armed
6 robbery is. You can steal drugs.

7 You heard from Robert Mitchell ultimately. Let me
8 back up a little bit about Robert Mitchell. To call him
9 my star witness is really denigrates all star witnesses
10 everywhere. Robert Mitchell is a piece of work all
11 right.

12 And when it comes to witnesses you're going to hear
13 the law that you can if you disbelieve them in some way.
14 You can believe all of what they say, some of what they
15 say or none of what they say. And I'll put to you that
16 that the star witness of mine I can convict or we can
17 convict or you can convict Jalann Williams without using
18 Robert Mitchell's testimony whatsoever.

19 Robert Mitchell was inconsistent. He told me
20 something and then he told Mr. Murphy something and then
21 he told me something again. And that's kind of
22 consistent with what Mr. Mitchell does. I think
23 unassumingly he was called not smart enough to lie. All
24 right, look people like Robert Mitchell lie whether
25 they're smart or they're not smart. Robert Mitchell does

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1 -- again this is evidence because you saw and you heard
2 from Detective Hughes what's one of the things that
3 people who get caught up in this sort of situation is one
4 of the lies they tell is they minimize their involvement.
5 And what did we see Robert Mitchell consistently do?
6 Minimize his involvement. He's charged with murder.
7 There are some areas of the law -- and we know he didn't
8 shoot anybody but the law will enable us to possibly
9 convict somebody of murder even if they don't fire the
10 shot. The law allows that and he knows that.

11 But he wants to minimize at all points what it is he
12 did. And you saw that from Jalann Williams when he first
13 talked to the detectives; he wants to minimize everything
14 he did. Every decision he made is almost as though he
15 wants it to be some unavoidable choice, some circumstance
16 that comes.

17 And Robert Mitchell is perfectly capable of lying.
18 And if you believe he lied to me or to Mr. Murphy or to
19 you, you may discount everything he said. You may
20 believe parts that you think are supported by the
21 evidence. He's not my star witness; he's just another
22 guy in the car who can give you some insight as to the
23 last 15 seconds of Akim Ladson's life and why this armed
24 robbery makes sense. It doesn't have to be an either or.
25 You can go to a drug deal to purchase marijuana and if

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1 the opportunity presents itself leave with both your
2 money and your marijuana when, when that's the plan. If
3 the opportunity doesn't present itself then at least get
4 the marijuana and we can sell this marijuana and make
5 some money because we've sold marijuana before.

6 I'm curious when the carefully crafted story that
7 Mr. Williams had been practicing probably looking in a
8 mirror and practicing this story that he told you here
9 for all the drug dealing he had done before and for all
10 the drug dealing he had done with Robert Mitchell this
11 was Robert Mitchell's drug deal.

12 Again, let me if I lied to you minimize what it is
13 I've done. I'll bring a scale to the drug deal; sure.
14 I'll bring a gun to a drug deal; sure. I'll bring the
15 money; it's my money right. Minimize. There is
16 perfectly good evidence for the armed robbery.

17 Lauren Thrower was mentioned by Mr. Murphy. What
18 didn't you hear from Mr. Murphy that Lauren Thrower told
19 you? They were going to jack him. And then later they
20 busted the jack. Lauren, who I apparently intimidate,
21 that story doesn't help her. That doesn't make her life
22 easier. She knew that the robbery may have occurred
23 before it happened and low and behold it happened and low
24 and behold somebody died. That memory of that
25 conversation between Robert Mitchell and Jalann Williams

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1 doesn't serve her -- doesn't benefit her at all. But
2 it's what she remembered. Robert Mitchell knew there was
3 going to be a robbery potentially. He didn't care one
4 way or the other if it happened. He doesn't care that
5 much about Akim. He didn't want it to go down that way;
6 that wasn't the plan. But there was an armed robbery.
7 Alayah Hamlin told you there was an armed robbery. No.
8 Maybe the last words that Akim Ladson every said was no.

9 And then what does Jalann, what does the kid with
10 dreads, the kid with dreads for some reason decided to
11 change his haircut for you, the kid with dreads in the
12 backseat says give it up. What does that mean? With a
13 gun; when you point a gun at somebody and say give it up
14 what does that mean? What are we supposed to interpret
15 that to be? It's an armed robbery.

16 Back to malice aforethought; give it up. Oh no, you
17 want to fight me for this? Bam. Straight in the chest
18 the first shot. What's your intent there? Well, one of
19 the first two boxes works for that; intent to kill or
20 intent to -- if you shoot somebody in the chest guess
21 what? You meant it. Or we can go all the way down the
22 list. You don't care. Only one person in that car cared
23 about Akim Ladson at all. And she sat here and cried.
24 She didn't want to cry. She fought it. You heard her
25 own voice, the panic, it came back to her. Did I coach

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1 her? Oh, I wish I had the power to make people cry just
2 like that. I wish I had that power so I could be the
3 kind of person who is intimidating and can make a woman
4 cry with just a word or a glance.

5 Intent to commit a felony; a drug deal. My goodness
6 I was going to say he hit the track back but I don't even
7 know what the four is. He got all four of them. Malice
8 aforethought; I don't always have four different ways of
9 getting to it. Four different ways of my evidence
10 proving that this is a murder.

11 You don't just get to come in here and say I didn't
12 mean to kill him and that's okay. And you're supposed to
13 say oh never mind why are you even trying this case if he
14 didn't mean to kill him. It's not that easy. It's not a
15 drug gone bad. Maybe it's an armed robbery gone bad.
16 It's a jack. It's a lick; all gone bad.

17 Again Jalann wants to minimize his role in the drug
18 deal. Who brings the gun to the drug deal? Jalann. Who
19 brings the scale according to Jalann and not according to
20 anybody else? Just Jalann. He probably didn't think
21 that one through. Who controlled -- who was dictating --
22 who was getting upset about the packaging? Now I get to
23 ask a lot of questions of witnesses when they're up here.
24 I probably ask too many. I know that y'all sent out a
25 note earlier can we ask questions. And the system kind

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1 of hopes that between the two of us we ask everything but
2 we know we don't. I've talked to enough juries
3 afterwards to know that I don't ask enough questions or
4 sometimes I don't concentrate on what you want or
5 sometimes I spend way too much time on things you don't
6 care about. I try to do it better but it doesn't always
7 work out. But that whole conversation about the
8 packaging, about the weight, about the smell, about --
9 he's an experienced drug dealer, the 21 year old
10 experienced drug dealer over here who knows the business.

11 All those questions could have been asked of the
12 other experienced 35 year old experienced drug dealer but
13 they weren't. Why weren't they asked? Because maybe you
14 don't want to hear the answers because that conversation
15 about the packaging never happened. That conversation
16 about being shorted or the weight it never happened. Two
17 scales never happened. So you don't ask Robert Mitchell
18 those questions because you don't want the answers
19 because the answers -- because you know what this story
20 is going to be.

21 It takes a while to cook up a story like that. It
22 takes a lot of ingredients. It needs time to simmer.
23 You don't ask Robert Mitchell those questions because you
24 don't know the answer. You don't know what he's going to
25 say if you don't think it's going to come out the way you

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1 thought it would. I beat this to death; I'm sorry.
2 Malignant and depraved heart. Next to Akim Ladson's
3 heart in the cavity of his chest was two liters of blood.
4 Most of the blood that his body had produced was in his
5 chest cavity. The doctor told you it could be contained
6 in a two liter bottle or thereabouts. That was what was
7 next to his heart. Malignant and depraved heart again
8 getting back to malice, and I'm sorry like I said if I
9 took too long in this trial but I think it gives you a
10 glimpse into the heart and the character of Mr. Williams.

11 How much he cared for his fellow human beings and
12 how much he cared for Akim Ladson who was really pretty
13 much in the same line of work as he was; somebody who
14 worked sporadically but really supplemented his income by
15 selling a little bit of weed to other people who wanted
16 to buy weed. And so similar in that respect, so young;
17 they're both so young, their lives just beginning.

18 Rather than spend all day with his kids, which is
19 what he told you he was going to do, he told you that
20 because some of you have kids and you have families.
21 That makes him seem like you. Look at me. I'm just this
22 young man trying to do the right thing, trying to make my
23 way in the world and all these unforeseen circumstances
24 happened. Then when you look behind -- sometimes it's
25 not just what people say it's what they do that really

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1 matters. His kids never went to the park that day. You
2 never heard testimony so there is no evidence their kids
3 ever played with that dad that day that he ever did
4 anything meaningful with them. No tricycle in the front
5 yard and no Frisbee. No going down to the pond and
6 feeding the turtles and ducks; none of that. No, his
7 drug deal with a friend and ne'er-do-well girlfriend show
8 up and they smoke some weed and then they go smoke some
9 more weed and they wait around for this other drug dealer
10 to come around.

11 And meanwhile he's got to put his piece in his
12 pocket because there might be some trouble with some bad
13 guys. Not so much trouble that you would go anywhere and
14 hide or do anything and not that they have any beef with
15 him, because they don't. It's not like he sends Mitchell
16 away, because he doesn't, because this drug deal is more
17 important than any of that. Oh no, my family, the safety
18 of my family was in danger. I needed to arm myself and
19 then go down to the picnic table so they wouldn't know
20 where I was.

21 Why don't you just send Robert Mitchell away? Just
22 send him on his -- just send him away. He can go. He
23 came there; he can go. No, this drug deal was more
24 important than that. The drug deal that he had nothing
25 to do with; that he wasn't involved in. But you know he

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1 was because that's a lie. Well on this day the only time
2 those kids got to really see their parents that we have
3 evidence of, evidence, testimony is when they drive dad
4 away when he murdered somebody. When he puts them in the
5 car seat and has Taylor McLean drive him and get him out
6 of there and she starts to freak out because she knows
7 something has gone wrong and she hears the sirens.

8 And Solo appears a little bit more quiet than his
9 normal Solo style. And he's so concerned that he goes to
10 the mall. And he's so concerned that he goes to a movie.
11 And he's so concerned that he gets a room. And he's so
12 concerned because he smokes more weed because that's
13 apparently what they did. That's his concern for his
14 fellow man. That's a look inside his heart. I think
15 Matt Hughes was talking to him. I everything Matt Hughes
16 that said anything seemed to have come true.

17 We want to know you're not a cold blooded killer.
18 We want to know the reasons for what you did. They
19 aren't good reasons -- and the actions and the behaviors
20 leading up to and then after Akim Ladson's murder they
21 really showed what he was and what he is because it
22 hasn't changed. There has been no insight into what
23 happened at all. He lacks it because maybe right now at
24 21 he does not understand what he did. He does not
25 understand how it has affected these people. I know Mr.

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1 Murphy pointed out his client's family. I want to make
2 sure you know Akim Ladson is someone who was loved. Not
3 a perfect human being but someone who was loved. Alayah
4 Hamlin loved him. But she didn't lie about his past.
5 She didn't lie about what he did, didn't lie about the
6 fact that she didn't approve of that; that wasn't who she
7 was. She's on a trajectory of becoming a professional.
8 She wanted him to come along on that life journey with
9 her.

10 Mr. Williams' trajectory was not quite so clean.
11 He's never going to be there. There are no red herrings
12 in this case. There is evidence. You have a fingerprint
13 so we have a person. It's funny the story tends to
14 change the more evidence we have. Of course I shot him.
15 Of course I shot him. Well, because we had evidence that
16 he did. He knew when he was in that interview room that
17 they had already talked to Mitchell and Thrower. He knew
18 they were going to talk to Taylor and knew how he was
19 concerned about Taylor. And you heard from him how he
20 only gave that statement because they threatened her.

21 You heard -- and I don't like the way North
22 Charleston has the mic up there in the room and metal
23 chairs and everything else and you can't hear anything
24 very well but you heard Lieutenant Terry's voice, the one
25 on the left, and you heard Detective Hughes voice on

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1 there. Tell me you'll let her go. We can't tell you
2 that. Tell me you won't charge her. We can't tell you
3 that because if they had evidence that she knew that she
4 was taking a man who had shot somebody from the crime
5 scene and then hid him somewhere she would have been
6 guilty of something and she would have been charged.

7 And they weren't going to make that promise. They
8 weren't threatening her. As a matter of fact that's
9 exactly the opposite of what they were doing. They were
10 saying look, tell us what she knew. Tell us, help us
11 because if we have evidence that she knew then we're
12 going to have to charge her.

13 But they ultimately never did charge her. They
14 believed her when she said what she said up here. She
15 knew something was wrong but didn't know what. He never
16 told her. He never said he did but that's not enough to
17 support a charge and the police knew that and acted
18 appropriately but they didn't threaten her.

19 That's not why he gave that statement. He gave that
20 statement for whatever reason but he gave it. And he
21 deeply regrets it which is why he comes back in here and
22 tries to change it. You don't get to panic. The whole
23 thing about hiding the gun I don't understand. Lauren
24 said -- Lauren told you exactly where he put it. Where
25 he put it, not somebody else, where he put it. Lauren

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1 told you that. Lauren told the police that. They found
2 the gun where Lauren said it was going to be. Where she
3 said Jalann put it and there it is. Panicking doesn't
4 relieve you of -- I tried to get into that what panic
5 meant and what accident meant because again when people
6 are lying to you they're trying to minimize their role.
7 Things are happening to them. They have an external
8 locus of control is what psychologists call it, and
9 things just happen to them and they get swept along with
10 the breeze. Not true.

11 Everything in this case, everything, indicates that
12 Jalann Williams knew what he was doing and he planned and
13 he acted in accordance with those plans. And as a
14 consequence of his actions, which are clearly
15 foreseeable, they are the kind of thing that -- I'm
16 sorry, bringing a gun to a drug deal is the kind of thing
17 that leads to somebody getting shot. Somebody getting
18 shot clearly leads to somebody dying. It's the whole
19 purpose of a handgun.

20 Now this little gun over here [indicates] has one
21 purpose okay. It's not a multi tool. It doesn't do 15
22 different things. It's not a Swiss Army watch or Swiss
23 Army knife. It's none of those things. This firearm,
24 this small -- I mean if it had an orange tip on it you
25 might almost think it was a cap gun of some sort. It has

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1 one purpose and that is to kill another human being.
2 That's its only purpose. That's why they made it. Yes,
3 they are for self protection but implicit in that is that
4 you will stop somebody or something coming at you. It's
5 not a hunting rifle. It's meant to kill at close range
6 another human being. And a .22 especially one of this
7 quality, you kind of have to be close like in a car.

8 There really is only one verdict. This isn't easy.
9 But what I expect you to do is I expect you to thoroughly
10 discuss this, deliberate this, consider the evidence that
11 I've proven. It's my burden. I have to -- and this is
12 the evidence I had to prove. This is it. Look at some
13 of these pictures; of the 362 pictures -- it's difficult.
14 I know what you have to do is difficult. You have lives
15 weighing in the balance of two young men and the
16 trajectory of their lives.

17 Like I say you hold it in your hands -- but it
18 really was determined well before we got here. It was
19 determined in that car. And the person who determined it
20 is sitting right behind me. It's Jalann Williams. He
21 has set in motion consciously with thought, malice. He
22 has set all of this in motion.

