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**Dec 04 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Horry County

Honorable R. Ferrell Cothran, Circuit Court Judge

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THE STATE,

RESPONDENT,

V.

YUNIQUE DEMESA WEATHERS,

APPELLANT

APPELLATE CASE NO. 2023-002002

---

RECORD ON APPEAL

---

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**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT: STATE’S  
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IN THE STATE OF SOUTH CAROLINA        ) THE COURT OF GENERAL SESSIONS  
                                                      )  
COUNTY OF HORRY                         ) FIFTEENTH JUDICIAL CIRCUIT

THE STATE OF SOUTH CAROLINA ) NO. 2022-GS-26-02081  
 ) 2022-GS-26-02082  
 VS. ) TRANSCRIPT OF RECORD  
 )  
 YUNIQUE DEMESA WEATHERS ) Call of Docket; Pretrial;  
 ) Jury Selection; Jury Trial

B E F O R E:

The Honorable R. Ferrell Cothran, Jr., Judge  
Conway, South Carolina

DATE: December 18, 2023, 10:09 a.m.

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

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Reported by: Cathy J. Provost, RMR, Official Court Reporter

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(No exhibits marked.)

- - - - -

## COURT REPORTER LEGEND:

dash -- intentional/purposeful interruption; change in thought  
ellipses ... trailing off  
[ph] phonetically written  
[sic] written as said  
[indiscernible] unable to be understood due to low volume or  
quality of audio

**JURY STRIKE SHEET**

| <u>NAME:</u>                | <u>RACE:</u> | <u>SEX:</u> | <u>STE:</u> | <u>DFT:</u> | <u>CRT:</u> | <u>SEATED:</u> |
|-----------------------------|--------------|-------------|-------------|-------------|-------------|----------------|
| 1. Deanna L. Schreffler     | W            | F           |             |             |             | X              |
| 2. Justin T. Feasel         | W            | M           |             | X           |             |                |
| 3. Matthew P. Sanders       | W            | M           |             | X           |             |                |
| 4. Cathy A. Wallingford     | B            | F           |             |             |             | X              |
| 5. Brian A. Brown           | W            | M           | X           |             |             |                |
| 6. Mary B. Guenette         | W            | F           |             | X           |             |                |
| 7. Lori C. Chadwick-Jenkins | W            | F           |             |             |             | X              |
| 8. Sharon E. Wilson         | W            | F           |             |             |             | X              |
| 9. Katherine M. Drake       | W            | F           |             | X           |             |                |
| 10. Kristin M. Heverly      | W            | F           |             |             |             | X              |
| 11. Kevin A. Bellamy        | W            | M           |             |             |             | X              |
| 12. Lori A. Wingfield       | W            | F           |             | X           |             |                |
| 13. Mark S. Cabaniss        | W            | M           |             |             |             | X              |
| 14. Crystal A. Rushing      | W            | F           |             |             |             | X              |
| 15. David A. Linville       | W            | M           |             |             |             | X              |
| 16. Matthew D. King         | W            | M           | X           |             |             |                |
| 17. Elexxus C. Vereen       | B            | F           |             |             |             | X              |
| 18. Rodney J Branton        | W            | M           |             | X           |             |                |
| 19. Michael A. Wulff        | W            | M           | X           |             |             |                |
| 20. Cameron D. Wright       | W            | M           | X           |             |             |                |
| 21. Monica S. Sokoloff      | W            | F           | --          | --          | --          | --             |
| 22. Brenda G. Williams      | W            | F           |             | X           |             |                |
| 23. Kensley A. Britt        | W            | F           |             | X           |             |                |
| 24. Michael T. Marinelli    | W            | M           |             | X           |             |                |
| 25. David R. Thompson       | W            | M           |             | X           |             |                |
| 26. Jennifer L. Carlyle     | W            | F           | X           |             |             |                |
| 27. Dale R. Dobis, Jr.      | W            | M           |             |             |             | X              |
| 28. Pilar Neville           | W            | F           |             |             |             | X              |
| 29. Brian F. Johnson        | B            | M           | --          | --          | --          | --             |
| 30. Rosetta L. Leonard      | W            | F           |             |             |             | X              |
| 31. Jill Meadow             | W            | F           |             | X           |             |                |
| 32. Marissa A. Joseph       | W            | F           | X           |             |             |                |
| 33. Connor S. Cross         | W            | M           |             |             |             | X              |

-- P R O C E E D I N G S --

(Court called to order at 10:09 a.m.)

CALL OF THE GENERAL SESSIONS TRIAL DOCKET

(Case called.)

PRETRIAL MATTER(S)

ATTORNEY HOLFORD: The state's ready to proceed, Your Honor. She was evaluated for competency and criminal responsibility. Our doctor should be here this morning to evaluate her the morning of trial so that we can put those findings on the record.

We will have a *Jackson v. Denno*. It's approximately an hour and 15 minutes of actual testimony. The video's about 2:17 but about an hour of it she's just sitting there, and then there's another portion that's probably another 15 minutes, so about an hour and a half, I think, of total testimony that we need to do for *Jackson v. Denno*.

THE COURT: Okay. So when you say she's videoed, she's sitting there for an hour and not saying anything?

ATTORNEY HOLFORD: Your Honor, so they come in; they interview her for about an hour and 15 minutes; and then they leave the room; she's sitting there for some length of time; they come back in and ask a couple questions; they leave the room; she's sitting there for another length of time; and then she gets undressed, and they take her off, they take her clothes, and then take her to jail.

Although the video is about 2 hours and 15 minutes, there's



1 only maybe an hour and 15 minutes of actual statement time.

2 THE COURT: All right. So as far as selecting the jury, are  
3 we going to select the jury and then do the *Jackson v. Denno*, or  
4 are we going to do the *Jackson v. Denno* before we select the  
5 jury?

6 ATTORNEY HOLFORD: Your Honor, my suggestion would be that  
7 we do the competency before we select a jury, and then once the  
8 doctor has opined that she remains competent today -- that's what  
9 the report will say when she was evaluated back in June -- but  
10 that she remains competent for trial today and criminally  
11 responsible, then we will be able to proceed with jury selection.

12 THE COURT: Okay.

13 ATTORNEY HOLFORD: And then we can do the *Jackson v. Denno*  
14 this afternoon.

15 THE COURT: Okay. So tell me, has she ever been diagnosed  
16 with a mental illness? How did competency become an issue in  
17 this case?

18 ATTORNEY HOLFORD: It was raised. Well, the possibility of  
19 insanity or having posttraumatic stress disorder was raised, and  
20 so because there was a *M'Naughten* evaluation to be done, she was  
21 also evaluated at the same time, on the same date for *Blair* for  
22 competency.

23 THE COURT: Okay. So what can you tell me?

24 ATTORNEY KATA: Your Honor, that was an initial part of our  
25 investigation. Your Honor, our defense at trial, we are not

1 asserting an insanity defense of any kind, nor am I really  
2 challenging competency.

3 THE COURT: So did the doctor's report make a finding that  
4 she was competent?

5 ATTORNEY HOLFORD: Yes, Your Honor.

6 THE COURT: So do you think we need the doctor's testimony?

7 ATTORNEY HOLFORD: Your Honor, typically for a murder trial  
8 I would like to bring the doctor to evaluate her again to say  
9 that she remains competent at this point so that that's not  
10 raised as an issue down the road.