23 Your job is to weigh it, critique me and my job and
24 my evidence and the things I've done presenting it to
25 you, the witnesses I've presented to you, the things that

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1 they've said and the things that they've shown you.
2 There is only one verdict. And that verdict was decided
3 January 30th in a car in a trailer park in North
4 Charleston when Jalann Williams murdered Akim Ladson. He
5 murdered him. He ripped him off and he stole from him.
6 And he possessed a weapon -- he's guilty of everything.
7 Thank you.

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JURY CHARGE

THE COURT: Madame Forelady, you've heard the closing arguments from the attorneys. It's now time for me to charge you on the law. I anticipate that my charge will be around 25 to 30 minutes. Would you pole your jury to see if they would like to take a break before I charge you or would you like to proceed?

[Whereupon, the Forelady confers with the jury]

MADAME FORELADY: Proceed.

THE COURT: Good hard working Charleston County jury, okay. Let me tell you in advance that I am not as eloquent as these fine attorneys are and some of this will be read to you because the points are very important and I don't trust myself not to skip over some of these important points so I apologize to you in advance to the extent that I have to read some of this to you.

But as I told you at the beginning of the case the law puts the burden on me, the trial Judge to instruct you on the law and my instructions are going to be in three parts. The first aspect of this charge will be the general rules that define and control your duties as jurors. The second aspect will be the substantive law of the three charges that you must decide. Those charges will be murder, armed robbery, and possession of a weapon during the commission of a violent crime. I'll tell you

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1 about each one of those charges. Third, I will give you
2 some points and considerations for your deliberations. I
3 will then excuse you, I'll consult with these attorneys
4 to see if I neglected to tell you something I should have
5 or I said something I shouldn't have told you and then if
6 not then I'll bring our alternates out, we'll send the
7 exhibits back in to you with word to begin your
8 deliberations. By the way we've ordered lunch that
9 should be here shortly after 12:00.

10 With that being said ladies and gentlemen you are
11 the finders of the facts. I told you that when we began
12 this case. You are to find the facts from the evidence
13 that you heard here in this courtroom during this case
14 whether it be testimony you heard from the stand or
15 exhibits. And you must apply to those facts the law as I
16 give it to you now. You must and you shall follow the
17 law as I give it to you and you shall not be concerned
18 with what you would like it to be or what you think it
19 should be. You should only concern yourself with what
20 the law is.

21 Also you should not be influenced by any personal
22 likes or dislikes, opinions, prejudice, or undue sympathy
23 that you may have for one side of this case or the other.
24 In other words you have no friends to reward; you have no
25 enemies to punish in this matter. The facts are what

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1 they are and what you find them to be. And you will
2 decide this case according to those facts and according
3 to the law and if you remember at the beginning of this
4 case you took an oath saying that you would do just that.
5 You must follow these instructions; you must follow all
6 of my instructions. You may not single out certain
7 aspects that you like and follow those and ignore aspects
8 that you do not like; they are all equally important.

9 Also, if I have said or done anything throughout the
10 course of this trial that indicates to you how you are to
11 find facts; in other words what verdict you are to reach
12 I'm going to ask you but I'm also going to instruct you
13 to disregard that.

14 Our Constitution of South Carolina does not allow a
15 Judge to have an opinion on the facts nor to make any
16 comments or gesture to suggest what the comments or the
17 ideas and the facts are. That is for you and you alone
18 to decide and you are the sole judges of those facts.
19 And you will determine what those facts are by evaluating
20 and weighing the evidence and testimony that you heard on
21 this case.

22 Now there is no way for you to weigh the evidence in
23 the literal sense. I can't give you a set of scales to
24 carry back in the jury room to weigh it. This is
25 entirely a mental process that you as a collective group

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1 will go through and you will apply to the facts as you
2 find them to be your good common sense and your sound
3 judgment that you bring with you when you come to court
4 as jurors.

5 Now evidence that you are to consider as evidence in
6 this case is as follows: Number one is the sworn
7 testimony from the witnesses from the witness stand
8 whether it be on direct examination or cross-examination.
9 And it doesn't matter who called the witness. Also any
10 exhibits that have been received into evidence as
11 evidence.

12 By the way there was a DVD. I don't know what the
13 setup here is in Charleston but my practice is that if
14 you would like to view that DVD again I'll bring you here
15 in the courtroom and you can view it here as often and as
16 many times as you would like. Other than that that's the
17 only evidence that you may consider as evidence.

18 So that leads me to things that you may not consider
19 as evidence. Number one; the arguments and statements by
20 these lawyers is not evidence. That's not to minimize
21 their role. They are fine attorneys but what they said
22 in their opening statements and in their closing
23 statements or any other time during this trial is not
24 evidence. They have not been sworn. They have not taken
25 the witness stand; they've not been subject to the

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1 crucible or cross-examination. So while helpful it is
2 not evidence. Also any objections levied by the
3 attorneys during the course of this trial is simply that.
4 You may not consider an objection and to the extent I
5 allowed you to stay in the courtroom while I ruled on
6 that objection that is not fodder for your consideration
7 as jurors.

8 Madame Forelady, if a juror wants to bring up the
9 fact that there was an objection and my ruling on that it
10 is your job to see to it that that type of conversation
11 is not had. I'll tell you the ethical obligation of any
12 lawyer is that they are to object anytime that they
13 consider something that's going on that is improper in
14 the courtroom and that is merely part of any and all
15 trials that we have that come before us. Also ladies and
16 gentlemen anything that you might have heard when court
17 was not in session is not evidence.

18 So that leads me one step further as to evidence.
19 We have two types of evidence that we recognize in South
20 Carolina; that is direct evidence and circumstantial
21 evidence. Let me give you a definition of each. Direct
22 evidence directly proves the existence of a fact and does
23 not require deduction or is not by inference. For
24 example if the issue in a case was whether or not I ran a
25 red light and Judge Sprouse was the witness and he said

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1 Judge McIntosh ran the red light and he saw it. It
2 immediately establishes the fact in question. That's
3 direct evidence. We also recognize circumstantial
4 evidence and it's a little tricky but let me give you the
5 definition of circumstantial evidence. Circumstantial
6 evidence is proof of a chain of facts and circumstances
7 indicating the existence of a fact. In other words it's
8 by inference.

9 For example, if each of you were to go to bed at
10 night and you were to have a pure sheet of snow in your
11 front yard if you were to wake up in the morning and
12 there were tracks in that snow you may reasonably infer
13 that someone or something walked through your yard during
14 the night although you did not actually see that. That
15 is circumstantial evidence.

16 Now crimes in South Carolina may be proven by
17 circumstantial evidence. And the law makes no
18 distinction between the weight or value to be given
19 either direct evidence or circumstantial evidence.
20 However to the extent that the State of South Carolina
21 relies on circumstantial evidence, all of the
22 circumstances must be consistent with each other and when
23 taken together point conclusively to the guilt of the
24 accused beyond a reasonable doubt. If these
25 circumstances merely portray the defendant's behavior as

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1 suspicious then the proof has failed. The State has the
2 burden of proving the defendant guilty by proof beyond a
3 reasonable doubt and this burden rests with the State
4 regardless of whether the State relies on direct
5 evidence, circumstantial evidence, or a combination of
6 the two.

7 Now ladies and gentlemen in deciding what the facts
8 are a necessary element or process that you will have to
9 go through is to determine the creditability of the
10 witnesses. In doing this you must decide which
11 testimony that you wish to believe and which testimony
12 you wish not to believe.

13 You have a right to disbelieve all or part of any
14 witness's testimony. You may believe all of a witness's
15 testimony. In making this decision of the creditability
16 of the witnesses you may but you're not required to take
17 into account the following factors.

18 Number one, you may consider yourself -- you may ask
19 yourself was the witness able to hear or see or know
20 about the things that the witness testified about. How
21 well was the witness able to recall and describe those
22 things? What was the witness's manner while they were
23 testifying? In other words what was their demeanor while
24 they were sitting right there on that witness stand? Is
25 there some reason that a witness would want to give

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1 testimony that would help or hurt one side of the other.
2 Did the witness have an interest in the outcome of the
3 case or any bias or prejudice concerning any party or any
4 issue or matter involved in this case? You can ask
5 yourself how reasonable the witness's testimony was
6 considered in light of all the evidence and testimony in
7 this case and whether a witness's testimony was
8 contradicted by what that witness had said or done at
9 another time or by the testimony of other witnesses or by
10 other evidence in this case.

11 Now ladies and gentlemen those are some and
12 obviously not all of the factors you may consider in
13 deciding the creditability of the witnesses and the
14 testimony. And of course you as jurors you do not check
15 your common sense once you're sworn in as jurors. You
16 should use those things in your day to day lives that you
17 find indicative of truthfulness and also indicative of
18 lack of truthfulness when you go through this process of
19 determining the creditability of witnesses.

20 You may believe all or part or none of any witness's
21 testimony but most importantly what you do not do is add
22 up the number of witnesses who may have appeared for one
23 side or the other in determining this issue of
24 creditability because it doesn't matter to you what side
25 the truth comes from. But your sole objective is to try

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1 to find the truth from the evidence and testimony
2 presented in this case. Ladies and gentlemen you've also
3 heard testimony from person's who have been qualified and
4 described as experts. As I've told you earlier normally
5 witnesses are limited to what they saw, they heard, they
6 felt, and they smelled; basically your senses.

7 But if you are qualified because of your education
8 or experience you may give an opinion in the area of your
9 expertise. Expert testimony should be judged just like
10 all the rest of the testimony in this case. You may
11 accept it, you may reject it or give it as much weight as
12 you think it deserves considering that witness's
13 education, their experience, the reasons for the opinion
14 and all the evidence in this case.

15 Now ladies and gentlemen I remind you that the fact
16 that this defendant was arrested and charged and indicted
17 is not evidence of his guilt. It does not raise an
18 inference of his guilt nor a presumption of guilt. The
19 indictments in this case are merely the charging
20 mechanisms by which the State of South Carolina brings a
21 defendant such as Mr. Williams before a jury such as
22 yourselves for a trial and a determination of their guilt
23 or innocence. Also Madame Forelady each indictment is a
24 separate and distinct offense with the exception of the
25 last charge of possession of a weapon during the

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1 commission of a violent crime and I'll tell you more
2 about that in a minute. But you must decide each charge
3 independently and make that decision on the next charge
4 unaffected by your decision on the other charges with the
5 exception of the weapons charge and I'll tell you about
6 that because it's dependent.

7 Now in this case Mr. Williams has said I'm not
8 guilty and that therefore puts the burden on the State of
9 South Carolina to prove his guilt. And they have to do
10 so by proving each and every element of all charges
11 against him by proof beyond a reasonable doubt. I'll
12 charge you that a person who in South Carolina is charged
13 with committing a criminal offense or offenses is never
14 required to prove himself or herself innocent.

15 And I'll charge you that it is an important rule of
16 law that in a criminal trial no matter how serious the
17 charge may be the defendant will always be presumed
18 innocent of the crime or crimes for which the indictment
19 has been issued unless guilt has been proven by evidence
20 satisfying you of guilt beyond a reasonable doubt.

21 Now this presumption does not end when you begin
22 your deliberations but it accompanies this defendant
23 throughout the trial until you reach a verdict of guilt
24 based on evidence satisfying you of guilt beyond a
25 reasonable doubt. It has been said that the presumption

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1 of innocence is like a robe of righteousness ladies and
2 gentlemen that has been placed upon the shoulders of the
3 defendant where it remains until it has been stripped by
4 evidence satisfying you of his guilt beyond a reasonable
5 doubt. Now the presumption of innocence is not merely a
6 legal theory. It is not just a legal phrase. It is a
7 substantial right which every defendant is entitled
8 unless you, the jury, are satisfied from the evidence
9 that he is guilty beyond a reasonable doubt.

10 So that leads me to what is a reasonable doubt.
11 This is the definition. A reasonable doubt is the kind
12 of doubt that would cause a reasonable, sincere, honest
13 and conscientious person to hesitate to act in an
14 important matter in their own affairs. Proof beyond a
15 reasonable doubt is proof that leaves you firmly
16 convinced of the defendant's guilt.

17 Now ladies and gentlemen there are very few things
18 in this world that we know with absolute certainty. And
19 in criminal cases the law does not require proof that
20 overcomes every possible doubt. If based on your
21 consideration of the evidence you are firmly convinced
22 that the defendant is guilty of the crime or crimes for
23 which he has been charged you must find the defendant
24 guilty. On the other hand if you think there is a real
25 possibility that the defendant is not guilty you must

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1 give the defendant the benefit of the doubt and find him
2 not guilty. A reasonable doubt may arise from the
3 evidence or from the lack of the evidence. And I further
4 instruct you that a defendant is entitled to every
5 reasonable doubt that may arise in a case.

6 So what that simply means is this that if upon any
7 issue of fact essential to a conviction and a verdict of
8 guilt of the offense for which they have been charged if
9 you have any doubt as to how that issue should be
10 resolved it is your duty to resolve it in favor of the
11 defendant.

12 Now ladies and gentlemen in order to establish
13 criminal liability criminal intent is required. For
14 example the mental state required to be proven by the
15 State for a particular crime may be purpose, intent,
16 knowledge, recklessness, or criminal negligence.
17 Criminal intent must be proven by the State beyond a
18 reasonable doubt. Criminal intent is always a matter
19 that must be determined by you, the jury, from the
20 circumstances surrounding the situation.

21 Now there is no way to prove intent to a
22 mathematical certainty and there is no way that medical
23 science can dissect a person's brain to determine what
24 that person had in mind. So the law says that criminal
25 intent may be inferred from the circumstances shown to

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1 have existed. And this is how you make a determination
2 of whether or not the element required intent is present.
3 It is not necessary to establish intent by direct and
4 positive evidence but intent may be established by
5 inference in the same way as any other fact by taking
6 into consideration the acts of the parties and all the
7 facts and circumstances in the case.

8 Ladies and gentlemen criminal intent is a mental
9 state. It's a conscious wrongdoing. It is up to you to
10 determine what the defendant intended to do based on the
11 circumstances shown to have existed. Criminal intent may
12 arise from action or a failure to act. It may arise from
13 negligence, recklessness, or indifference to duty or to
14 the consequences that are considered by law to be the
15 equivalent of criminal intent.

16 Ladies and gentlemen those are the general rules
17 that define and control your duties as jurors. That
18 probably is the majority of my charge. Madame Forelady I
19 can see that your eyes are getting a little heavy and I
20 understand that. Would you like to take a quick break
21 before I go into the substantive law on this matter?

22 MADAME FORELADY: We'll take a quick break.

23 THE COURT: A quick break? Okay, let's take about
24 a ten minute break.

25 [Whereupon, the jury exits at 11:26 a.m.]

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1 THE COURT: All right. A ten minute recess guys.

2 [Whereupon, court is in recess from 11:27 a.m. until
3 11:38 a.m.]

4 THE COURT: Is the State ready?

5 MR. VOIGT: Yes, Your Honor.

6 THE COURT: The defense ready?

7 MR. MURPHY: Yes, Your Honor.

8 THE COURT: Would you bring the jury in please?

9 [Whereupon, the jury enters at 11:40 a.m.]

10 THE COURT: Madame Forelady and ladies and
11 gentlemen of the jury this will be the substantive law of
12 murder, armed robbery, and the possession of a weapon
13 during the commission of a violent crime. Each one will
14 be read to you separately. The first is murder.

15 The defendant is charged with Murder. The State
16 must prove beyond a reasonable doubt that the defendant
17 killed another person with malice aforethought. Malice
18 is hatred, ill will, or hostility towards another person.
19 It is the intentional doing of a wrongful act without
20 just cause or excuse and with the intention to inflict an
21 injury or under circumstances that the law will infer an
22 evil intent. Malice aforethought does not require that
23 malice exists for any particular time before the act is
24 committed. But malice must exist in the mind of the
25 defendant just before and at the time the act is

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1 committed. Therefore there must a combination of the
2 previous evil intent and the act. Malice aforethought
3 may be expressed or inferred. The terms expressed and
4 inferred do not mean different kinds of malice but merely
5 the manner in which malice may be shown to exist. That
6 is either by direct evidence or by inference from the
7 facts and circumstances which are proved.

8 Expressed malice is shown when a person speaks words
9 which express hatred or ill will for another or when a
10 person prepared beforehand to do the act which was later
11 accomplished. For example, laying in wait for a person
12 or any other acts of preparation going to show that the
13 deed was within the defendant's mind would be expressed
14 malice. Malice may be inferred also from conduct
15 showing a total disregard for human life. That is the
16 law of murder.

17 The next is the law of armed robbery. The defendant
18 is charged with armed robbery. In order to prove this
19 offense the State must first prove beyond a reasonable
20 doubt that the defendant took personal property from the
21 person or presence of another person. Property is in the
22 presence of a person if it is within the person's reach,
23 inspection, observation or control so that the person
24 could if not overcome with violence or prevented by fear
25 keep possession of the property. The State must also

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1 prove beyond a reasonable doubt that the defendant
2 carried the property away intending to permanently
3 deprive the owner of the property and to keep the
4 property for the defendant's own use. The slightest
5 removal of the property or the complete possession of the
6 property even for an instant by the defendant is
7 sufficient to show a taking and carrying away of
8 property.

9 The taking and carrying away of the property must
10 have been done with violence or by putting the owner of
11 the property in fear of violence. Finally the State must
12 prove beyond a reasonable doubt that the defendant was
13 armed with a deadly weapon during the robbery. A deadly
14 weapon is any article, instrument, or substance which is
15 likely to cause death or great bodily harm. Whether an
16 instrument has been used as a deadly weapon depends on
17 the facts and circumstances of each case.

18 The following are examples of instruments which may
19 be deadly weapons: a dagger, a knife, a dirk, a
20 slingshot, metal knuckles, a razor, gasoline, a firebomb,
21 Molotov cocktail, or lighter fluid. Ladies and gentlemen
22 those are just a few of the examples.

23 Finally I am going to charge you on the law of
24 possession of a weapon during the commission of violent
25 crime. Madame Forelady, you must find the defendant

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1 guilty of murder or armed robbery or both before you may
2 consider this. On the other hand if you find the
3 defendant not guilty of both murder and armed robbery you
4 may not and shall not consider this charge. And I'll
5 tell you that again.

6 The defendant is charged with possession of a weapon
7 during the commission of or attempt to commit a violent
8 crime. The State must prove beyond a reasonable doubt
9 that the defendant was in possession of a firearm or
10 visibly displayed what appeared to be a firearm during
11 the commission of a violent crime.

12 A firearm means any machine gun, automatic rifle,
13 revolver, pistol or any weapon which will if designed to
14 or may be readily converted to dispel a projectile. In
15 order to find the defendant guilty of possession of a
16 weapon during the commission of a violent crime you must
17 first find the defendant guilty of committing a violent
18 crime or attempting to commit a violent crime.

19 And I'll charge you ladies and gentlemen that both
20 murder and armed robbery are considered violent crimes
21 under our cases and our statutes. The State must prove
22 beyond a reasonable doubt that the weapon further
23 advanced or helped in the commission of a violent crime.
24 Now that is the substantive law Madame Forelady. So that
25 leads me finally to some considerations about your

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1 deliberations. First let me point out to you that you
2 don't serve as jurors because you are partisans or
3 advocates for one side or the other. You are actually
4 chosen by both sides because they believed you could be
5 fair and impartial and make your decision based on the
6 testimony and the evidence that you heard in this case
7 and according to the law as I give it to you and make
8 that determination without any bias or prejudice for or
9 against one side of the other.

10 That means during your deliberations you should go
11 back and discuss all the evidence and all the testimony,
12 use your experiences in life, use your good common sense
13 and your sense of logic and reason when you come up with
14 your verdict. Deliberation is defined like this or as
15 this: it is a careful consideration weighing up with a
16 view to a decision.

17 Now regardless of what you may think about our jury
18 system I would submit to you the genius of our system is
19 that it allows 12 men and women like you who come from 12
20 different walks of life who have come from different
21 perspectives and have different points of view and life
22 experiences to sit through and listen to the testimony,
23 to listen to the evidence, the arguments of the
24 attorneys, the law and to ultimately reach a verdict in
25 this matter. And we call them considerations for a

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1 reason. You should carefully and courteously consider
2 all the evidence and do so in a very deliberate, calm,
3 and courteous manner. Again, you are not partisans or
4 advocates for one side or the other but you are judges of
5 the facts in this matter and your sole interest is to find
6 the truth and the evidence that you heard here in the
7 courtroom.

8 I'm going to ask you and I'm also going to instruct
9 you that you are to listen to all the points and points
10 of view of your fellow jurors. Talk through and discuss
11 all the evidence and talk through and discuss everyone's
12 ideas and points of view. And if you're doing something
13 deliberately you should not be in a big hurry. And in
14 this case I'll tell you that it is important to the State
15 of South Carolina and it's important to this young man
16 right here. And this is their only day in court so do
17 not be in a hurry to reach a decision.

18 I'll tell you this in order for your verdict to
19 stand all 12 of you must agree as to what that verdict
20 will be. But with that being said each of you must
21 decide this case for yourself but you should do so only
22 after you have impartially considered all the evidence
23 and discussed it fully with your fellow jurors, you've
24 listened to their views and points of view and you've
25 walked through all the evidence. Do not be afraid to

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1 change your opinion about what the facts are or what the
2 verdict is if your discussion with your fellow jurors
3 convinces you that is the right thing to do. On the
4 other hand do not change a firmly held belief about what
5 the facts are in this case or about what your verdict
6 should be simply to appease your fellow jurors.

7 Now with that being said Madame Forelady if at any
8 time during your deliberations you need anything or you
9 have a question I'm going to ask that you do the same
10 procedure that you did at the beginning. Write down what
11 you need or what you're asking, sign your name, knock on
12 the door, let the bailiffs bring it in to me and we'll
13 respond to it here in open court.

14 Never let anyone know including me, the bailiffs or
15 anyone where the jury stands numerically. In other words
16 whether it's six and six or eight and four or twelve and
17 0 until you reach a unanimous verdict. Once you reach
18 your unanimous verdict you are to sign the verdict form,
19 knock on the door and we will receive it here in the
20 courtroom.

21 Now in just a minute after I have a brief meeting
22 with these attorneys we'll send back this verdict form
23 for you as well as all the exhibits and the bailiff will
24 tell you that you may begin your deliberations. When
25 they bring lunch to you during your deliberations stop

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1 while the people are in there, then once they leave you
2 may resume. You must have everyone present in the jury
3 room in order to deliberate. So if somebody takes a
4 cigarette break I normally allow them to however you must
5 stop your deliberations during that or if there is a
6 personal break. But the form is as follows and the order
7 that these choices come in is of no consequence. I have
8 to put them in some order but these are your choices.

9 Number one, as to the murder charge under indictment
10 2013-GS-10-2839 we, the jury, unanimously find the
11 defendant not guilty or as to the charge of murder under
12 indictment 2013-GS-10-2839 we, the jury, unanimously find
13 the defendant guilty. Whatever decision y'all reach
14 you'll simply check the appropriate line next to the
15 appropriate option.

16 The next would be armed robbery. It says as to the
17 charge of armed robbery we, the jury, unanimously find
18 the defendant not guilty or as to the charge of armed
19 robbery we, the jury, unanimously find the defendant
20 guilty. Again, you'll check the appropriate space and
21 then you will proceed.

22 Now if and only if you find the defendant guilty of
23 either the charge of murder or armed robbery or both then
24 you would go on to consider the charge of possession of a
25 weapon during the commission of a violent crime. If on

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1 the other hand if you find the defendant is not guilty of
2 both murder and armed robbery you will stop your
3 deliberations, sign the verdict form and we will receive
4 it here in the courtroom.

5 The options under possession of a weapon during the
6 commission of a violent crime is we, the jury,
7 unanimously find the defendant not guilty or we
8 unanimously find the defendant guilty. Again you will
9 check the appropriate section if that is a consideration.
10 You will then sign and fold your paper over with a
11 crease, give it to the bailiff, and we will receive your
12 verdict in the courtroom okay.

13 Now I'm going to send you back to your jury room now
14 to consult with these attorneys to see whether or not I
15 need to add or correct anything I've stated. In just a
16 minute we'll either bring you back or we'll send back the
17 verdict form and the exhibits with word to begin your
18 deliberations. Once we send the form back would the
19 alternates come back out so I can dismiss you?

20 [Whereupon, the jury exits at 11:52 p.m.]
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1 THE COURT: Any additions or exceptions from the
2 State?

3 MR. VOIGT: None from the State, Your Honor.

4 THE COURT: From the defense?

5 MR. MURPHY: None, Your Honor.

6 THE COURT: Let me thank the attorneys. Regardless
7 of if you win or lose in the trial you've been very
8 prepared, you've been very professional. It makes my job
9 so much easier if we have good fine attorneys who are
10 prepared. And you've done excellent jobs from your
11 respective positions.

12 Also, to the gallery whenever the verdict comes back
13 in I'm going to ask that you not have any outbursts
14 regardless of what the verdict will be. With that being
15 said if you're going to leave the courtroom stay close by
16 or give us your cell phones so we can get you back here.
17 Thank you, gentlemen.

18 MR. MURPHY: Thank you, Judge.

19 [Whereupon, the attorneys review the exhibits with
20 the court reporter]

21 MR. VOIGT: May we go on the record briefly, Your
22 Honor?

23 THE COURT: Yes, sir.

24 MR. VOIGT: As we were gathering up the exhibits
25 and talking with the court reporter it was brought to my

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1 attention that two of the picture exhibits she didn't
2 have any notation that we had entered into evidence. My
3 memory -- this is specifically as to State's 25 and 26; I
4 believe those are the two pictures.

5 My memory is that Mr. Osborne when discussing those
6 exhibits with a witness had four pictures in his hands
7 and moved all four of the pictures into evidence, one of
8 the pictures being the cut in the fence and the other one
9 being a long shot of the neighborhood. And these
10 [indicates] were two other pictures that accompanied
11 those. For purposes of clarity I would ask that those be
12 admitted so I think ---

13 THE COURT: --- do you disagree with that?

14 MR. MURPHY: I don't have any objection to them
15 coming in.

16 THE COURT: Very good. They will be considered
17 admitted without objection.

18 [Whereupon, State's exhibit numbers 25 and 26 are
19 entered into evidence by the court]

20 THE COURT: Guys, we'll be in recess.

21 [Whereupon, court is in recess]

22 THE COURT: Guys, we have a request from the jury.

23 [Whereupon, court's exhibit number 4 is marked by
24 the court reporter]

25 THE COURT: This is the request from the jury and

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1 quite frankly I'm not sure what they mean. The first one
2 says we request number one, written definition of the
3 laws. If they're asking me to give them my charge I
4 don't do that. I'll have them come back here and I'll
5 charge them all they want to. They usually once you tell
6 them that they don't want to hear a lot of it.

7 Number two, all witness transcripts. It would be my
8 feeling to say look, whatever evidence that is going to
9 be admitted has been admitted and if it is not in
10 evidence now it can't be. You have to make your decision
11 based on what you have.

12 MR. MURPHY: I've got no problem with either one of
13 those.

14 THE COURT: Okay. And Mr. Voigt you're shaking
15 your head, are you okay with that?

16 MR. VOIGT: Absolutely, Your Honor. I guess if
17 they want smaller portions of witness testimony I think
18 we can replay some of that. Everything sounds like
19 another two days of sitting here.

20 THE COURT: I'll get clarification. If they're
21 asking to replay some testimony we can certainly do that.
22 And the next one is they want to review the defendant's
23 initial interview or have a transcript of the video and
24 we can set that up. Can you go ahead and get that set
25 up?

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1 MR. MURPHY: The only problem with that, Your Honor
2 is it's in evidence and it's a long -- it's about four
3 hours?

4 MR. OSBORNE: It's about two and a half hours of
5 actual ---

6 THE COURT: --- well, I would think that they
7 probably -- did you mark where you played it to during
8 the trial of this case?

9 MR. OSBORNE: Yes, Your Honor, I have that.

10 THE COURT: Okay. Let me get clarification of
11 that as well because I can't imagine they want to see
12 something they haven't seen but. I don't have a problem
13 letting them take a computer back there. The problem
14 that I run into in other places is the computers have
15 other things on them and they get into things they don't
16 need to be seeing so unless we have a clean one.

17 CLERK OF COURT: There is a computer back there
18 Judge.

19 THE COURT: There is a computer back there and it's
20 clean?

21 CLERK OF COURT: Yes.

22 THE COURT: Okay. Do you want the...

23 MR. OSBORNE: It's a very proprietary program. I
24 very seriously doubt it's going to play on that computer.

25 THE COURT: Okay. Well you want to try it and

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1 see?

2 MR. OSBORNE: Yes, sir.

3 THE COURT: I'll tell you what. We'll bring the
4 jury in and I might let you step back there and see if
5 you can get it done and if not we'll figure -- is that
6 all right with you?

7 MR. OSBORNE: Absolutely.

8 THE COURT: Okay. Will you bring the jury in?

9 MR. OSBORNE: Your Honor, the actual C.D. itself I
10 guess is back there with them now.

11 THE COURT: Oh, it is? Okay.

12 [Whereupon, the jury enters at 1:08 p.m.]

13 THE COURT: Madame Forelady my understanding the
14 jury has the following request and I need some
15 clarification on some of the request if I may. The first
16 one says we request written definition of the laws. Are
17 you asking for a copy of my jury charge?

18 MADAME FORELADY: Yes, sir.

19 THE COURT: Let me tell you it's my practice not to
20 send it back. I had an old Judge who had even grayer
21 hair than mine that told me a long time ago if you do
22 that juries have a tendency to start debating what the
23 law is. I will go over the charge with you as often as
24 you like, okay. Now sometimes juries really just want me
25 to charge them on the substantive law, which is the

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1 charge of murder, armed robbery and possession of a
2 weapon but I'm glad to do the whole thing. Do you have
3 any idea -- is there any particular ---

4 MADAME FORELADY: --- just murder and armed robbery.

5 THE COURT: Okay. You want just the murder part
6 of it or you want all the substantive law?

7 MADAME FORELADY: All of it.

8 THE COURT: All of it okay. I'll be glad to do
9 that. Next, you want all witness transcripts. Now are
10 you wanting to rehear testimony or are you asking for
11 something that has not been submitted into evidence at
12 this point?