11 THE COURT: So has the doctor evaluated her this morning  
12 yet?

13 ATTORNEY HOLFORD: No. The doctor is here and Ms. Weathers,  
14 the defendant, is here also, so as soon as they're together  
15 they'll have that opportunity.

16 THE COURT: How long do you think that will take?

17 ATTORNEY HOLFORD: Ten minutes.

18 THE COURT: Okay.

19 ATTORNEY KATA: Your Honor, I think it can be completed  
20 while we qualify the panel.

21 THE COURT: Okay.

22 ATTORNEY KATA: Thank you.

23 THE COURT: So are there any other issues?

24 ATTORNEY HOLFORD: No.

25 THE COURT: How long do you think this case is going to

1 take?

2 ATTORNEY HOLFORD: Wednesday morning. The state has,  
3 including the doctor for today, nine additional witnesses.

4 THE COURT: Okay.

5 ATTORNEY KATA: And, Your Honor, I'm not moving to suppress  
6 her videotaped statement, so if that streamlines anything.

7 THE COURT: Okay. Any other issues?

8 ATTORNEY HOLFORD: Not pretrial, Your Honor.

9 THE COURT: Is there any defense? Is it self-defense or any  
10 other?

11 ATTORNEY KATA: Your Honor, it is going to be either murder  
12 or voluntary manslaughter, is the framework.

13 THE COURT: So it's not a scenario that you are claiming  
14 self-defense other than --

15 ATTORNEY KATA: No, Your Honor. Our defense is heat of  
16 passion with sufficient legal provocation.

17 THE COURT: Okay. So is there any chance -- number one, I'm  
18 just trying to look at the rest of the docket -- it won't go?

19 ATTORNEY KATA: Your Honor, we're ready. I'd like to do  
20 this as efficiently as possible. I mean, I'm ready to work the  
21 case.

22 THE COURT: The reason I'm asking, there's no chance this is  
23 going to plea?

24 ATTORNEY KATA: I don't believe so.

25 ATTORNEY HOLFORD: There's no offer other than plea to

1 murder at this point, Your Honor.

2 ATTORNEY KATA: We've made an offer and it was turned down.  
3 It wasn't acceptable.

4 THE COURT: All right.

5 (Proceedings recessed at 10:14 a.m.)

6 (Jury Panel is qualified at 11:38 a.m.)

7 (Proceedings reconvened at 11:46 a.m.)

8 PRETRIAL

9 ATTORNEY HOLFORD: Your Honor, this is The State v. Yunique  
10 Denesa Weathers. It is true-billed Indictment 2022-GS-26-02081  
11 for murder, and 2022-GS-26-02082, possession of a weapon during  
12 commission of a violent crime. This is the first matter for  
13 trial this week, December 18th, 2023.

14 Judge Benjamin Culbertson of Horry County General Sessions  
15 ordered a *Blair* evaluation, as well as a *M'Naughten* evaluation.  
16 That order was on January the 10th, 2023. These alleged offenses  
17 occurred on January 23rd of 2022. Dr. Sheresa Christopher,  
18 Ph.D., ABPP, did the evaluation on June the 12th, 2023, with a  
19 report date of June the 22nd, 2023.

20 (State's Exhibits 1 and 2 are marked for identification.)

21 I have marked State's 1 Exhibit, South Carolina Department  
22 of Mental Health Competency to Stand Trial, where the opinion was  
23 yes, Ms. Weathers currently has a factual and rational  
24 understanding of the proceedings against her and the capacity to  
25 rationally assist counsel in her own defense.

1 I also have State's Exhibit 2 marked, the South Carolina  
2 Department of Mental Health Criminal Responsibility Evaluation,  
3 where the opinion to criminal responsibility was yes, it is the  
4 opinion Ms. Weathers has the capacity to distinguish moral and  
5 legal right from moral or legal wrong and to recognize the  
6 particular acts charged is morally or legally wrong pursuant to  
7 17-24-10; and, has the capacity to conform, yes, it is my opinion  
8 Ms. Weathers has the capacity to conform her behavior to the  
9 requirements of the law pursuant to 17-24-20 on the dates in  
10 question.

11 This morning Ms. Sheresa Christopher, the state would call  
12 her as a witness, did do a subsequent evaluation at the time of  
13 trial this morning.

14 THE COURT: Okay.

15 ATTORNEY HOLFORD: The state would call Dr. Sheresa  
16 Christopher to the stand.

17 SHERESA C. CHRISTOPHER,  
18 having first been duly sworn, is examined and testifies as  
19 follows:

20 CLERK OF COURT: Please state your name, and spell it for  
21 the court reporter.

22 THE WITNESS: Sheresa Christopher, S-h-e-r-e-s-a. Last name  
23 is Christopher, C-h-r-i-s-t-o-p-h-e-r.  
24  
25

**DIRECT EXAMINATION**

BY ATTORNEY HOLFORD:

Q Dr. Christopher, where are you currently employed?

A At the Medical University of South Carolina.

Q And how long have you been there?

A Since 2014.

Q What's your role and responsibility at the Medical University of South Carolina?

A I have a couple roles. I am the director of our Youth and Family Forensic Program. I'm also the director of our Postdoctoral Fellowship Program in Forensic Psychology. And 95 percent of my role is just forensic evaluations for General Sessions and Family Court.

Q And can you tell us a little bit about what is a forensic evaluation?

A Sure. Any area where mental health and the legal arena intersect, and we can help answer questions for the court in that regard.

Q And what is your specific expertise, I guess?

A I do both Family Court sessions and General Sessions, so specifically I've done countless competency-to-stand-trial evaluations, criminal responsibility. I also do kind of the whole gamut between mitigation evaluations, evaluations of labor and child custody of criminal defendants, and psych evaluations in general for the court.

1 Q And will you tell the Court a little bit about your  
2 educational background?

3 A Sure. I got my Ph.D. in clinical psychology, with a  
4 specialization in forensic psychology, at Palo Alto University.  
5 As part of that program I completed a predoctoral internship in  
6 forensic psychology at University of Massachusetts Medical  
7 Center.

8 Continuing my education beyond that, I did a postdoctoral  
9 placement in forensic psychology at Augusta University, in a  
10 partnership with the East Central Regional Hospital.

11 And then after beginning my career at MUSC, I have also  
12 attained board certification from the American Board of  
13 Professional Psychology, and became a fellow with the American  
14 Academy of Forensic Psychology.

15 Q Do you do continuing education?

16 A Of course.

17 Q How often do you have to keep up your credits?

18 A I believe it's 24 credits every two years.

19 Q And are you in good standing now?

20 A Yes.

21 Q In this case with the defendant, Yunique Weathers, did you  
22 perform a forensic evaluation?

23 A I did.

24 Q Did you write a report?

25 A Yes, two.

1 Q I'm going to show you what's been marked as State's  
2 Exhibit 1 first, and then I'll leave 2 with you as well. As to  
3 State's Exhibit 1, are you familiar with what that report is?