13 MADAME FORELADY: Just what we've already heard.

14 THE COURT: Ma'am?

15 MADAME FORELADY: Just what we've already heard.

16 THE COURT: Okay. Do you have any particular
17 witness that you would like to hear?

18 MADAME FORELADY: Not in particular.

19 THE COURT: Ma'am?

20 MADAME FORELADY: Just the witnesses --

21 THE COURT: I'm sorry; say it ---

22 MADAME FORELADY: --- I'm sorry. We wanted to see
23 Lauren's testimony again and Mitchell's.

24 THE COURT: Mitchell's, okay.

25 MADAME FORELADY: And Jalann's.

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1 THE COURT: Who?

2 MADAME FORELADY: Jalann's.

3 THE COURT: Okay. And then the last request is
4 you want to view the video, correct?

5 MADAME FORELADY: Correct.

6 THE COURT: Now one part of that is do you want --
7 I'm advised there is like a four hour video. You want
8 the part that was actually played in the courtroom for
9 you?

10 MADAME FORELADY: Yes.

11 THE COURT: Okay. What we're going to do there is
12 a computer back there. There is a doubt as to whether
13 his version is going to work on that computer. If not
14 what we'll do is queue it up out here for you to see,
15 okay.

16 MADAME FORELADY: Is there a transcript of that
17 video?

18 THE COURT: We don't have real time capabilities.
19 Very few folks do so no.

20 MADAME FORELADY: Okay. Excuse me?

21 THE COURT: Yes, ma'am?

22 MADAME FORELADY: Could we have Taylor's also?

23 THE COURT: Taylor's? Absolutely. Is there any
24 particular order you want these in? You want the charge
25 first do you know?

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1 MADAME FORELADY: There is no particular order, Your
2 Honor.

3 THE COURT: Okay. I'll tell you what I'll do then
4 while we're waiting. Mr. Voigt, does the State have an
5 objection to go ahead and go forward with the murder
6 charge?

7 MR. VOIGT: No, Your Honor.

8 MR. MURPHY: No, Your Honor.

9 THE COURT: Thank you, Mr. Murphy. Now it's just
10 the charge of murder -- oh, you said the whole thing
11 didn't you?

12 MADAME FORELADY: Yes.
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JURY RECHARGE

THE COURT: This will be the substantive law that you will have to apply. The first is the law of murder. The defendant is charged with Murder. The State must prove beyond a reasonable doubt that the defendant killed another person with malice aforethought. Malice is hatred, ill will, or hostility towards another person. It is the intentional doing of a wrongful act without just cause or excuse and with an intent to inflict an injury or under circumstances that the law will infer an evil intent.

Malice aforethought does not require that malice exist for any particular time before the act is committed. But malice must exist in the mind of the defendant just before, and at the time, the act is committed. Therefore there must a combination of the previous evil intent and the act. Malice aforethought may be expressed or inferred.

These terms expressed and inferred do not mean different kinds of malice but merely the manner in which malice may be shown to exist. That is either by direct evidence or by inference from the facts and circumstances which are proved. Express malice is shown when a person speaks words which express hatred or ill will for another or when the person prepared beforehand to do the act

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1 which was later accomplished. For example, laying in wait
2 for a person or any other acts of preparation going to
3 show that the deed was within the defendant's mind would
4 be expressed malice. Malice may be inferred from conduct
5 showing a total disregard for human life. That is the
6 law of murder. Did everybody get that sufficiently?

7 [Whereupon, the jury indicates affirmatively]

8 THE COURT: Again, if you need it more I'll be glad
9 to go over it as many times as you would like. This is
10 the law of armed robbery. The defendant is charged with
11 armed robbery. In order to prove this offense the State
12 must first prove beyond a reasonable doubt that the
13 defendant took personal property from the person or
14 presence of another person. Property is in the presence
15 of a person if it is within the person's reach,
16 inspection, observation or control so that the person
17 could if not overcome with violence or prevented by fear
18 keep possession of the property.

19 The State must also prove beyond a reasonable doubt
20 that the defendant carried the property away intending to
21 permanently deprive the owner of the property and to keep
22 the property for the defendant's own use. The slightest
23 removal of the property or the complete possession of the
24 property even for an instant by the defendant is
25 sufficient to show a taking and carrying away of the

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1 property. The taking and carrying away of the property
2 must have been done with violence or by putting the owner
3 of the property in fear of violence. Finally the State
4 must prove beyond a reasonable doubt that the defendant
5 was armed with a deadly weapon during a robbery. A
6 deadly weapon is any article, instrument, or substance
7 which is likely to cause death or great bodily harm.
8 Whether an instrument has been used as a deadly weapon
9 depends on the facts and circumstances of each case.

10 The following are examples of instruments which may
11 be deadly weapons: A dagger, a knife, a dirk, a
12 slingshot, metal knuckles, a razor, gasoline, a firebomb,
13 Molotov cocktail, or lighter fluid are just some examples
14 of what could be deadly weapons. Did y'all get that
15 sufficiently?

16 [Whereupon, the jury indicates affirmatively]

17 THE COURT: Finally is the law of possession of a
18 weapon during the commission of violent crime. The
19 defendant is charged with possession of a weapon during
20 the commission of or an attempt to commit a violent
21 crime.

22 The State must prove beyond a reasonable doubt that
23 the defendant was in possession of a firearm or visibly
24 displayed what appeared to be a firearm during the
25 commission of a violent crime. A firearm means any

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1 machine gun, automatic rifle, revolver, pistol or any
2 weapon which will if designed to or may be readily
3 converted to expel a projectile. In order to find the
4 defendant guilty of possession of a weapon during the
5 commission of a violent crime you must first find the
6 defendant guilty of either committing a violent crime or
7 attempting to commit a violent crime. I'll charge you
8 that murder and armed robbery are in fact violent crimes
9 under our classifications. The State must prove beyond a
10 reasonable doubt that the weapon furthered, advanced, or
11 helped in the commission of the crime.

12 And remember Madame Forelady that before you
13 consider the last you must find him guilty of murder or
14 armed robbery or both. If you find him not guilty you
15 can't consider the last one. Does that answer the jury's
16 question as to the substantive law?

17 [Whereupon, the jury indicates affirmatively]

18 THE COURT: Let's do this. I'm going to send you
19 back to your jury room. Let's get him back in here. I
20 think we'll just go ahead and get it back and play it out
21 here. If you would go back to your jury room right quick
22 and then we'll get you right back out here okay.

23 [Whereupon, the jury exits at 1:20 p.m.]

24 [Whereupon, court is in recess]

25

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1 THE COURT: Would you bring the jury back out
2 please?

3 [Whereupon, the jury enters at 1:45 p.m.]

4 THE COURT: Thank you for your patience. We are
5 rewinding the audio so you will be able to hear. We're
6 going to start with Lauren, go to Mitchell, go to Taylor
7 and then we will play the defendant okay.

8 While she's doing that if you hear sufficient amount
9 of any testimony if you'll just kind of wave at us. We
10 can play everything but if you've heard what you're
11 looking for let us know.

12 MADAME FORELADY: Okay.

13 THE BAILIFF: Your Honor, she would like to confer
14 with some of her jurors.

15 THE COURT: Please go right ahead. If you want to
16 go out in the hallway so you'll have a little more
17 privacy you're welcome to do that.

18 [Whereupon, the jury exits at 1:50 p.m.]

19 MR. OSBORNE: Your Honor, in reference to the video
20 it won't play on that computer. And I left the C.D. back
21 there with them.

22 THE COURT: You did?

23 MR. OSBORNE: I did. I didn't know if you wanted
24 me to bring it up, Your Honor.

25 THE COURT: Mr. Murphy, would you have an objection

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1 if my law clerk goes back there and brings it back?

2 MR. MURPHY: Not at all.

3 [Whereupon, the jury enters at 1:55 p.m.]

4 THE BAILIFF: She has another question for you.

5 THE COURT: Yes, ma'am. Why don't you pass it
6 forward to me and we'll put it on the record after the
7 fact if that's okay with counsel.

8 MR. MURPHY: That's fine, Your Honor.

9 MR. VOIGT: Yes, Your Honor.

10 [Whereupon, court's exhibit number 5 is marked by
11 the court reporter]

12 THE COURT: What they decided is they only want to
13 see or hear Lauren's testimony, Mitchell's testimony, and
14 the defendant's video. Madame Court Reporter are you in
15 Lauren's testimony?

16 THE COURT REPORTER: Yes sir, I am.

17 THE COURT: Are you ready to play that?

18 THE COURT REPORTER: Yes, whenever you are.

19 THE COURT: We're going to play it. If you can't
20 hear it, raise your hand. We might have to let you come
21 up here but I think we can get it over the system.

22 MADAME FORELADY: And if we've heard enough can I
23 tell you when to stop it?

24 THE COURT: Absolutely.

25 MADAME FORELADY: And I would just raise my hand?

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1 THE COURT: Yes, ma'am. My law clerk will catch
2 it.

3 [Whereupon, the audio testimony of Lauren Thrower
4 plays]

5 [Whereupon, audio testimony ends]

6 THE COURT: Would you get us to Mr. Mitchell's
7 testimony?

8 THE COURT REPORTER: Yes, sir.

9 THE COURT: Was that satisfactory?

10 MADAME FORELADY: Yes, sir.

11 [Whereupon, the audio testimony of Robert Mitchell
12 plays]

13 [Whereupon, the audio testimony ends]

14 THE COURT: Just for the record we had a prior
15 request from the jury for the charge on the law, which I
16 gave them. Also they wanted jury transcripts, which I
17 explained they would have to hear the audio and they
18 wanted to see certain aspects of the video of the
19 defendant. The jury went out and conferred and came back
20 later and asked only to listen to certain aspects of
21 Lauren's testimony and Mitchell's testimony which we've
22 done. And now we are about to play the defendant's
23 video.

24 [Whereupon, court's exhibit number 6 is marked by
25 the court reporter]

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1 [Whereupon, the video of the defendant's police
2 interview plays]

3 MADAME FORELADY: I think we're done.

4 THE COURT: Okay. Can you stop that please, sir?

5 [Whereupon, the video stops]

6 THE COURT: Madame Forelady does that answer all
7 the requests at this juncture that the jury has?

8 MADAME FORELADY: Yes, Your Honor.

9 THE COURT: If you would go back to your jury room
10 but do not begin your deliberations. Let me go over it
11 with the attorneys and make sure I haven't done something
12 incorrectly and we'll send word back for you to resume,
13 okay.

14 MADAME FORELADY: Okay. Thank you.

15 [Whereupon, the jury exits at 3:01 p.m.]

16 THE COURT: Any additions or exceptions from the
17 State?

18 MR. VOIGT: None from the State, Your Honor.

19 THE COURT: From the defense?

20 MR. MURPHY: None, Your Honor.

21 THE COURT: Good. Will you tell the jury they may
22 resume their deliberations please sir?

23 THE BAILIFF: Yes, sir.

24 THE COURT: We'll be in recess.

25 [Whereupon, court is in recess from 3:02 p.m. until

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1 6:18 p.m.]

2 THE COURT: We had another question but we actually
3 went in and were going to ask the jury about dinner and
4 it says we're having trouble with unanimous decision.
5 Can we meet back tomorrow? What are our options?

6 So I'm going to say you can break for the night and
7 see what time they want to start tomorrow. If they have
8 any children -- I think school I'm advised does not start
9 until about 10:30 is that right?

10 CLERK OF COURT: Yes, sir.

11 MR. MURPHY: That's correct, Judge.

12 THE COURT: Okay. Any problem with that Mr.
13 Voigt?

14 MR. VOIGT: None from the State, Your Honor.

15 MR. MURPHY: None, Your Honor.

16 THE COURT: Very good. Would you bring the jury in
17 please sir?

18 [Whereupon, the jury enters at 6:20 p.m.]

19 THE COURT: Madame Forelady, I received your note
20 requesting that you be allowed to come back tomorrow.
21 That will be just fine. We had -- since you don't have
22 your phones they have stepped school back to 10:30 in the
23 morning. Does anybody have any little ones they need to
24 be concerned with?

25 UNIDENTIFIED JUROR: I have a four year old.

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1 THE COURT: Okay. So if we get you here at say
2 10:45 would that be sufficient for you to deal with what
3 you have to do?

4 UNIDENTIFIED JUROR: Yes, sir.

5 THE COURT: Okay. Does that work for everybody
6 else?

7 [Whereupon, all jurors indicate affirmatively]

8 THE COURT: So if you will I'm going to let you
9 break tonight. Leave your jury pads, your note pads in
10 the jury room. I remind you that you may not speak with
11 anybody about this case. You cannot continue your
12 deliberations. You can't contact one of your fellow
13 jurors and talk about things. You have to stop totally
14 until you start back tomorrow at 10:45. If you will go
15 back to the jury room and once you are all there then the
16 bailiff will let you resume your deliberations. Then
17 we'll cross other bridges tomorrow. I hope y'all have a
18 nice evening. Thank you.

19 [Whereupon, the jury exits at 6:22 p.m.]

20 THE COURT: Any additions from the State or
21 exceptions?

22 MR. VOIGT: None, Your Honor.

23 MR. MURPHY: None, Your Honor.

24 THE COURT: Thank you guys. See y'all in the
25 morning.

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1 MR. MURPHY: That's correct, Your Honor.

2 [Whereupon, court's exhibit number 7 is marked by
3 the court reporter]

4 [Whereupon, court adjourns at 6:25 p.m.]
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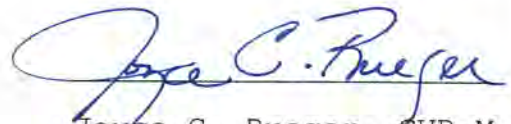
State v Jalann Williams
Certificate of the Court Reporter
January 7, 2015

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 7th day of January, 2015.

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

April 2, 2015



Joyce C. Rueger, CVR-M

Court Reporter

STATE OF SOUTH CAROLINA	)	COURT OF GENERAL SESSIONS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2013-GS-10-2839
	)	2013-GS-10-2840
	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
	)	
vs.	)	
	)	
	)	
JALANN WILLIAMS	)	
	)	
Defendant	)	
	)	
	)	
	)	
	)	TRANSCRIPT OF RECORD

January 8, 2015
Charleston, South Carolina

VOLUME 4 (OF 4)

B E F O R E:

THE HONORABLE R. LAWTON MCINTOSH, JUDGE

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

GREG VOIGT, ESQ.
DAVID OSBORNE, ESQ.
Attorneys for the State

CHRISTOPHER MURPHY, ESQ.
Attorney for the Defendant

JOYCE C. RUEGER, CVR-M
Circuit Court Reporter

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COURT

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PROCEEDINGS

THE COURT: Gentlemen, we have a question from the jury. The first is we want to hear the legal definition of grievous harm. I don't think there is a legal definition so we have the ordinary meaning in Webster's is my understanding. The next what is the sentencing option to the charges? Is the jury involved in the sentencing phase? Obviously not. Are there any lesser included offenses charges? No.

So in responding to the first request the legal definition of grievous harm does anybody propose that I give them the Webster's definition of grievous harm; is there such a thing? Or just say the normal meaning that you would assign to it in the Webster's dictionary?

MR. MURPHY: I think that's appropriate, Your Honor.

MR. VOIGT: Rather than give them the dictionary definition I think would be in the ---

THE COURT: --- just common everyday use?

MR. VOIGT: Common everyday use; each of those words.

THE COURT: All right. Would you bring the jury in please?

MR. MURPHY: Your Honor, with regard to the last question I would just ask Judge you say that you have

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1 already charged the law and that's what they are to be
2 concerned with. They have to apply the law as you
3 charged to the facts.

4 THE COURT: I'll note your -- I'm going to tell
5 them that none of these charges that I have given them
6 are lesser included of one another.

7 MR. MURPHY: That's correct.

8 THE COURT: Any objection to that?

9 [Whereupon, the jury enters at 3:50 p.m.]

10 THE COURT: Madame Forelady and ladies and
11 gentlemen of the jury my understanding is the jury has
12 the following questions: number one, we want to hear the
13 legal definition of grievous harm. Number two, what is
14 the sentencing options to the charges? Is the jury
15 involved in the sentencing phase? And number three, are
16 there lesser included offenses charges?

17 Number one; there is not a legal definition of
18 grievous harm. It is what you would understand it to be
19 in your everyday common parlance. Number two, the jury
20 is not involved in the sentencing. That is purely a
21 function of the court. You are not to concern yourselves
22 with sentencing whatsoever or any sentencing ranges.
23 Number three, as far as the lesser included charges they
24 are separately charged offenses of murder, armed robbery,
25 and possession of a weapon during the commission of a

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1 violent crime; none of which are lesser included of each
2 other. And those are the only charges that you may
3 consider. Does that answer the jury's questions Madame
4 Forelady?

5 MADAME FORELADY: Yes, Your Honor.

6 THE COURT: And Madame Forelady while I have you
7 here do you feel like you are making progress?

8 MADAME FORELADY: Absolutely.

9 THE COURT: Very good. Thank you. I'm going to
10 ask that you go back. Don't start your deliberations yet
11 until I confer with these attorneys please ma'am and then
12 we will send word back with you.

13 MADAME FORELADY: Okay.

14 THE COURT: Thank you very much.

15 [Whereupon, the jury exits at 3:52 p.m.]

16 THE COURT: Any additions or exceptions from the
17 State?

18 MR. VOIGT: None from the State, Your Honor.

19 THE COURT: From the defense?

20 MR. MURPHY: None, Your Honor.

21 THE COURT: Y'all be at ease and we'll wait for
22 their word.

23 MR. MURPHY: Thank you, Judge.

24 THE COURT: Thank you guys. Thank you for getting
25 over here so quickly.

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1 [Whereupon, court is in recess]

2 THE COURT: Counsel, we got a jury note. It says
3 we are hung. We have a jury note that says we are hung;
4 signed the Forelady. I'm going to give my Allen Charge.
5 Now the question I'm going to give to you and I'm going
6 to give to them unless you disagree is that after I give
7 them the Allen Charge tell they can either go back and
8 continue to deliberate tonight or they can go home sleep
9 on it and come back and deliberate again in the morning
10 if they feel like that would be more productive. I
11 won't give them that option if you don't feel like it's
12 appropriate from the State or the defense. What would be
13 your feelings Mr. Voigt?

14 MR. VOIGT: Judge, I don't have any objection
15 either way.

16 THE COURT: Six of one half dozen of another?

17 MR. VOIGT: Yes. It hasn't gotten us anywhere
18 either way so...

19 MR. MURPHY: My preference Your Honor would be to
20 push them tonight.

21 THE COURT: I'm surprised that you say that. All
22 right, bring the jury in please.

23 [Whereupon, court's exhibit number 8 is marked by
24 the court reporter]

25 [Whereupon, the jury enters at 5:35 p.m.]

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January 8, 2015

1 THE COURT: Madame Forelady, my understanding based
2 on the note is that the jury is considering itself hung
3 in this matter is that correct?

4 MADAME FORELADY: Yes, Your Honor.

5 THE COURT: Okay.
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State v Jalann Williams
Allen Charge to Jury
January 8, 2015

ALLEN CHARGE

THE COURT: I need to give you some further instructions so if you would all listen to me carefully. Now you stated in this case that you are unable to agree on a verdict. Now as I told you earlier in this case when I gave you the charge on the law that in order for your verdict to stand it has to be unanimous.

I'd point out to you that sometimes when a matter is in dispute it isn't always easy for even two people to agree and if you have twelve people who have to agree on it the matter becomes that much more difficult. Now in most cases you cannot expect absolute certainty and this case is no different however you, the jury, have a duty to make every reasonable effort to try to reach a unanimous verdict.

In doing this you should consult with each other. You should express your views and listen to other people's views and their opinions. You tell each other how you feel and why you feel that way and discuss your differences with open minds. Now although the verdict again must be unanimous each of you has the right to your own opinion. Now the verdict you agree on has to be your own verdict; the result of your own convictions and you should not give us firmly held beliefs merely to be in agreement with your fellow jurors. In this case I assume

State v Jalann Williams
Allen Charge to Jury
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1 there is a group that agrees one way and a group or
2 however many agrees the other way. The majority should
3 listen to the minority's position and minority should
4 consider the majority's position. You should carefully
5 consider and respect the opinions of each other; you
6 should re-evaluate your position for reasonableness,
7 correctness and impartiality. You must lay aside all
8 outside matters and reexamine the questions that are
9 before you based on the law and the evidence in this
10 case.

11 Now if you do not agree on a verdict in this case I
12 will be forced to declare a mistrial. That doesn't mean
13 that anyone wins. What that simply means is that
14 someplace in the future myself or another circuit court
15 judge will try this case again with another jury sitting
16 where you are. The same participants will come in and
17 give essentially the same testimony, the same evidence,
18 the same lawyers will be here and ask the same questions
19 and give the same arguments. In other words we'll do
20 basically the same thing all over again.

21 Now you were selected by both sides in this matter
22 because you are perceived to be fair and impartial and
23 could give a unanimous verdict in the event you could all
24 agree on one. There is no reason for me to suppose that
25 any jury in the future will be any brighter, smarter,

State v Jalann Williams
Allen Charge to Jury
January 8, 2015

1 more intelligent or articulate than this jury here and
2 more impartial and able to give a verdict. So I'm going
3 to ask that you go back and that you continue your
4 deliberations. And if you'll give me further word after
5 you do please, Ms. Forelady?

6 MADAME FORELADY: Yes, Your Honor.

7 THE COURT: Thank you very much.

8 [Whereupon, the jury exits at 5:40 p.m.]

9 THE COURT: Any additions or exceptions from the
10 State?

11 MR. VOIGT: None from the State.

12 THE COURT: From the defense?

13 MR. MURPHY: None, Your Honor.

14 THE COURT: We'll just keep them here ongoing.

15 MR. MURPHY: Judge?

16 THE COURT: Yes, sir?

17 MR. MURPHY: Just one small thing. Would it be
18 okay if my boy comes to court with me?

19 THE COURT: Absolutely. I'd like to have him here.

20 MR. MURPHY: Thank you, Judge.

21 [Whereupon, court is in recess]
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State v Jalann Williams
Proceedings
January 8, 2015

1 THE COURT: All right. The question or the
2 statement from the jury is that we have come to a
3 decision on two of the three charges but we're still hung
4 on one of the charges. Now I don't know what that is. I
5 can imagine what I think it is but it seems to me, and
6 I'm going to ask your opinions on it that we go ahead and
7 accept the two and mistrial on the third. What's your
8 feeling Mr. Voigt?

9 MR. VOIGT: I think that's -- I agree with you
10 Judge.

11 THE COURT: Okay. Mr. Murphy?

12 MR. MURPHY: I think that's the way to do it, Your
13 Honor.

14 THE COURT: That's what we'll do then. Would you
15 bring the jury in please?

16 [Whereupon, the jury enters at 6:50 p.m.]

17 THE COURT: Madame Forelady my understanding is
18 according to your note that the jury has reached a
19 decision of two of the three charges is that correct?

20 MADAME FORELADY: Yes, Your Honor.

21 THE COURT: But you remain hung on one of the three
22 charges?

23 MADAME FORELADY: Yes, Your Honor.

24 THE COURT: Do you think any further deliberation
25 on that one charge would do you any good?

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January 8, 2015

1 MADAME FORELADY: [Nods negatively]

2 THE COURT: Okay. Do you have the verdict form or
3 have you filled it out?

4 MADAME FORELADY: I have filled it out.

5 THE COURT: Do you have it with you?

6 MADAME FORELADY: No, I do not.

7 THE COURT: Do you mind getting it for me?

8 MADAME FORELADY: Sure.

9 THE COURT: And if you would sign it for me please
10 ma'am.

11 [Whereupon, the Forelady exits courtroom to retrieve
12 verdict form]

13 [Whereupon, court's exhibit number 9 is marked by
14 the court reporter]

15 [Whereupon, the Forelady enters the courtroom]

16 THE COURT: Thank you. Now Madame Forelady of the
17 two charges the jury has agreed on is that a unanimous
18 decision?

19 MADAME FORELADY: Yes, Your Honor.

20 THE COURT: Would you pass that verdict form. Have
21 you signed it?

22 MADAME FORELADY: Yes.

23 THE COURT: Thank you very much.

24 [Whereupon, the verdict form is provided to the
25 court]

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1 THE COURT: Very good. Would you publish the
2 verdict please?

3 CLERK OF COURT: Yes, Your Honor.

4 [Whereupon, the verdict form is provided to the
5 Clerk of Court]

6 CLERK OF COURT: Please have the defendant stand.

7 [Whereupon, the defendant stands]

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State v Jalann Williams
Verdict
January 8, 2015

1 VERDICT

2 CLERK OF COURT: The verdict form in the matter of
3 the State of South Carolina versus Jalann Williams as to
4 the charge of murder indictment number 2013-GS-10-2839
5 we, the jury, unanimously find the defendant guilty.

6 As to the charge of possession of a firearm during
7 the commission of a violent crime indictment number 2013-
8 GS-10-2840 we, the jury, unanimously find the defendant
9 guilty.

10 As to the charge of armed robbery that is left
11 blank. Ladies and gentlemen of the jury if this was your
12 verdict -- if these were your verdicts please raise your
13 right hand.

14 [Whereupon, all jurors raise their right hand]

15 THE COURT: Thank you. Please let the record
16 reflect that all 12 jurors raised their right hand.

17 THE COURT: Very good. Thank you very much.
18 Ladies and gentlemen, I know you have been working hard
19 and the court is never concerned with what your decision
20 is but that you stayed engaged throughout the trial and
21 that you worked hard in your deliberations. There is no
22 doubt that you did both. And for your civic duty, not
23 for your verdict but for your duty to Charleston and the
24 State of South Carolina we thank you. We're going to
25 excuse you. You have a right to remain in the courtroom.

State v Jalann Williams
Verdict
January 8, 2015

1 In just a few minutes you can come around and sit around
2 the back. That's normally my procedure; or you rather
3 them sit here?

4 CLERK OF COURT: Yes, sir. No, whatever you want
5 to do.

6 THE COURT: If you would like we'll pass sentence
7 in just a minute. You're more than welcome to stay. If
8 you do not want to you're not compelled to in any
9 fashion. Let me tell you something further. If somebody
10 wants to come up and ask you about your verdict it's your
11 absolute right to say I do not wish to discuss it with
12 you. You may discuss it with them if you would like;
13 it's up to you. If they persist after you tell them not
14 to you find out their names and we will deal with that
15 accordingly. But thank you for your service.

16 [Whereupon, the Court and the Clerk confer]

17 THE COURT: I'm advised that they would rather
18 y'all stay in the jury box. So what I'm going to do is
19 let you -- we have a little bit of paperwork, if you want
20 to get your personal belongings and you would like to
21 come back in for me to pass sentence the bailiff will let
22 you come back in here. If you do not wish to come back
23 in they will escort you from the building, okay. Thank
24 you for your service to South Carolina and to Charleston.

25 MADAME FORELADY: Thank you, Your Honor.

State v Jalann Williams
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January 8, 2015

1 [Whereupon, the jury is excused and exits at 6:55
2 p.m.]

3 THE COURT: For the record I am going to declare a
4 mistrial as to the armed robbery charge.

5 MR. VOIGT: I'm sorry, Your Honor? As to the armed
6 robbery charge?

7 THE COURT: As to the armed robbery charge I am
8 declaring a mistrial.

9 MR. VOIGT: Thank you, Your Honor. And I'll be
10 nolle prossing that.

11 THE COURT: Okay. I assume you agree with that?

12 MR. MURPHY: Yes, Your Honor.

13 THE COURT: Okay. So the State is going to nolle
14 pros the armed robbery charge is that correct Mr. Voigt?

15 MR. VOIGT: That's correct, Your Honor.

16 THE COURT: Thank you.

17 MR. VOIGT: May I approach, Your Honor?

18 THE COURT: Yes, sir.

19 [Whereupon, Mr. Voigt provides documents to the
20 court]

21 THE COURT: Thank you.
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State v Jalann Williams
Sentencing
January 8, 2015

1 SENTENCING

2 THE COURT: Would you bring your client around Mr.
3 Murphy?

4 [Whereupon, Mr. Murphy and the defendant comply]

5 THE COURT: Before we get started before I ask you
6 to give me information on your client what is his
7 criminal record?

8 MR. VOIGT: His convictions consist of the 2011
9 burglary that we referenced in camera, Your Honor. That
10 is the only one.

11 THE COURT: That is the only conviction he has?

12 MR. VOIGT: Yes, Your Honor.

13 THE COURT: Mr. Murphy, I'll be glad to hear from
14 you.

15 MR. MURPHY: Thank you, Your Honor. May it please
16 the court? We understand with this charge you are
17 pretty limited with your sentence. You've heard Mr.
18 Williams take the stand, his background information and
19 everything. He's got his family here; his mother and his
20 aunt have been sitting with him. He is a young, very
21 young child and to be facing these charges at this age
22 really is a sad, sad thing.

23 My heart really goes out to him and his family as
24 well as the victim's family. In this case nobody wins
25 and I know that Your Honor understands that. We would

State v Jalann Williams
Sentencing
January 8, 2015

1 ask for the minimum sentence, which is by no way a
2 minimum sentence at all, 30 years, Your Honor. I think
3 that would be appropriate for him and we would ask you to
4 consider that in your sentence.

5 THE COURT: Mr. Williams, do you have anything
6 you'd like to state?

7 MR. WILLIAMS: No, sir.

8 THE COURT: Is there any member from the victim's
9 family that would like to speak?

10 [Whereupon, an individual stands]

11 MS. KING: My name is Paula King.

12 THE COURT: Okay.

13 MS. KING: I'm the aunt to Akim Ladson. Akim left
14 a child behind that he was never be able to see. The
15 child was born a couple of months after his life was
16 taken away from him. Akim graduated high school. Akim
17 was a soft spoken and gentle individual regardless of
18 what his life choices was his life was not worth taken --
19 Akim life's was taken on my sister's birthday.

20 We no longer celebrate her birthday. It is now an
21 anniversary to his death. That's what we have to
22 remember each and every year. And she won't celebrate
23 her birthday anymore. He was taken at the age of 21.
24 This young man has no remorse. He didn't even tell us he
25 was sorry for what he did. I can never see my nephew

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Sentencing
January 8, 2015

1 again. He leaves his sisters; he was the only brother to
2 his sisters. He can't defend then anymore. He can't
3 give them advice. He can't be there for us anymore but
4 this young man is here. And again he had no remorse. He
5 hasn't even said he was sorry. He should at last did
6 that for my sister and Akim's father and us. He didn't
7 even do that. But he has no remorse. Your Honor, if I
8 can ask you anything please give him the max. Please
9 this is what I ask of you. Thank you.