4 A Yes.

5 Q And how are you familiar with it?

6 A It's the Competency to Stand Trial Evaluation Report I  
7 submitted in this case.

8 Q And does it contain your findings as to the defendant's  
9 competency to stand trial?

10 A Yes.

11 Q Speaking about State's Exhibit 2, are you familiar with what  
12 that is?

13 A Yes. This is the Criminal Responsibility Evaluation Report  
14 for the same evaluation date.

15 Q And does that contain your opinions and findings as well?

16 A It does.

17 Q Have there been any alterations to these reports?

18 A No.

19 ATTORNEY HOLFORD: Your Honor, for purposes of this hearing,  
20 the state would seek to introduce State's 1 and 2 into the  
21 record.

22 THE COURT: Any objection?

23 ATTORNEY KATA: No objection.

24 THE COURT: Okay. It's in.

25 (State's Exhibits 1 and 2 are admitted into the record.)



1           ATTORNEY HOLFORD: And I think I skipped this step, but the  
2 state would tender Dr. Christopher as an expert in forensic  
3 psychology.

4           THE COURT: Any objection?

5           ATTORNEY KATA: No objection.

6           THE COURT: The Court so finds.

7       Q     Can you tell the Court what your findings -- starting with  
8 competency to stand trial, what your finding was in June of 2023,  
9 I believe?

10      A     Yes. It was my opinion after evaluation and review of  
11 collateral information that she was not evidencing --  
12 Ms. Weathers was not evidencing any deficits in terms of  
13 abilities related to competency to stand trial.

14      Q     As to capacity to conform and criminal responsibility, what  
15 were your findings there?

16      A     It was my opinion based on reviewing the same evidence, all  
17 of the information and data points I reviewed, that there was no  
18 indication that she was not -- did not understand the moral or  
19 legal wrongfulness at the time of the crime, or that she could  
20 not conform her conduct to the extent of the law.

21      Q     Now, today, December 18th, 2023, have you had an opportunity  
22 to meet with Ms. Weathers prior to right now?

23      A     I did.

24      Q     And what did you discuss during that meeting?

25      A     Typically I check in about mental health symptoms,

1 medications, and then I ask about the current state of affairs  
2 with the legal case and her understanding of what's going to be  
3 coming next.

4 Q Has your opinion changed as to capacity to conform criminal  
5 responsibility since you issued that report in June?

6 A No, it has not.

7 Q Has your opinion changed as to competency to stand trial  
8 since you issued that report in June?

9 A It has not.

10 Q And can you tell the Court what your opinion will be as to  
11 competency to stand trial as we stand today?

12 A I do not see any deficits in functioning mental health  
13 related to competency to stand trial.

14 ATTORNEY HOLFORD: Your Honor, the state has no further  
15 questions at this time.

16 THE COURT: Okay. Do you have any questions?

17 ATTORNEY KATA: No, Your Honor.

18 THE COURT: On the *M'Naughten*, did you get all the  
19 information you think you needed to make your evaluation at that  
20 time?

21 THE WITNESS: I do. On my evaluation I actually have quite  
22 a bit of information, including audio video footage, which was  
23 really helpful in making that opinion.

24 THE COURT: Okay. And you had an opportunity to interview  
25 her again today?

1 THE WITNESS: Yes.

2 THE COURT: And based on your interview today has your  
3 opinion changed on either one of them?

4 THE WITNESS: No, it has not changed.

5 THE COURT: Okay. Mr. Kata, in your conversations with her,  
6 do you have any concerns about her ability to understand this  
7 process or understand your questions and that she's been asking  
8 them appropriately? Do you have any concerns at all about her  
9 mental health?

10 ATTORNEY KATA: Your Honor, I do not. We've been in full  
11 discussions about preparing for this week and what that would  
12 mean, order of events, and ...

13 THE COURT: And she understands your role, and my role, as  
14 well as the prosecutor?

15 ATTORNEY KATA: Yes, Your Honor.

16 THE COURT: The Court so finds that she's competent to stand  
17 trial, and that at the time of the crime, on January 23rd of  
18 2022, she knew right from wrong. Okay.

19 ATTORNEY HOLFORD: Thank you, Your Honor. I would ask that  
20 Dr. Christopher be excused from her subpoena for this morning.

21 THE COURT: Any objection?

22 ATTORNEY KATA: No objection.

23 THE COURT: Okay. She's excused.

24 THE WITNESS: Thank you.

25 THE COURT: And you're going to put those two reports into

1 evidence?

2 ATTORNEY HOLFORD: No, just those -- yes, they are, for  
3 purposes of this hearing.

4 THE COURT: You put them in and I accepted them.

5 ATTORNEY HOLFORD: Yes.

6 THE COURT: They will go with this case. Okay. Now what do  
7 you all want to do?

8 ATTORNEY HOLFORD: Your Honor, I think the next matter would  
9 be the *Jackson v. Denno*. I have provided Your Honor with a copy  
10 of the consent of the defense, the copy of the interview, as well  
11 as the body camera footage, if you would like to review those on  
12 your own time.

13 THE COURT: Okay.

14 ATTORNEY HOLFORD: And then we can reconvene and call a  
15 witness and do the hearing.

16 THE COURT: Okay. Well, let me ask, would you rather call  
17 the witness now and then we review the evidence, or do you want  
18 me to review the evidence and then call the witness? What would  
19 work together for y'all's schedule?

20 ATTORNEY HOLFORD: One second.

21 THE COURT: Okay. I mean, I'm -- that would give you all an  
22 opportunity to get lunch and do preparation or whatever you want  
23 to do now. I can do it either way. I started looking at the  
24 bodycam footage, but I didn't know whether your witness was  
25 available or not.

1           ATTORNEY HOLFORD: We'll call the witness now. He's just  
2 downstairs. I'll go grab him.

3           THE COURT: Okay. Do you just have one witness?

4           ATTORNEY HOLFORD: Two, Your Honor.

5           THE COURT: Okay.

6           ATTORNEY HOLFORD: Your Honor, we have one witness for the  
7 interview portion, and we'll probably be able to do that one --  
8 he's here -- and then take a break, let you watch that video.  
9 Our second witness probably won't be here until 1:00 or 1:30.

10          THE COURT: Okay.

11          ATTORNEY FARMER: Your Honor, State calls Detective Adam  
12 Skellett.

13                               ADAM R. SKELLETT,

14          having first been duly sworn, is examined and testifies as  
15 follows:

16          CLERK OF COURT: Please state your name, and spell it for  
17 the court reporter.

18          THE WITNESS: Sure. Detective Adam Robert Skellett.  
19 Skellett is spelled S-k-e-l-l-e-t-t.

20          ATTORNEY FARMER: May it please the Court, Your Honor.

21          THE COURT: Yes, ma'am.

22                               **DIRECT EXAMINATION**

23 BY ATTORNEY FARMER:

24 Q       Detective Skellett, where are you currently employed?

25 A       Horry County Police Department.

1 Q How long have you been with Horry County?

2 A Twelve and a half years now.

3 Q What's your current assignment?

4 A Current assignment is Homicide Investigation Division, and I  
5 concurrently work in the Cold Case Department.

6 Q How long have you been in that assignment?

7 A For homicide, for about two years; investigations, about  
8 three years.

9 Q And what are some of your duties and responsibilities in  
10 your current assignment?

11 A Responding to anything death-related or assault-related  
12 incidents, overdoses, suicides, homicides, armed robberies,  
13 anything of a violent nature.