10 THE COURT: Thank you, ma'am.

11 [Whereupon, another individual stands]

12 THE COURT: What is your name please?

13 MS. HAMLIN: My name is Alayah Hamlin.

14 THE COURT: I'm sorry; would you say that one more
15 time please?

16 MS. HAMLIN: Alayah Hamlin.

17 THE COURT: Okay.

18 MS. HAMLIN: I was Akim's girlfriend. I feel like
19 Akim was a really good person and nobody's life should be
20 taken away like that. Not no sorry, no I apologize for
21 my loss of my best friend. And he gets to live -- he has
22 kids and he can see them. They can visit. I can't do
23 that. And to visit him I have to go a cemetery. I can't
24 even get past his birthday without freaking out. I lost
25 my peace of mind that day also. And I feel like he has

State v Jalann Williams
Sentencing
January 8, 2015

1 no regard for human life. And I fight for our country
2 and I do and basically he doesn't. So I ask that you
3 give him the maximum sentence as well because it's only
4 right; a life for a life not in the same way.

5 THE COURT: Thank you, ma'am. Anyone further?
6 Would someone on Mr. Williams' side like to speak?

7 [Whereupon, an individual stands]

8 THE COURT: Would you step up and tell us your name
9 please, ma'am?

10 MS. WILLIAMS: Yes, my name is LaJoyce L. Williams.
11 I am the mother of Jalann Williams. First part I would
12 like to extend on behalf of me and my family an apology.
13 He did write a letter to them that matters at this time.
14 And it is very important to us that you we do and we are
15 sorry that you suffered this loss. Maybe the words that
16 I say now may not mean much. But I hope you and your
17 family can come to terms one day and understand that it
18 was an accident.

19 We can't bring him back but from me and my son I'm
20 sorry for those tears. I'm sorry for the pain that he
21 endured. I'm sorry for the lengthy trial and everything
22 brought out but we are truly deeply sorry for your loss.
23 He is a young man. It was something that to me -- it
24 didn't turn out the way everybody expected. So I am and
25 for Jalann who cannot speak at this time we hope that you

State v Jalann Williams
Sentencing
January 8, 2015

1 accept our apology. Thank you.

2 THE COURT: Would you tell us your name one more
3 time please?

4 MS. WILLIAMS: It's spelled L-O-J-O-Y-C-E L.
5 Williams.

6 THE COURT: Just so everyone knows whatever
7 sentence I do impose will be served day for day. There
8 is no good time. There is no credit against it. He will
9 serve it day for day. Also Mr. Williams whatever
10 sentence I impose you will have ten days to appeal my
11 ruling okay sir, and the verdict.

12 MR. MURPHY: Your Honor, if I may Mr. Williams
13 would like to address the court.

14 THE COURT: Certainly. Go ahead.

15 MR. WILLIAMS: Yes, sir. I know they don't feel
16 like I'm ---

17 THE COURT: --- I need you to speak up a little
18 bit.

19 MR. WILLIAMS: I know this family doesn't feel that
20 I am remorseful but my life, a life for a life I didn't
21 even mean to take this man's life. There was never an
22 intention to even kill this man. I never even tried to
23 kill this man. For them to say that I'm heartless and
24 I'm not remorseful like I have a family too. I have two
25 little boys that I won't ever see again. I lost

State v Jalann Williams
Sentencing
January 8, 2015

1 everything because of this; everything. I cry so many
2 nights in jail it doesn't even make sense. I feel like
3 it's just not even right. It's not even right that I get
4 found guilty of something that I wasn't even trying to
5 do. I wasn't even trying to rob this man or kill this
6 man. I didn't want to take his life. You think I want
7 to see his family up here crying? You think I want to
8 see his girl up here crying?

9 I got a girlfriend too. We've been together eight
10 years before this. I lost everything. I lost
11 everything; everything. It's not like I'm just saying I
12 don't -- I know anything that I say they wouldn't want to
13 accept. I don't blame them for that because I mean they
14 lost a loved one. If I lost a loved one I would feel
15 that way too. It's not that I'm not remorseful; it's
16 just I lost everything too.

17 THE COURT: Anything further from anyone?

18 MR. VOIGT: Your Honor, if I might and I hope I
19 don't presume too much. The family is asking for the
20 maximum; has asked you for life. This is a young man who
21 has consistently throughout these proceedings shown a
22 lack of insight and understanding about what it is he
23 did; the ripples in the pond that he caused, the tragedy
24 that has befallen all these lives including his own and
25 his family. He cries for himself when he goes to bed at

State v Jalann Williams
Sentencing
January 8, 2015

1 night. He thinks not of others. He is so young and so
2 selfish and so self-absorbed that he does not understand
3 at all what he did. He may never understand. He may be
4 one of those people who will be imperfect for the rest of
5 his life. He is a danger right now to others and he may
6 be a danger for a considerable period of time after that.
7 This case was difficult to get to trial. There were many
8 things that I know about Jalann Williams that weren't
9 proper for the jury to know about Jalann Williams.

10 Robert Mitchell had his jaw broken because he chose
11 to testify in this case. He was attacked in jail for
12 being a snitch. I have pending charges that are just
13 like this except thankfully nobody lost their life. He
14 has taunted people through Facebook postings about the
15 fact that I don't have enough evidence to convict him.

16 But one of this matters. What really matters is
17 that based on who he is now and the lack, at least as I
18 see it, of a potential for some sort of intergrowth that
19 he would develop into a person that I'd like to see on
20 the street again. I believe that the minimum sentence in
21 this case is not justified and I would ask the court to
22 keep him incarcerated until at least his 60th birthday
23 for the community and for the safety of all the young men
24 and then older men who might be out. Thank you very
25 much.

State v Jalann Williams
Sentencing
January 8, 2015

1 THE COURT: Thank you Mr. Voigt. I've heard
2 everyone. I've listened to the evidence. I'm obviously
3 not aware except for the bench conference about some
4 other potential charge out there I think for which he's
5 not convicted but I am mindful of the fact that the
6 circumstances surrounding the shooting and it wasn't just
7 one person who was not acting appropriately.

8 That being said this is going to be the sentence of
9 the court. On the possession of a weapon the mandatory
10 five years that will be concurrent with the charge of
11 murder and the sentence will be 30 years with credit for
12 time served. Good luck.

13 MR. MURPHY: Thank you, Your Honor.

14 THE COURT: Yes, sir. Thank you to all the
15 attorneys. Y'all prepared well and worked hard. Thank
16 you for those on the jury that worked so hard too. Not
17 for your verdict but for your hard work. We're in recess
18 gentlemen.

19 MR. MURPHY: Thank you, Judge.

20 MR. VOIGT: Thank you, Judge.

21 [Whereupon, the jury trial concludes at 7:15 p.m.]
22
23
24
25

State v Jalann Williams
Certificate of the Court Reporter
January 8, 2015

C E R T I F I C A T E

I, the undersigned, Joyce C. Rueger, Official
Circuit Court Reporter for the Ninth Judicial Circuit of
the State of South Carolina, do hereby certify that the
foregoing is a true, accurate, and complete Transcript of
Record of the proceedings had and evidence introduced in
the trial of the captioned case, relative to appeal, in
the Court of General Sessions for Charleston County,
South Carolina on the 8th day of January, 2015.

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

April 2, 2015


Joyce C. Rueger, CVR-M
Court Reporter

STATE OF SOUTH CAROLINA

COUNTY OF CHARLESTONJALANN WILLIAMS, # 362634

Plaintiff(s)

vs.

STATE OF SOUTH CAROLINA

Defendant(s)

Submitted By: Jalann WilliamsAddress: 386 Redemption Way
McCormick, SC 29899

IN THE COURT OF COMMON PLEAS

2020-CP-10-2706

CIVIL ACTION COVERSHEET

-CP-

SC Bar #:

Telephone #:

Fax #:

Other:

E-mail:

NOTE: The coversheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for the use of the Clerk of Court for the purpose of docketing. It must be filled out completely, signed, and dated. A copy of this coversheet must be served on the defendant(s) along with the Summons and Complaint.

DOCKETING INFORMATION (Check all that apply)

*If Action is Judgment/Settlement do not complete

- ☐ JURY TRIAL demanded in complaint. ☐ NON-JURY TRIAL demanded in complaint.
☐ This case is subject to ARBITRATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is subject to MEDIATION pursuant to the Court Annexed Alternative Dispute Resolution Rules.
☐ This case is exempt from ADR. (Proof of ADR/Exemption Attached)

NATURE OF ACTION (Check One Box Below)

Contracts ☐ Constructions (100) ☐ Debt Collection (110) ☐ General (130) ☐ Breach of Contract (140) ☐ Fraud/Bad Faith (150) ☐ Failure to Deliver/Warranty (160) ☐ Employment Discrim (170) ☐ Employment (180) ☐ Other (199)	Torts - Professional Malpractice ☐ Dental Malpractice (200) ☐ Legal Malpractice (210) ☐ Medical Malpractice (220) Previous Notice of Intent Case # 20 -NI- ☐ Notice/ File Med Mal (230) ☐ Other (299)	Torts - Personal Injury ☐ Conversion (310) ☐ Motor Vehicle Accident (320) ☐ Premises Liability (330) ☐ Products Liability (340) ☐ Personal Injury (350) ☐ Wrongful Death (360) ☐ Assault/Battery (370) ☐ Slander/Libel (380) ☐ Other (399)	Real Property ☐ Claim & Delivery (400) ☐ Condemnation (410) ☐ Foreclosure (420) ☐ Mechanic's Lien (430) ☐ Partition (440) ☐ Possession (450) ☐ Building Code Violation (460) ☐ Other (499)
Inmate Petitions ☒ PCR (500) ☐ Mandamus (520) ☐ Habeas Corpus (530) ☐ Other (599)	Administrative Law/Relief ☐ Reinstate Drv. License (800) ☐ Judicial Review (810) ☐ Relief (820) ☐ Permanent Injunction (830) ☐ Forfeiture-Petition (840) ☐ Forfeiture-Consent Order (850) ☐ Other (899)	Judgments/Settlements ☐ Death Settlement (700) ☐ Foreign Judgment (710) ☐ Magistrate's Judgment (720) ☐ Minor Settlement (730) ☐ Transcript Judgment (740) ☐ Lis Pendens (750) ☐ Transfer of Structured Settlement Payment Rights Application (760) ☐ Confession of Judgment (770) ☐ Petition for Workers Compensation Settlement Approval (780) ☐ Other (799)	Appeals ☐ Arbitration (900) ☐ Magistrate-Civil (910) ☐ Magistrate-Criminal (920) ☐ Municipal (930) ☐ Probate Court (940) ☐ SCDOT (950) ☐ Worker's Comp (960) ☐ Zoning Board (970) ☐ Public Service Comm. (990) ☐ Employment Security Comm (991) ☐ Other (999)
Special/Complex /Other ☐ Environmental (600) ☐ Automobile Arb. (610) ☐ Medical (620) ☐ Other (699) ☐ Sexual Predator (510) ☐ Permanent Restraining Order (680)	☐ Pharmaceuticals (630) ☐ Unfair Trade Practices (640) ☐ Out-of State Depositions (650) ☐ Motion to Quash Subpoena in an Out-of-County Action (660) ☐ Pre-Suit Discovery (670)		

Submitting Party Signature: Jalann WilliamsDate: 4/13/2020

Note: Frivolous civil proceedings may be subject to sanctions pursuant to SCRCP, Rule 11, and the South Carolina Frivolous Civil Proceedings Sanctions Act, S.C. Code Ann. §15-36-10 et. seq.

FORM 5

STATE OF SOUTH CAROLINA

County of **CHARLESTON****Jalann Williams #362634**

Full name and prison number (if any) of Applicant

v.

State of South Carolina

2020-CP-10-2706
IN THE COURT OF COMMON PLEAS

APPLICATION FOR

POST-CONVICTION RELIEF

FILED
2020 JUN 23 AM 11:32
JULIE J. ARMSTRONG
CLERK OF COURT**INSTRUCTIONS - READ CAREFULLY**

In order for this application to receive consideration by the Court, it shall be in writing (legibly handwritten or typewritten), signed by the applicant and verified (notarized), and it shall set forth in concise form the answers to each applicable question. If necessary, applicant may furnish his answer to a particular question on the reverse side of the page or on an additional page. Applicant shall make clear to which question any such continued answer refers.

Since every application must be sworn under oath, any false statement of a material fact therein may serve as the basis of prosecution and conviction for perjury. Applicants should, therefore, exercise care to assure that all answers are true and correct.

If the application is taken in forma pauperis, it shall include an affidavit (attached at the back of the form) setting forth information which establishes that applicant will be unable to pay the fees and costs of the proceedings. When the application is completed, the original shall be mailed to the Clerk of Court for the County in which the applicant was convicted.

1. Place of detention McCormick Correctional Inst. 386 Redemption
Way, McCormick, SC 29899
2. Name and location of Court which imposed sentence Chas Co. Court of
General Seesion.
3. Name(s) of co-defendant(s) (if any) _____
4. The indictment number or numbers (if known) upon which and the offenses for which sentence was imposed:
 - (a) (2015-GS-10-2839)(murder and 2840 (Possession of
 - (b) Firearm during commission of a violent crime).

- (c) _____
5. The date upon which sentence was imposed and the terms of the sentence:
- (a) **Thirty years for murder) 7/8/2015** _____
- (b) **Five years for Possession of a firearm, duly commission** _____
- (c) **of a violent crime.** _____
6. Check whether a finding of guilty was made:
- (a) after a plea of guilty _____
- (b) after a plea of not guilty ☒ _____
- (c) after a plea of nolo contendere _____
7. Did you appeal from the judgment of conviction or the imposition of sentence?
Yes _____
8. If you answered "yes" to (7), list:
- (a) the name of each Court to which you appealed:
- i. **Supreme Court of South Carolina** _____
- ii. _____
- iii. _____
- (b) the result in each such Court to which you appealed:
- i. **Affirmed** _____
- ii. _____
- iii. _____
- (c) the date of each such result:
- i. _____
- ii. _____
- iii. _____
- (d) if known, citations of any written opinion or orders entered pursuant to such results:
- i. _____
- ii. _____
- iii. _____
9. If you answered "no" to (7), state your reasons for not so appealing:
- (a) **N/A** _____
- (b) _____

- (c) _____
10. State concisely the grounds on which you base your allegation that you are being held in custody unlawfully:
- (a) ineffective assistance of counsel
- (b) See attached sheets
- (c) _____
11. State concisely and in the same order the facts which support each of the grounds set out in (10):
- (a) fail to object or file motion that the court did not
- (b) _____
- (c) charged criminal intent in its second jury charge
12. Prior to this application have you filed with respect to this conviction:
- (a) any petition in a State Court under South Carolina Law? No
- (b) any petition in State or Federal Courts for habeas corpus or post-convictions relief? No
- (c) any petition in the United States Supreme Court for certiorari other than petitions, if any, already specified in (8)? No
- (d) any other petitions, motions or applications in this or any other Court? No
13. If you answered "yes" to any part of (12), list with respect to each petition, motion or application:
- (a) the specific nature thereof:
- i. N/A
- ii. _____
- iii. _____
- iv. _____
- (b) the name and location of the Court in which each was filed:
- i. N/A
- ii. _____
- iii. _____
- iv. _____

(c) the disposition thereof:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(d) the date of each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

(e) if known, citations of any written opinions or orders entered pursuant to each such disposition:

- i. N/A
- ii. _____
- iii. _____
- iv. _____

14. Has any ground set forth in (10) been previously presented to this or any other Court, State or Federal, in any petition, motion or application which you have filed?