14 Q And were you working back in January of 2022?

15 A Yes. Yes, I was.

16 Q Did you become involved in the investigation into the murder  
17 of De'Erica Fisher?

18 A Yes. I was the lead investigator on that case.

19 Q And as part of your involvement as the investigator did you  
20 interview the defendant in this case, Yunique Weathers?

21 A Yes.

22 Q When and where did that interview take place?

23 A At the M.L. Brown Safety Building where our central  
24 precinct -- 2560 North Main Street.

25 Q And who was present with you at this interview?

1 A My sergeant at time, Detective Gregory Lent. He's now  
2 Lieutenant Lent.

3 Q About how long did that interview last?

4 A I would say approximately about two hours long, I believe.

5 Q And was the defendant under arrest at that point?

6 A Yes.

7 Q Did you ask her whether or not she was under the influence  
8 of any alcohol or drugs before questioning began?

9 A Yes.

10 Q And what was her response?

11 A She said no at the time.

12 Q Did she appear to be under the influence to you?

13 A No.

14 Q Did she appear to have any physical or mental disability  
15 that would impair her ability to understand what you were asking  
16 her?

17 A No. And that question was asked, if we needed to stop the  
18 interview for anything -- I always say, for any emergency, we'd  
19 take her to the hospital. And she declined needing medical  
20 attention.

21 Q Did you deny her access to bathroom, a phone, food, or  
22 drink?

23 A No.

24 Q And were any threats or promises made during this interview?

25 A No.

1 Q Was she coerced in any way?

2 A No.

3 Q And was she advised of her rights pursuant to Miranda before  
4 you started questioning?

5 A Yes. And there was also an Advisement of Miranda Rights  
6 form that she also signed.

7 (State's Exhibit 5 is marked for identification.)

8 Q And do you typically use an Advisement of Miranda Rights  
9 form when you're interviewing a defendant?

10 A Yes. As we read each line of the Advisement of Miranda  
11 Rights form we ask that the person that we're reading to actually  
12 initial or do a checkmark of some sort so they understand each  
13 line of the rights. At the very bottom we also say do you  
14 understand the rights, and a spot for a yes or no.

15 Q Detective Skellett, I'm going to show you what's been marked  
16 as State's Exhibit 5 for identification purposes. Do you  
17 recognize that item?

18 A Yes, ma'am. That's my signature on the bottom, as well as  
19 hers and Detective Gregory Lent.

20 Q And has the form been altered or changed in any way?

21 A No.

22 ATTORNEY FARMER: Your Honor, I'd ask that State's Exhibit 5  
23 be entered for purposes of this hearing.

24 THE COURT: Any objection?

25 ATTORNEY KATA: No objection.



1 THE COURT: Okay. It's in evidence.

2 (State's Exhibit 5 is admitted into the record.)

3 Q Did you go through each right with her as printed on this  
4 form?

5 A Yes. I believe at the time I read through each line, and  
6 then had her come to our table and then gave her a pen and she  
7 could read back over it and then sign it.

8 Q I'm going to hand this to you again and ask that you just go  
9 through each right as you read them to her that day?

10 A Sure. You have the right to remain silent. Anything you  
11 say can be used against you in a court of law. You have the  
12 right to talk with a lawyer and have one present with you while  
13 you are being questioned. If you cannot afford to hire a lawyer,  
14 one will be appointed to represent you at no cost to you before  
15 any questioning, if you so desire. If you make a statement or  
16 answer any questions, you the right to stop at any time. And  
17 right beneath that it says, Do you understand these rights.

18 Q And did she initial next to each right indicating that she  
19 understood those rights to her?

20 A Yes.

21 Q Did she appear to have any trouble understanding those  
22 rights as they were read to her?

23 A No.

24 Q And did she waive those rights and agree to speak with you?

25 A Yes.

1 Q Did her answers to your questions appear rational and  
2 responsive?

3 A Yes.

4 Q Did she at any time ask for an attorney?

5 A No.

6 Q And to the best of your knowledge was her statement freely  
7 and voluntarily given?

8 A Yes.

9 Q Was this interview audio and video recorded?

10 A Yes.

11 (State's Exhibit 3 is marked for identification.)

12 ATTORNEY FARMER: Your Honor, do you have the disk? Thank  
13 you. Your Honor, I'm showing the witness what's been marked as  
14 State's Exhibit 3.

15 Q Do you recognize that item?

16 A Yes. And that's my initials and signature on it.

17 Q How are you able to recognize it?

18 A I have a very unique handwriting. Someone can call it very  
19 sloppy, but definitely my signature.

20 Q And have you reviewed this video in its entirety?

21 A Yes.

22 Q Has it been changed/altered in any way?

23 A No.

24 Q Did we delete any part of it?

25 A No. There is actually long periods of time where we exit

1 the interview room that were still left on there.

2 ATTORNEY FARMER: Your Honor, at this time I'd ask that  
3 State's Exhibit 3 be entered into evidence for purposes of this  
4 hearing.

5 THE COURT: Any objection?

6 ATTORNEY KATA: No objection.

7 THE COURT: Okay. It's in evidence.

8 (State's Exhibit 3 is admitted into the record.)

9 ATTORNEY FARMER: And, Your Honor, I know that my  
10 understanding is the Court wants to review that disk, but we  
11 would just ask after reviewing it the defendant's interview be  
12 marked as freely and voluntarily given pursuant to *Jackson v.*  
13 *Denno*.

14 THE COURT: Okay. Do you have any questions of this  
15 witness?

16 ATTORNEY KATA: I have no questions of this witness, Your  
17 Honor.

18 THE COURT: Thank you. You can step down.

19 THE WITNESS: Thank you.

20 THE COURT: I will review the tape over lunch, and assuming  
21 that I don't see anything on the tape that's different than what  
22 he testified to, I'll make my ruling when I get back.

23 ATTORNEY HOLFORD: Yes, Your Honor. And if we could -- it's  
24 a little after 12:00 now -- if we could have other witness for  
25 the body-worn camera portion present at 2:00, we'll be able to

1 wrap that up before 3:00 when the jury comes.

2 THE COURT: Sounds good.

3 ATTORNEY HOLFORD: Thank you, Your Honor.

4 ATTORNEY FARMER: Thank you, Your Honor.

5 ATTORNEY KATA: So be back at 2:00?

6 THE COURT: Yes, be back at 2:00. I'll be back before then  
7 if you all need something. I'll be in chambers. But we'll start  
8 back, finish this hearing at 2:00, and the jury's going to be in  
9 here at 3:00.

10 You all got any voir dire questions you want me to ask the  
11 jury?

12 ATTORNEY HOLFORD: Not outside the normal.

13 THE COURT: You've got a list of witnesses?

14 ATTORNEY KATA: I do, Your Honor.

15 THE COURT: You give me those. And I just need those copies  
16 of the tape back.

17 ATTORNEY FARMER: And, Your Honor, you said you were going  
18 to review both of them? Okay.

19 THE COURT: That way it will save time.

20 ATTORNEY FARMER: Absolutely.

21 THE COURT: I'll look at both of them.

22 (Proceedings recessed at 1:57 p.m. and reconvened at 2:50  
23 p.m.)