No

15. If you answered "yes" to (14) identify:

(a) which grounds have been presented:

- i. N/A
- ii. _____
- iii. _____

(b) the proceedings in which each ground was raised:

- i. N/A
- ii. _____
- iii. _____

16. If any ground set forth in (10) has not previously been presented to any Court, State or Federal, set forth the ground and state concisely the reasons why such ground has not previously been presented:

(a) Was not reserved for appeal

(b) _____

(c) _____

17. Were you represented by an attorney at any time during the course of:

(a) your arraignment and plea? Yes

(b) your trial, if any? Yes

(c) your sentencing? Yes

(d) your appeal, if any, from the judgment of conviction or the imposition of sentence? Yes

(e) preparation, presentation or consideration of any petitions, motions or applications with respect to this conviction, which you filed?

No

18. If you answered "yes" to one or more parts of (17), list:

(a) the name and address of each attorney who represented you:

i. Christopher Murhy, Esquire

ii. Robert M. Dudek, Esquire
1330 Lady Street, Suite 401, Columbia, SC

iii. _____

(b) the proceedings at which each such attorney represented you:

i. Trial and sentencing

ii. Appeal

iii. _____

19. State clearly the relief you seek in filing this application:

New trial

20. Are you now under sentence from any other court that you have not challenged?

No

STATE OF SOUTH CAROLINA)

County of McCormick)

VERIFICATION

I, Jalan Williams, being duly sworn upon my oath, depose and say that I have subscribed to the foregoing application; that I know the contents thereof; that it includes every ground known to me for vacating, setting aside or correcting the conviction and sentence attacked in this application; and that the matters and allegations therein set forth are true.

John Smith

SWORN to and subscribed before me this 15th
day of April, 2020.

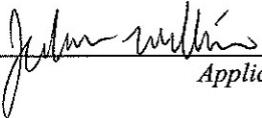
Karen D. Peterson (L.S.)
Notary Public

My Commission Expires: 11/13/2024

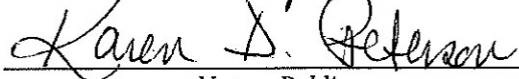
**APPLICATION TO PROCEED WITHOUT PAYMENT
OF COSTS AND AFFIDAVIT
IN SUPPORT THEREOF**

I, Jalann Lee Williams, hereby apply for leave to proceed in this action without prepayment of fees or costs or security therefor. In support of my application I declare under penalty of perjury that the following facts are true:

- (1) I am the applicant in this action and I believe I am entitled to redress.
- (2) Because of my poverty I am unable to pay the costs of said proceeding or give security thereof.


Applicant

SWORN or affirmed to and subscribed before me this
15 day of April, 2020.


Notary Public

My Commission Expires: 11/13/2024

1. Ineffective assistance of counsel by his failure to object or file motion on the fact that the court did not charged the element of criminal intent to the jury on recharge.

Criminal intent it to must must be charged to the jury to sustain a judgment for murder, in keeping pace with murder at common law, which Applicant is convicted, the 4th circuit made clear, the definition now located in Title 16-3-10 in no wise affects ingredients which are necessary to constitute murder but leaves them exactly and in every particular as they stood at common law. Griffen v. Martin, 785 F.2d 1172, 11183 (4th Cir. 1986)(quoting State v. Judge, 28 S.C. 447, 503, 38 S.E. 2d 725, 719 (1948).

Consequently, the element of criminal intent for example, though not alluded to in Title 6-3-10 still is in South Carolina as essential element of the crime of murder. Martin supra (quoting State v. Thrailkill, 73 S.C. 314, 318, 53 S.E. 482, 484 (1906) ... Criminal intent ... is an essential element in every common law crime. State v. Amercian Agriculture Chemical Co., 118 S.C, 333, 337, 119 S.E. 800, 802 (1920).

The Court on its recharged of murder never instructed the jury that, criminal intent is a necessary element of each crime that

must be proved by the State beyond a reasonable doubt. instructions that allows a jury to convict without finding every element of the offense violates In Re Winship's requirement, that every fact necessary to constitute the crime must be proven beyond a reasonable doubt. In RE Winship 397 U.S. 354, 364, 90 S.Ct. 1048 (1970). Due process requires criminal conviction to rest upon a jury determination that the Applicant is guilty of every element with which he is charged beyond a reasonable doubt. United State v. gaudin, 515 U.S. 505, 510, 115 S.Ct. 2310 (1995). Therefore, an instruction that relieves that State of the burden of proving mens-rea beyond a reasonable doubt contradicts the presumption of innocence and invades the function of the jury, thereby violating due process which where I am prejudice. Criminal intent is always a matter that must be determined by the jury from the circumstances surrounding the situation. Due process are to be determined on case by case basis. Bukett 826 F.2d at 1221-22.

CONCLUSION

Wherefore, Applicant request a hearing on this issue.

Dated
June 15 2020



CERTIFICATE OF SERVICE

The undersigned hereby certify that he mail the foregoing PCR application to the Charleston County Clerk of Court, Julie J. Armstrong, 100 Broad Street, suite 106, Charleston, SC 29401 this 15 day of June 2020 by depositing same in the U.S. mail.

John Miller

FILED
2020 JUN 23 AM 11:32
JULIE J. ARMSTRONG
CLERK OF COURT

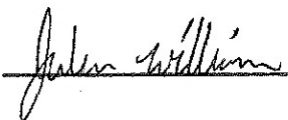
Charleston County Clerk of Court
Julie J. Armstrong, Clerk
100 Broad Street, suite 106
Charleston, SC 29401

RE. PCR application for filing

Dear Clerk:

Please find the foregoing PCR application for filin, and
please return stamp file copy to me.

Sincerely,



STATE OF SOUTH CAROLINA	)	IN THE COURT OF COMMON PLEAS
COUNTY OF CHARLESTON	)	FOR THE NINTH JUDICIAL CIRCUIT
	)	
Jalann Williams, SCDC #362634,	)	Case No. 2020-CP-10-2706
	)	
Applicant,	)	
	)	RETURN TO THE APPLICATION
v.	)	FOR POST-CONVICTION RELIEF
	)	(Counsel Already Appointed)
State of South Carolina,	)	
	)	
Respondent.	)	
	)	

In response to the post-conviction relief (PCR) application and supporting memorandum filed by Applicant Jalann Williams on June 23, 2020, and received by Respondent the State of South Carolina on June 24, 2020, Respondent makes this return:

I. PROCEDURAL HISTORY

Applicant is currently incarcerated in the South Carolina Department of Corrections. In June 2013, a Charleston County Grand Jury indicted Applicant for murder and possession of a weapon during a violent crime. On January 5, 2015 Applicant proceeded to a jury trial before the Honorable R. Lawton McIntosh. Applicant was represented by Christopher Murphy, Esquire. Greg Voigt, Esquire and David Osborne, Esquire of the Ninth Circuit Solicitor's Office represented the State.

On January 8, 2015, the jury found Applicant guilty of murder and possession of a weapon during the commission of a violent crime. The jury could not reach a verdict on the armed robbery charge, and Judge McIntosh declared a mistrial on that count. Judge McIntosh sentenced Applicant to concurrent terms of thirty years imprisonment for murder and five years' imprisonment for the weapons charge, with credit for time served.

Applicant filed a timely notice of appeal and was represented by Chief Appellate Defender

Robert Dudek of the South Carolina Commission on Indigent Defense-Office of Appellate Defense. After briefing by both parties, the Court of Appeals issued an unpublished opinion affirming Applicant's convictions and sentences. *State v. Williams*, Op. No. 2017-UP-015 (S.C.Ct. App. filed Jan. 11, 2017). On January 26, 2017, Applicant filed a petition for rehearing which the Court of Appeals denied by order dated February 23, 2017.

On April 17, 2017, Applicant filed a petition for writ of certiorari seeking review from the South Carolina Supreme Court, and the State filed its return on May 17, 2017. On December 14, 2017, the Supreme Court granted the petition for review and directed additional briefing. Petitioner submitted his brief on January 16, 2018 and the State filed its brief on February 15, 2018. The Supreme Court issued a published opinion affirming Applicant's convictions and sentences. *State v. Williams*, Op. No. 27895 (S.C. filed June 19, 2019). Applicant filed a petition for rehearing on July 1, 2019. The State filed its return to petition for rehearing on July 18, 2019. The Supreme Court denied rehearing by written order filed August 15, 2019. The Remittitur was returned to the lower court on August 15, 2019.

II. CURRENT APPLICATION

In his application for post-conviction relief, Applicant alleges he is being held in custody unlawfully based on the following:

- (a) "Fail to object or file motion that the court did not charged criminal intent in its second jury charge."

As his requested relief, Applicant states that he is requesting a new trial.

Attached herewith and incorporated by reference are the Charleston County Clerk of Court records regarding the subject convictions, Applicant's records from the South Carolina Department of Corrections, Applicant's appellate records (including the Anders briefs, Applicant's

pro se brief, and the record on appeal containing the entire trial transcript), and the records of the current PCR action. The State reserves the right to amend this Return upon receipt of any relevant materials.

III. RESPONSE TO ALLEGATIONS OF INEFFECTIVE ASSISTANCE OF COUNSEL

Applicant asserts trial counsel was ineffective for failing to object to the trial court failing to charge criminal intent in its second jury charge. Respondent submits these claims of ineffective assistance of counsel are without merit.

The Sixth and Fourteenth Amendments to the United States Constitution guarantee Applicant, like all other defendants, the right to “assistance by an attorney, whether retained or appointed, who plays the role necessary to ensure that the trial is fair.” *Strickland v. Washington*, 466 U.S. 668 (1984). Ordinarily, PCR allegations are centered upon an allegation that the applicant did not receive *effective* assistance of counsel guaranteed by the Sixth Amendment. *See generally* S.C. Code Ann. § 17-27-20(A) (enumerating allegations cognizable in PCR actions). The allegation of denial of such representation sets forth a *prima facie* violation of this constitutional right, and raises a question of fact that can only be determined by an evidentiary hearing. *Rogers v. State*, 261 S.C. 288, 291, 199 S.E.2d 761, 762 (1973).

In a post-conviction relief action, the applicant bears the burden of proving the allegations by a preponderance of the evidence—a mere allegation of ineffective assistance is not sufficient to warrant granting relief. Rule 71.1(e), SCRCP; *Butler v. State*, 286 S.C. 441, 442, 334 S.E.2d 813, 814 (1985). The reviewing court applies the two-part test outlined in *Strickland* to determine whether counsel’s conduct “was so ineffective as to require reversal” of the applicant’s conviction or sentence. 466 U.S. at 687. To obtain reversal of a conviction, the applicant must prove that (1) their attorney’s performance fell below an objective standard of reasonableness (the performance

prong) and (2) the deficient performance prejudiced the defense to the degree that it deprived the defendant of a fair trial (the prejudice prong). *Id.* at 690–95; *Butler*, 286 S.C. at 442, 334 S.E.2d at 814. The defendant’s burden for proving both of these components is heavy in light of the strong presumption that counsel’s conduct fell within the range of reasonable professional legal assistance. *Strickland*, 466 U.S. at 690. Failure to make the required showing of either deficient performance or sufficient prejudice defeats the ineffectiveness claim. *Id.* at 700.

The first prong—constitutional deficiency—is “necessarily linked to the practice and expectations of the legal community.” *Padilla v. Kentucky*, 559 U.S. 356, 366 (2010). In order to prove deficient performance, the applicant must show counsel’s representation fell below an objective standard of “reasonableness under prevailing professional norms.” *Cherry v. State*, 300 S.C. 115, 117–18, 386 S.E.2d 624, 625 (1989). The proper measure of performance is whether the attorney provided representation within the range of competence required in criminal cases. *Butler*, 286 S.C. at 442, 334 S.E.2d at 814.

Strickland, however, “does not guarantee perfect representation[—]only a ‘reasonably competent attorney.’” *Harrington v. Richter*, 562 U.S. 86, 110 (2011) (quoting *Strickland*, 466 U.S. at 687). Representation is constitutionally ineffective only if counsel’s conduct “so undermined the proper functioning of the adversarial process” that the defendant was denied a fair proceeding. *Strickland*, 466 U.S. at 686. Just as there is “no expectation that competent counsel will be a flawless strategist or tactician, an attorney may not be faulted for a reasonable miscalculation or lack of foresight or for failing to prepare for what appear to be remote possibilities.” *Harrington*, 562 U.S. at 110.

Accordingly, “[j]udicial scrutiny of counsel’s performance must be highly deferential, as it is all too tempting for a defendant to second-guess counsel’s assistance after conviction or an

adverse sentence, and it is all too easy for a court, examining counsel's defense after it has proved unsuccessful, to conclude that a particular act or omission of counsel was unreasonable." *Strickland*, 466 U.S. at 689; *see also Yarborough v. Gentry*, 540 U.S. 1, 6 (2003) ("The Sixth Amendment guarantees reasonable competence, not perfect advocacy judged with the benefit of hindsight."). Thus, a fair assessment of attorney performance requires every effort be made to eliminate the distorting effects of hindsight, to reconstruct the circumstances of counsel's challenged conduct, and to evaluate the conduct from counsel's perspective at the time. *Strickland*, 466 U.S. at 689. Because of the difficulties inherent in making such an evaluation, the reviewing court must indulge in a "strong presumption that counsel's conduct falls within the wide range of reasonable professional assistance." *Butler*, 286 S.C. at 445, 334 S.E.2d at 816. The applicant must overcome this presumption to receive relief. *Cherry*, 300 S.C. at 118, 386 S.E.2d at 625.

A reviewing court "must judge the reasonableness of counsel's challenged conduct on the facts of the particular case, viewed at the time of counsel's conduct." *Strickland*, 466 U.S. at 690. An applicant making a claim of ineffective assistance "must identify the acts or omissions of counsel that are alleged *not* to have been the result of reasonable professional judgment." *Strickland*, 466 U.S. at 690 (emphasis added). The reviewing court must then "determine whether, in light of all the circumstances, the identified acts or omissions were outside the wide range of professionally competent assistance." *Id.*

The *Strickland* standard must be applied with scrupulous care, lest "intrusive post-trial inquiry" threaten the integrity of the very adversary process the right to counsel is meant to serve. 466 U.S. at 689-690; *see also Harrington*, 562 U.S. at 105 (cautioning that an ineffective assistance of counsel claim could potentially function as a way to escape rules of waiver and forfeiture and raise issues not presented at trial). Even under *de novo* review, the standard for judging counsel's

representation is a most deferential one. *Harrington*, 562 U.S. at 105. Unlike a later reviewing court, the attorney observed the relevant proceedings; knew of materials outside the record; and interacted with the client, opposing counsel, and the judge. Thus, the question is whether an attorney's representation amounted to incompetence under "prevailing professional norms," *not* whether it deviated from best practices or most common custom. *Id.* (quoting *Strickland*, 466 U.S. at 690) (emphasis added).