24 ATTORNEY FARMER: Your Honor, were you able to view those  
25 videos in their entirety?

1 THE COURT: Yes.

2 ATTORNEY FARMER: We were going to ask to enter the --

3 THE COURT: I'm going to give them back to you.

4 ATTORNEY FARMER: Okay. Would you like us to put Detective  
5 Skellett back on the stand to enter the video? I think we  
6 authenticated it, but we were going to enter it subject to you  
7 watching it.

8 THE COURT: Okay. Yes, ma'am.

9 ATTORNEY FARMER: State calls Detective Adam Skellett.

10 THE COURT: Well, are you going to ask him any further  
11 questions?

12 ATTORNEY FARMER: Your Honor, I wasn't planning on it. I  
13 was just going to authenticate it and enter the video.

14 THE COURT: So were you going to do that in front of the  
15 jury or are you going to do it in front of me? I thought it was  
16 entered into evidence for purpose of *Jackson v. Denno* based on a  
17 prior conversation. Do you disagree with that?

18 ATTORNEY KATA: No, I don't.

19 THE COURT: So it's in evidence as far as this is concerned.  
20 (State's Exhibit 4 is marked for identification and admitted  
21 into the record.)

22 ATTORNEY FARMER: Okay.

23 THE COURT: If you all want to play it for the jury, you're  
24 going to have to go through that same process with them.

25 ATTORNEY FARMER: Absolutely, Your Honor. I wasn't sure if

1 you wanted to -- if you were changing your ruling after watching  
2 it or anything of that nature.

3 THE COURT: No.

4 ATTORNEY FARMER: Okay.

5 THE COURT: Do we have any jurors in here?

6 ATTORNEY FARMER: We do not. We do, I believe, have  
7 somebody who was not selected to be on the panel, but she's just  
8 observing.

9 THE COURT: Okay. And you all want to --

10 ATTORNEY KATA: Your Honor, may we approach?

11 THE COURT: Sure.

12 (Off-the-record discussion at sidebar)

13 THE COURT: I reviewed the disk from the interview at the  
14 police station with the defendant. And I see -- everything that  
15 I see in that, she was in custody, she was given her Miranda  
16 warnings, she stated she understood her Miranda warnings, she  
17 checked off a list, she appeared to understand the Miranda  
18 warnings, I saw nothing that law enforcement did to, in any way,  
19 coerced her. She appeared to be under no duress. I found  
20 nothing at all in the tape to show that her statements were not  
21 freely and voluntarily given.

22 I also reviewed the bodycam of an incident prior where it  
23 was at a gas station, where an officer responded to a potential  
24 argument or altercation that resulted, that arose, with  
25 automobiles involved. During that bodycam she was not placed in

1 custody, she was not under arrest, the officer did not attempt to  
2 restrain her in any way, and she did not -- a normal person would  
3 not feel that they were under arrest. She gave no signs at that  
4 point she thought she was in custody, and any statement she made  
5 was freely and voluntarily given, and I think they're admissible  
6 as well. Anything else?

7 ATTORNEY FARMER: No, Your Honor.

8 ATTORNEY KATA: Your Honor, we would just move to sequester  
9 the witnesses once --

10 THE COURT: Any objection from the state?

11 ATTORNEY HOLFORD: No, Your Honor. Your Honor, for purposes  
12 of the record, Detective Adam Skellett is our lead investigator.  
13 We would ask that he be allowed to stay, per the rules.

14 ATTORNEY KATA: No objection.

15 THE COURT: Okay.

16 ATTORNEY HOLFORD: And then we will have family members in  
17 here. I don't anticipate them being called as witnesses.  
18 They're not listed as witnesses.

19 THE COURT: Victims have a right to be present.

20 ATTORNEY KATA: I have no objection to that.

21 THE COURT: Okay. Now, it's 3:00, and we've got to seat a  
22 jury and, I guess, talk about whether we have time to call a  
23 witness or not. I don't know. Unless you all give short opening  
24 statements -- we'll see -- and I'm not limiting you. I just want  
25 you to understand that we may not get to a witness today.

1           ATTORNEY HOLFORD: Yes, Your Honor. I had said earlier I  
2 thought we could, but based on the time now, our first witness is  
3 going to be Paul Hamm, he has two of the bodycams so I think  
4 that's probably going to be one of our longer witnesses, and so  
5 it might not make sense to do that this afternoon.

6           THE COURT: I don't know how long it's going to take to get  
7 a jury.

8           ATTORNEY KATA: I was going to say, Your Honor, I agree.  
9 That would probably be one of the longer witnesses.

10          THE COURT: So we may just try to seat the jury and do  
11 opening statements unless you all need two hours a piece for  
12 opening statements.

13          ATTORNEY KATA: I don't think I need two hours.

14          ATTORNEY FARMER: Your Honor, we're not planning on going  
15 that long at all.

16          THE COURT: Because most of the time, if it's two-hour  
17 opening statement you lose the case before we ever get it to the  
18 jury. So do I have all my jurors here now?

19          THE BAILIFF: I'm not sure.

20          THE COURT: And so anything we need to do before I qualify  
21 the jury?

22          ATTORNEY FARMER: Your Honor, nothing from the state.

23          ATTORNEY KATA: Nothing from the defense.

24          THE COURT: Okay.  
25



## JURY SELECTION

THE COURT: Mr. Solicitor, you may call your case.

ATTORNEY HOLFORD: Thank you, Your Honor. This is The State of South Carolina vers. Yunique Weathers, true-billed Indictment 2022-GS-26-02081 for murder, and -02082, possession of a weapon during the commission of a violent crime.

THE COURT: Ladies and gentlemen, if you'll give me your attention, we're about to begin the case of The State versus Yunique Weathers.

I need to know if there's any member of the jury panel connected by blood or marriage, close, personal friends, or social relations with the defendant in this case, Ms. Weathers? If so, please stand. She's seated here at the table.

(No response.)

THE COURT: Okay. This event allegedly occurred on or about January the 23rd, 2022, off of Highway 9 across from Pine Needles Drive in Long, South Carolina. Any members of the jury panel know anything about this case at all?

(No response.)

THE COURT: I'm going to read out a list of -- yes. Don't say anything. Come forward.

(Off-the-record discussion with a potential juror.)

THE COURT: What was your juror number?

POTENTIAL JUROR: 168.

THE COURT: In an abundance of caution, I'm probably going

1 to excuse you from this case. Okay.

2 Now, what time do you want him to call back? Hang on just a  
3 minute. If you'll call back after 6:00 p.m. tonight, he'll tell  
4 you whether we need you the rest of the week. Okay?

5 POTENTIAL JUROR: Okay.

6 THE COURT: Thank you, sir. You can leave if you want to.

7 I am going to read out a list of potential witnesses in this  
8 case, and I need to know whether you're connected by blood or  
9 marriage, close, personal friends, or socially related to any of  
10 these potential witnesses: Dr. Angelina Phillips, Kenneth Baker,  
11 Anthony Anderson, Shawn Gore, Brian Archibald, Lieutenant Greg  
12 Lent, Deputy Adam Skellett, Deputy Tysheena May, John Sotile -- I  
13 might have ruined John's name -- Christian Fletcher, Damon  
14 Vescovi, Paul Hamm, Matt Stephenson, Stephen Daily, Merrill  
15 Hawkins, Benjamin Wells, Agent Chad Smith, Christian Hall,  
16 Dimitri Bell, Jonathan Parker, and Cameron Smith.

17 Any members of the jury panel connected by blood or  
18 marriage, close, personal friends, or social relations with any  
19 of those potential witnesses? If so, please stand.

20 (Potential juror stands.)

21 THE COURT: Yes, sir.

22 POTENTIAL JUROR: I'm friends with one of them.

23 THE COURT: You're friends with whom?

24 POTENTIAL JUROR: One of them that you called out.

25 THE COURT: Okay. And the fact that you are friends with

1 one of the potential witnesses, would that affect your ability to  
2 be fair and impartial?

3 POTENTIAL JUROR: No, sir.

4 THE COURT: Do you see that -- which one? Which?

5 POTENTIAL JUROR: Damon.

6 THE COURT: Damon. And how often do you talk to that  
7 witness?

8 POTENTIAL JUROR: Not very often.

9 THE COURT: Do you know anything about this at all?

10 POTENTIAL JUROR: No, sir.

11 THE COURT: And what was your number?

12 POTENTIAL JUROR: 34.

13 THE COURT: Okay. Thank you. Okay. The attorneys in this  
14 case are Joshua Holford and Elizabeth Farmer. Any member of the  
15 jury panel connected by blood or marriage, or close, personal  
16 friends with either two of the prosecutors in this case? And the  
17 defense attorney is Justin -- yes, sir?

18 POTENTIAL JUROR: I know Josh personally.

19 THE COURT: Okay. What's your number?

20 POTENTIAL JUROR: No. 135.

21 THE COURT: Would that affect your ability to be fair and  
22 impartial?

23 POTENTIAL JUROR: Yes, sir.

24 THE COURT: Okay. I am going to excuse you from this case.

25 The defense attorney is Justin Kata. Any member of the jury

1 panel connected by blood or marriage, close, personal friends, or  
2 been represented by Mr. Kata? If so, please stand.

3 (No response.)

4 THE COURT: Any member of the jury panel formed or expressed  
5 an opinion about any of the issues or matters involved in this  
6 case? If so, please stand.

7 (No response.)

8 THE COURT: Anybody aware of any prejudice or bias towards  
9 The State of South Carolina or this defendant? If so, please  
10 stand.

11 (No response.)

12 THE COURT: Any member of the jury panel served on the grand  
13 jury that heard this case? If so, please stand.

14 (No response.)

15 THE COURT: Any member of the jury panel a member or a  
16 financial contributor to any groups involved in victims'  
17 rights -- MADD, SADD, CAV, or Violence Against -- Citizens  
18 against Violent Crimes? Any member or financial contributor to  
19 any of those organizations? If so, please stand.

20 (No response.)

21 THE COURT: Any member of the jury panel, due to religious  
22 or moral reasons, unable to sit in judgment of your fellow man?  
23 If so, please stand.

24 (No response.)

25 THE COURT: Any member of the jury panel aware of any reason

1    whatsoever you can't be a fair and impartial juror to The State  
2    of South Carolina and the defendant?  If so, please stand.

3           (No response.)

4           THE COURT:  Any further questions from the state?

5           ATTORNEY FARMER:  No, Your Honor.

6           THE COURT:  From the defense?

7           ATTORNEY KATA:  No, Your Honor.

8           THE COURT:  All right.  Madam Clerk, if you'll give me --  
9    how many alternates?  Two?  Okay.  It is 5 and 10?

10          ATTORNEY HOLFORD:  Yes, Your Honor.

11          ATTORNEY KATA:  Yes, Your Honor.

12          THE COURT:  And I need two alternates.

13          CLERK OF COURT:  When I call your name and juror number,  
14    please come to the front of the courtroom, bringing any  
15    belongings with you.  You'll turn and face the back wall.

16          Juror No. 294, Deanna Schreffler.

17          (Potential juror presents to the front of the courtroom.)

18          CLERK OF COURT:  What say the state?

19          ATTORNEY FARMER:  Please seat this juror.

20          CLERK OF COURT:  Defense?

21          ATTORNEY KATA:  Please seat the juror.

22          CLERK OF COURT:  Please be seated in the jury box.

23          Juror No. 100, Justin Feasel.

24          (Potential juror presents to the front of the courtroom.)

25          CLERK OF COURT:  What say the state?

1 ATTORNEY FARMER: Please present this juror.  
2 CLERK OF COURT: Defense?  
3 ATTORNEY KATA: Please strike the juror.  
4 CLERK OF COURT: You're excused from this particular case.  
5 Juror No. 287, Matthew Sanders.  
6 (Potential juror presents to the front of the courtroom.)  
7 CLERK OF COURT: What say the state?  
8 ATTORNEY FARMER: Please present this juror.  
9 CLERK OF COURT: Defense?  
10 ATTORNEY KATA: Please strike the juror.  
11 CLERK OF COURT: You're excused from this particular case.  
12 Juror No. 353, Cathy Wallingford.  
13 (Potential juror presents to the front of the courtroom.)  
14 CLERK OF COURT: What say the state?  
15 ATTORNEY FARMER: Please present this juror.  
16 CLERK OF COURT: Defense?  
17 ATTORNEY KATA: Please seat the juror.  
18 CLERK OF COURT: Please be seated in the jury box.  
19 Juror No. 37, Brian Brown.  
20 (Potential juror presents to the front of the courtroom.)  
21 CLERK OF COURT: What say the state?  
22 ATTORNEY FARMER: Please excuse in juror.  
23 CLERK OF COURT: You're excused from this particular case.  
24 Juror No. 133, Mary Guenette.  
25 (Potential juror presents to the front of the courtroom.)

1 CLERK OF COURT: What say the state?

2 ATTORNEY FARMER: Please present this juror.

3 CLERK OF COURT: Defense?

4 ATTORNEY KATA: Please strike the juror.

5 CLERK OF COURT: You're excused from this particular case.

6 Juror No. 64, Lori Chadwick-Jenkins.

7 (Potential juror presents to the front of the courtroom.)

8 CLERK OF COURT: What say the state?

9 ATTORNEY FARMER: Please present this juror.

10 CLERK OF COURT: Defense?

11 ATTORNEY KATA: Please seat the juror.

12 CLERK OF COURT: Please be seated in the jury box.

13 Juror No. 368, Sharon Wilson.

14 (Potential juror presents to the front of the courtroom.)

15 CLERK OF COURT: What say the state?

16 ATTORNEY FARMER: Please present this juror.

17 CLERK OF COURT: Defense?

18 ATTORNEY KATA: Please seat the juror.

19 CLERK OF COURT: Please be seated in the jury box.

20 Juror No. 91, Katherine Drake.

21 (Potential juror presents to the front of the courtroom.)

22 CLERK OF COURT: What say the state?

23 ATTORNEY FARMER: Please present this juror.

24 CLERK OF COURT: Defense?

25 ATTORNEY KATA: Please strike the juror.

1 CLERK OF COURT: You're excused from this particular case.  
2 Juror No. 149, Kristin Heverly.

3 (Potential juror presents to the front of the courtroom.)