The second, or "prejudice" prong of *Strickland* is rooted in the very purpose of the Sixth Amendment guarantee of counsel—to ensure a defendant has the assistance necessary to justify reliance on the outcome of the proceeding. *Id.* at 691–92. In order to prove prejudice, an applicant must demonstrate counsel's deficient performance prejudiced the applicant such that "there is a reasonable probability that, but for counsel's unprofessional errors, the result of the proceeding would have been different." *Cherry*, 300 S.C. at 117-18, 386 S.E.2d at 625. A reasonable probability is a probability "sufficient to undermine confidence in the outcome." *Strickland*, 466 U.S. at 694. In determining prejudice, the reviewing court must consider the totality of the evidence before the jury. *Id.* at 695.

Thus, it is not enough "to show the errors had some conceivable effect" on the outcome of the proceeding—counsel's errors must be "so serious as to *deprive the defendant of a fair trial.*" *Id.* at 687 (emphasis added). "An error by counsel, even if professionally unreasonable, does not warrant setting aside the judgment of a criminal proceeding if the error had no effect on the judgment." *Id.* at 668. Moreover, the South Carolina Supreme Court has repeatedly held a PCR applicant must produce the testimony of a favorable witness or otherwise offer the testimony in accordance with the rules of evidence at the PCR hearing in order to establish prejudice. *Bannister v. State*, 333 S.C. 298, 303, 509 S.E.2d 807, 809 (1998).

The performance and prejudice standards, however, “do not establish mechanical rules; [t]he ultimate focus of inquiry must be on the fundamental fairness of the proceeding whose result is being challenged.” *Strickland*, at 696. Moreover, “there is no reason for a court deciding an ineffective assistance claim to approach the inquiry in the same order or even to address both components of the inquiry if the defendant makes an insufficient showing on one.” *Id.* at 697. The court “need not determine whether counsel’s performance was deficient before examining the prejudice suffered by the defendant as a result of the alleged deficiencies. *Id.* If it is easier to dispose of an ineffectiveness claim on the ground of lack of sufficient prejudice, the court may evaluate the prejudice prong only. *Id.*

Applicant alleges trial counsel was ineffective for failing to object to his sentence of forty years imprisonment, which he asserts exceeded the statutory sentencing maximum. Respondent submits this allegation is without merit. Pursuant to the South Carolina Code of Laws, “A person who is convicted of or pleads guilty to murder must be punished by death, or by a mandatory minimum term of imprisonment for thirty years to life.” S.C. Code Ann. § 16-3-20 (A). Applicant was sentenced to forty years, which is clearly within the statutorily proscribed range of thirty years up to life imprisonment. Accordingly, counsel cannot be ineffective for failing to object to this proper sentence.

Respondent submits Applicant cannot satisfy either requirement of *Strickland*. However, the additional testimony may be needed to resolve Applicant’s allegation, and accordingly, the State requests an evidentiary hearing to fully resolve the issues. *See Sharper v. State*, 279 S.C. 264, 265, 305 S.E.2d 247, 248 (1983) (providing an evidentiary hearing shall be held when a PCR application “alleges specific instances of ineffective assistance of counsel which are not conclusively refuted by the record before the lower court”).

IV. ANY FUTURE AMENDMENTS AND INVOCATION OF DISCOVERY PROCESS

Applicant must specify any claims he intends to raise at the PCR evidentiary hearing. All claims should be made well in advance of the evidentiary hearing. Because Applicant has been appointed an attorney, the attorney, and not Applicant, is the only individual authorized to file amendments to this application. *See* Rule 11, SCRPC. *Pro se* filings will not be considered at the PCR hearing. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State pursuant to *Love v. State*, 428 S/C?231. 834 S.E.2d 196 (2019), or, alternatively, the State will request a continuance in the matter. *See Love* (Kittredge, J., dissent) (“If, however, the proposed amendment . . . would truly prejudice the State, the better course of action would be to continue the matter and thus remove any possibility of prejudice resulting from the belated amendments.”).

If Applicant fails to file a timely and responsive amended application setting forth specific allegations for relief, the State reserves the right to move to dismiss this allegation or claim. S.C. Code Ann. §§ 17-27-10 to -160; Rule 71.1, SCRPC. *See also* Rules 15(a)-(b), SCRPC. The State reserves the right to request that any amendments withheld until the last minute be stricken because of undue prejudice to the State. *See* Rule 15(a), SCRPC.

Pursuant to S.C. Code Ann. § 17-27-150, Applicant may not invoke formal discovery processes to issue subpoenas or otherwise obtain discovery materials unless granted leave from the Court upon a showing of good cause. Furthermore, the State requests that all potential exhibits and materials used to produce potential expert witness testimony be sent to the State well in advance of the evidentiary hearing. The State reserves the right to request a continuance and oppose witness testimony and exhibits that are withheld until the last minute resulting in undue prejudice to the State.

V. GENERAL DENIAL

Each and every allegation contained within the application not expressly admitted, qualified, or explained in this return is hereby denied.

VI. CONCLUSION

WHEREFORE, the State respectfully requests this Court convene an evidentiary hearing on the allegation of ineffective assistance of counsel.

Respectfully submitted,

ALAN WILSON
Attorney General

W. JEFFREY YOUNG
Chief Deputy Attorney General

MEGAN HARRIGAN JAMESON
Senior Assistant Deputy Attorney General

BENJAMIN LIMBAUGH
Assistant Attorney General

By: s/ Benjamin Limbaugh
ATTORNEYS FOR THE STATE
Office of the Attorney General
P.O. Box 11549
Columbia, S.C. 29211

February 18, 2021.

STATE OF SOUTH CAROLINA
COUNTY OF CHARLESTON

Jalann Williams, #362634

Applicant,

v.

State of South Carolina

Respondent,

IN THE COURT OF COMMON PLEAS
FOR THE NINTH JUDICIAL CIRCUIT

Case No.: 2020-CP-10-2706

Certificate of Service by Mail

2021 FEB 22 AM 11:55
JULIE J. AMMISTON
CLERK OF COURT

FILED

1. I am an employee of the Respondent in the above-captioned action.
2. Regular communication by mail exists throughout the State of South Carolina and that this is a proper circumstance of service by mail.
3. I have this day served a copy of the **Return** in the above-captioned matter on the following person by depositing same in the United States mail, postage prepaid:

James K. Falk, Esquire
Falk Law Firm, LLC
Post Office Box 1058
Charleston, SC 29402

DATED this 18th day of February, 2021.



Jennifer Jennison, Administrative Coordinator
For Respondent

STATE OF SOUTH CAROLINA	)	THE COURT OF COMMON PLEAS
	)	
COUNTY OF CHARLESTON	)	DOCKET NO. 2020-CP-10-2706
	)	
	)	
JALANN WILLIAMS	)	
	)	
Applicant	)	
	)	
vs.	)	
	)	
STATE OF SOUTH CAROLINA	)	
	)	
Respondent	)	
	)	
	)	
	)	
_____	)	TRANSCRIPT OF RECORD

June 23, 2022
Charleston, South Carolina

B E F O R E:

THE HONORABLE KRISTI F. CURTIS, JUDGE

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

JAMES K. FALK, ESQ.
Attorney for the Applicant

SAMANTHA J. WEIDAUER, ESQ.
Attorney for the Respondent

JOYCE C. RUEGER,
Certified Verbatim Reporter-Master
Circuit Court Reporter

[Certified Transcript Provided to: SCCID]

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No exhibits were introduced

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June 23, 2022

PROCEEDINGS

THE COURT: Okay, this is Mr. Williams?

MS. WEIDAUER: Yes, Your Honor.

THE COURT: For the record this is Jalann Williams verses State, case number 2020-CP-10-2706; James Falk for the Applicant and Samantha Weidauer for the State. Ms. Weidauer, do you want to give us a little procedural background?

MS. WEIDAUER: Yes, Your Honor. In this case Mr. Williams was indicted before a Charleston Grand Jury in June of 2013 for murder, armed robbery, and possession of a weapon during a violent crime. On January 5th, 2015 Applicant proceeded to a jury trial before the Honorable R. Lawton McIntosh. Applicant was represented by Christopher Murphy. Greg Voigt and David Osborne of the Ninth Circuit Solicitor's office represented the State.

On January 8th, 2015 the jury found Applicant guilty of murder and possession of a weapon during the commission of a violent crime. The jury could not reach a verdict on the armed robbery charge and Judge McIntosh declared a mistrial on that count.

Judge McIntosh sentenced Applicant to concurrent terms of 30 years for the murder charge and five years imprisonment for the weapons charge. Subsequently Applicant filed a timely notice of appeal and was

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1 represented by Chief Appellate Defender Robert Dudek of
2 the South Carolina Commission on Indigent Defense. After
3 briefing by both parties the Court of Appeals issued an
4 unpublished opinion affirming Applicant's convictions and
5 sentences.

6 On January 26, 2017 Applicant filed a petition for
7 rehearing which the Court of Appeals denied by order on
8 February 23rd, 2017. On April 17th, 2017 Applicant filed
9 a petition for writ of certiorari seeking review from the
10 South Carolina Supreme Court and the State filed its
11 return on May 17th, 2017.

12 On December 14th, 2017 the Supreme Court granted the
13 petition for review and directed additional briefing.
14 Petitioner submitted his brief on January 16th, 2018 and
15 the State filed its brief on February 15th, 2018. The
16 Supreme Court issued a published opinion affirming
17 Applicant's convictions and sentences.

18 Applicant filed a petition for rehearing on July
19 1st, 2019 and the Supreme Court denied rehearing by
20 written order on August 15th, 2019 and the remittitur was
21 returned on August 15th, 2019 as well. And this post-
22 conviction relief application was filed.

23 THE COURT: Okay.

24 MS. WEIDAUER: And I would just ask that Mr. Falk
25 confirm that all of the allegations in his amended PCR

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1 application dated March 22, 2022 are the allegations that
2 he will be proceeding on.

3 THE COURT: Is that correct, Mr. Falk?

4 MR. FALK: Your Honor, I spoke with my client and
5 he did want me to talk to, he did raise one issue in his
6 original PCR application that he did want to go forward
7 with today and the State could have more time to respond
8 to it.

9 But he said that there was ineffective assistance of
10 counsel by not requesting a charge on criminal intent as
11 part of the jury charge. And we provided sort of a brief
12 along with his PCR application. And I would like to be
13 able to go forward on that issue as well.

14 MS. WEIDAUER: It was indicated to me some time ago
15 that these were the only allegations we would be
16 proceeding on today. I have not had time to fully brief
17 that issue.

18 THE COURT: I see that it was in his original PCR
19 application ---

20 MS. WEIDAUER: --- it was in his original, yes ---

21 THE COURT: --- although not maybe stated as
22 succinctly as you would state it, Mr. Falk. So what I'll
23 do is I'll certainly let you go forward on that issue and
24 then if there is anything additional that you want to
25 submit on behalf of the State after the hearing that is

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1 fine.

2 MS. WEIDAUER: Thank you, Your Honor.

3 THE COURT: Mr. Falk, you have gone over with Mr.
4 Williams the pros and cons of going forward with his
5 application today?

6 MR. FALK: Yes, Your Honor.

7 THE COURT: Okay. Mr. Williams, if I could have
8 you stand sir.

9 [Whereupon, Mr. Williams stands]

10 THE COURT: Sir, you understand that in a post-
11 conviction relief action I cannot resentence you.

12 MR. WILLIAMS: Yes, ma'am.

13 THE COURT: There is one of two things that I can
14 do; I can grant the petition or I can deny the petition.
15 If I deny your petition that means that you go back and
16 serve the remainder of your sentence.

17 MR. WILLIAMS: Yes, ma'am.

18 THE COURT: If I grant the petition however it
19 means that you go back for retrial. I don't resentence
20 you; you just go back for a retrial which means the State
21 can retry you for the murder charge, for possession of a
22 weapon during a violent crime and for the armed robbery.

23 As you know the murder charge carries a minimum of
24 30 years but it goes all the way up to a possible
25 sentence of life imprisonment.

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1 MR. WILLIAMS: Yes, ma'am.

2 THE COURT: The possession of a weapon during a
3 violent crime of course carries the five years. The
4 armed robbery carries a minimum of 10 and a maximum of 30
5 years. So if you were convicted you could serve up to
6 life in prison on the retrial and you understand that?

7 MR. WILLIAMS: Yes, ma'am.

8 THE COURT: And it's still your decision to go
9 forward today?

10 MR. WILLIAMS: Yes, ma'am.

11 THE COURT: And you've had ample opportunity to
12 discuss the pros and cons of going forward with your
13 attorney, Mr. Falk?

14 MR. WILLIAMS: Yes, ma'am.

15 THE COURT: Are you satisfied with the advice that
16 Mr. Falk has given you?

17 MR. WILLIAMS: Yes, ma'am.

18 THE COURT: Okay. Mr. Falk?

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Post-Conviction Relief Hearing-Jalann Williams-Direct Examination by Mr. Falk
June 23, 2022

1 MR. FALK: I'll call Mr. Williams to the stand.

2 THE COURT: Okay.

3 [Whereupon, Mr. Williams comes forward]

4 [Whereupon, the witness is duly sworn by the Clerk
5 of Court]

6 THE CLERK OF COURT: Please state your name for the
7 record and spell your last name.

8 THE WITNESS: Jalann Williams, Williams is W-I-L-L-
9 I-A-M-S.

10 - - - - -

11 JALANN WILLIAMS,

12 Having been first duly sworn,

13 Was examined and testified as follows:

14 DIRECT EXAMINATION

15 BY MR. FALK:

16 Q. Mr. Williams, can you hear me?

17 A. Yes, sir.

18 Q. All right. So were you -- did Mr. Murphy get
19 appointed to your case or did you retain him?

20 A. He got appointed to my case.

21 Q. Okay. And how many times did you speak with him?

22 A. Over a two year period probably like five times.

23 Q. Were you in custody the whole time?

24 A. Yes, sir.

25 Q. Okay. And in your discussions with him was there

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1 any kind of conversation with you about what his strategy
2 was going to be?

3 A. Originally he wanted to go for involuntary
4 manslaughter.

5 Q. Okay. And why did you think he wanted to go with
6 involuntary manslaughter?

7 A. I'm not sure.

8 Q. Okay. But did he ever discuss with you kind of an
9 all or nothing strategy?

10 A. When we was at trial he said he felt like they
11 didn't prove the elements of murder. So in that case,
12 yes.

13 Q. And you had said you had heard me say that you had
14 wanted to raise an issue. What was your concern about
15 not charging on the issue of criminal intent?

16 A. I believe that you have to charge criminal intent in
17 a criminal case because in any crime not charging the
18 jury criminal intent is not like giving them the whole
19 thing that you don't understand what they're doing.

20 Q. Okay.

21 MR. FALK: I have no further questions.

22 THE COURT: Okay. Ms. Weidauer?

23 MS. WEIDAUER: I have no questions for this
24 witness, Your Honor.

25 THE COURT: Thank you, sir. You can step down.

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1	[Whereupon, the witness is excused and exits the
2	witness stand]
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