4 CLERK OF COURT: What say the state?

5 ATTORNEY FARMER: Please present this juror.

6 CLERK OF COURT: Defense?

7 ATTORNEY KATA: Please seat the juror.

8 CLERK OF COURT: Please be seated in the jury box.

9 Juror No. 21, Kevin Bellamy.

10 (Potential juror presents to the front of the courtroom.)

11 CLERK OF COURT: What say the state?

12 ATTORNEY FARMER: Please present this juror.

13 CLERK OF COURT: Defense?

14 ATTORNEY KATA: Please seat the juror.

15 CLERK OF COURT: Please be seated in the jury box.

16 Juror No. 369, Lori Wingfield.

17 (Potential juror presents to the front of the courtroom.)

18 CLERK OF COURT: What say the state?

19 ATTORNEY FARMER: Please present this juror.

20 CLERK OF COURT: Defense?

21 ATTORNEY KATA: Please strike the juror.

22 CLERK OF COURT: You're excused from this particular case.

23 Juror No. 53, Mark Cabaniss.

24 (Potential juror presents to the front of the courtroom.)

25 CLERK OF COURT: What say the state?



1       ATTORNEY FARMER: Please present this juror.

2       CLERK OF COURT: Defense?

3       ATTORNEY KATA: Please seat the juror.

4       CLERK OF COURT: Please be seated in the jury box.

5       Juror No. 282, Crystal Rushing.

6       (Potential juror presents to the front of the courtroom.)

7       CLERK OF COURT: What say the state?

8       ATTORNEY FARMER: Please present this juror.

9       CLERK OF COURT: Defense?

10      ATTORNEY KATA: Please seat the juror.

11      CLERK OF COURT: Please be seated in the jury box.

12      Juror No. 206, David Linville.

13      (Potential juror presents to the front of the courtroom.)

14      CLERK OF COURT: What say the state?

15      ATTORNEY FARMER: Please present this juror.

16      CLERK OF COURT: Defense?

17      ATTORNEY KATA: Please seat the juror.

18      CLERK OF COURT: Please be seated in the jury box.

19      Juror No. 181, Matthew King.

20      (Potential juror presents to the front of the courtroom.)

21      CLERK OF COURT: What say the state?

22      ATTORNEY FARMER: Please excuse this juror.

23      CLERK OF COURT: You're excused from this particular case.

24      Juror No. 350, Elexxus Vereen.

25      (Potential juror presents to the front of the courtroom.)

1 CLERK OF COURT: What say the state?

2 ATTORNEY FARMER: Please present this juror.

3 CLERK OF COURT: Defense?

4 ATTORNEY KATA: Please seat the juror.

5 CLERK OF COURT: Please be seated in the jury box.

6 Juror No. 34, Rodney Brandon.

7 (Potential juror presents to the front of the courtroom.)

8 CLERK OF COURT: What say the state?

9 ATTORNEY FARMER: Please present this juror.

10 CLERK OF COURT: Defense?

11 ATTORNEY KATA: Please strike this juror.

12 CLERK OF COURT: You're excused from this particular case.

13 Juror No. 377, Michael Wulff.

14 (Potential juror presents to the front of the courtroom.)

15 CLERK OF COURT: What say the state?

16 ATTORNEY FARMER: Please excuse this juror.

17 CLERK OF COURT: You're excused from this particular case.

18 Juror No. 375, Cameron Wright.

19 (Potential juror presents to the front of the courtroom.)

20 CLERK OF COURT: What say the state?

21 ATTORNEY FARMER: Please excuse in juror.

22 CLERK OF COURT: You're excused from this particular case.

23 Juror No. 362, Brenda Williams.

24 (Potential juror presents to the front of the courtroom.)

25 CLERK OF COURT: What say the state?

1       ATTORNEY FARMER: Please present this juror.  
2       CLERK OF COURT: Defense?  
3       ATTORNEY KATA: Please strike this juror.  
4       CLERK OF COURT: You're excused from this particular case.  
5       Juror No. 36, Kensley Britt.  
6       (Potential juror presents to the front of the courtroom.)  
7       CLERK OF COURT: What say the state?  
8       ATTORNEY FARMER: Please present this juror.  
9       CLERK OF COURT: Defense?  
10      ATTORNEY KATA: Please strike this juror.  
11      CLERK OF COURT: You're excused from this particular case.  
12      Juror No. 212, Michael Marinelli.  
13      (Potential juror presents to the front of the courtroom.)  
14      CLERK OF COURT: What say the state?  
15      ATTORNEY FARMER: Please present this juror.  
16      CLERK OF COURT: Defense?  
17      ATTORNEY KATA: Please strike this juror.  
18      CLERK OF COURT: You're excused from this particular case.  
19      Juror No. 333, David Thompkins.  
20      (Potential juror presents to the front of the courtroom.)  
21      CLERK OF COURT: What say the state?  
22      ATTORNEY FARMER: Please present this juror.  
23      CLERK OF COURT: Defense?  
24      ATTORNEY KATA: Please strike this juror.  
25      CLERK OF COURT: You're excused from this particular case.

1 Juror No. 56, Jennifer Carlyle.

2 (Potential juror presents to the front of the courtroom.)

3 CLERK OF COURT: What say the state?

4 ATTORNEY FARMER: Please excuse this juror.

5 CLERK OF COURT: You're excused from this particular case.

6 Juror No. 87, Dale Dobis.

7 (Potential juror presents to the front of the courtroom.)

8 CLERK OF COURT: What say the state?

9 ATTORNEY FARMER: Please present this juror.

10 CLERK OF COURT: Defense?

11 ATTORNEY KATA: Please seat the juror.

12 CLERK OF COURT: Please be seated in the jury box.

13 Juror No. 244, Pilar Neville.

14 (Potential juror presents to the front of the courtroom.)

15 CLERK OF COURT: What say the state?

16 ATTORNEY FARMER: Please present this juror.

17 CLERK OF COURT: Defense?

18 ATTORNEY KATA: Please seat the juror.

19 CLERK OF COURT: Please be seated in the jury box.

20 Juror No. 202, Rosetta Leonard.

21 (Potential juror presents to the front of the courtroom.)

22 CLERK OF COURT: What say the state?

23 ATTORNEY FARMER: Please present this juror.

24 CLERK OF COURT: Defense?

25 ATTORNEY KATA: Please seat the juror.

1 CLERK OF COURT: Please be seated in the jury box.

2 Juror No. 226, Jill Meadow.

3 (Potential juror presents to the front of the courtroom.)

4 CLERK OF COURT: What say the state?

5 ATTORNEY FARMER: Please present this juror.

6 CLERK OF COURT: Defense?

7 ATTORNEY KATA: Please strike the juror.

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

9 Juror No. 175, Marissa Joseph.

10 (Potential juror presents to the front of the courtroom.)

11 CLERK OF COURT: What say the state?

12 ATTORNEY FARMER: Please excuse this juror.

13 CLERK OF COURT: You're excused from this particular case.

14 Juror No. 77, Connor Cross.

15 (Potential juror presents to the front of the courtroom.)

16 CLERK OF COURT: What say the state?

17 ATTORNEY FARMER: Please present this juror.

18 CLERK OF COURT: Defense?

19 ATTORNEY KATA: Please seat the juror.

20 CLERK OF COURT: Please be seated in the jury box.

21 THE COURT: Okay. Well, let me ask you, is there any  
22 matters of law pertaining to selection of the jury on behalf of  
23 the state?

24 ATTORNEY FARMER: No, Your Honor.

25 THE COURT: On behalf of the defendant?

1           ATTORNEY KATA: No, Your Honor.

2           THE COURT: Ladies and gentlemen who were not selected to  
3 serve on this jury, I need you to call back after 6:00 tonight,  
4 and there will be a message as to what you need do. You keep  
5 calling, you get through, you're not going to get to talk to a  
6 live person, it's probably an answering machine or a recording,  
7 so you can't argue with it. It will just state what you need to  
8 do. Thank you. I'll see you sometime this week, maybe not.

9           (The remaining panel of jurors not selected is excused.)

10          THE COURT: You may swear the jury.

11          (The jurors are administered oath by the Clerk of Court.)

12          CLERK OF COURT: You may be seated.

13                           COURT'S OPENING INSTRUCTIONS

14          THE COURT: Ladies and gentlemen, we're about to begin the  
15 trial of the case State versus Yunique Weathers. Ms. Weathers  
16 has been indicted for the crimes of murder and possession of a  
17 weapon during a violent crime. And I will explain to you the  
18 elements of those crimes at the end of this trial. I'm not  
19 charging you on the law now; I'm simply going to give you some  
20 introductory remarks as to what your responsibilities are.

21           To that indictment she's entered a plea of not guilty, and  
22 it places the burden on the state to prove her guilty of these  
23 crimes beyond a reasonable doubt.

24           Your job is to listen to the evidence that is presented  
25 during this case and reach your verdict in this case based on

1 that evidence. The evidence is going to come to you in basically  
2 three forms:

3 First of all, through sworn testimony. Witnesses will get  
4 on the stand and testify about facts that they know or have  
5 observed.

6 The other way you may get evidence is through documents or  
7 photographs or other things that I rule upon if it's admissible  
8 under the laws of the state.

9 And the third way that you may get evidence in the case is  
10 by stipulation of the attorneys. Sometimes in a case a fact is  
11 agreed to by both sides, and so -- that's not in every case, but  
12 in some cases they agree that this is a fact and that we both  
13 stipulate to it. But that's how you're going to get evidence in  
14 this case.

15 In a few minutes the lawyers are going to get up and make an  
16 opening statement to you. Those statements are not evidence.  
17 They're simply going to explain to you what they think the  
18 evidence is going to show in this case or what the evidence is  
19 not going to show in this case.

20 And then we will proceed with the trial of this case. And  
21 that at the end of the case, the lawyers will make their closing  
22 argument to you as to what they think the evidence showed or what  
23 the evidence didn't show.

24 I will charge you on the law that you will apply to this  
25 case, and give you this case to decide.

1        Now, under our law and under our constitution, you and only  
2        you can decide what the facts are in the case. I'm not allowed  
3        to have an opinion about the facts. My job is to rule upon the  
4        evidence that's admissible and charge you on the law, but you,  
5        and only you, determine what the facts are in this case.

6        And it's important that you get it right, because if you  
7        make a mistake, it is very hard to correct. If I make a mistake,  
8        at some other time, in some other place it will be reviewed and  
9        corrected if I make a mistake. So having said that, it's  
10       important that you're openminded, and you're fair, and you're  
11       impartial, because both sides have selected you to do just that,  
12       so I need you to pay close attention.

13       I'm going try to take a break every hour or an hour and a  
14       half. And I try not to take a break in the middle of a witness's  
15       testimony, but some witness's testimony is so long we need to  
16       take a break. Having said that, I need each one of you to pay  
17       close attention, so if you're uncomfortable for any reason and  
18       you need a break just simply raise your hand, and we'll take a  
19       break, because when you're uncomfortable you can't pay attention,  
20       and it's important that you pay close attention. So if you need  
21       a break, you just raise your hand and I will stop the  
22       proceedings, we'll take a break, and come back.

23       Now, and I'm also going to tell you, you can't talk about  
24       this case. You can't. When you take a break, after you've heard  
25       from one or two witnesses, if we take a break and you go back in



1 the jury room I don't want you to discuss what you think that  
2 witness said or didn't say, and here's the reasons why: If you  
3 do that, then at the end of the case you're going to want to  
4 defend that opinion you had at the beginning of the case with  
5 your fellow jurors, and I don't want you to start forming  
6 opinions or sharing your opinions with each other until you've  
7 heard all of the case, as well as the law that I'm going to  
8 charge you.

9 This system works when it's done right, and it's important  
10 to everybody in this courtroom and in our society that we get it  
11 right, so that's why I tell you don't talk about the case.

12 We're probably not even going to get any evidence today. By  
13 the time we finish, the lawyers give you opening statements,  
14 we'll probably quit for the day.

15 When you go home tonight I don't want you to do any research  
16 about this case, I don't want you to Google anybody, and I don't  
17 want you to talk to your family. Now, in the whole time you go  
18 home each night, if your family's anything like my family, you're  
19 sitting around the supper table and you discuss what happened in  
20 this case they're going to have an opinion, because my family  
21 always has an opinion. Most of the time it's different from mine  
22 but, anyway, I don't want them to share their opinion with you.  
23 At the end of this case you'll be able to talk to them about  
24 anything you want to, but it's important that you don't talk  
25 about this case until you've heard everything, okay, because I

1 want you to keep an open mind, pay close attention, and I need  
2 you to get it right.

3 The lawyers are going to get up in a few minutes and make an  
4 opening statement to you, and then we'll probably quit for the  
5 day because the first witness may go past 5:00, and I'm going to  
6 try to get you home every day between 5:00 and 5:30, if possible.  
7 In some circumstances we may have to run a little late, but  
8 hopefully that won't be this week. But if we do, I'll give you  
9 all enough notice, and we'll do what we can to let your families  
10 know you may be a little bit late.

11 So pay close attention to the attorneys, who will make their  
12 opening statements. We'll probably then quit for the day.

13 And I'll go ahead and tell you now, I need you all back here  
14 at 9:30 in the morning. If you have an emergency you need to  
15 call the clerk's office, or 9-1-1, or somebody and tell them,  
16 because I can't get started until all 14 of you show up, and so  
17 if I'm missing one in the morning I'm going to send the sheriff  
18 looking for you. So if you've got an emergency, call us, because  
19 I can't do anything until I get all of you here.

20 I was trying a case in a county one time, and after lunch  
21 one my jurors didn't come back, and we were supposed to be back  
22 at 2:00. And finally at 4:30 -- at 4:00 I sent the sheriff  
23 looking for her, and finally at 4:30 the sheriff brought her in.  
24 I said, Ma'am, what happened? How come you didn't come back?  
25 She said, Well, my stories were on. I don't miss my stories for

1 anything. Your soap operas are not an emergency. You've got to  
2 have a real emergency. Okay.

3 You pay close attention, the attorneys will get started.  
4 Mr. Solicitor.

5 OPENING STATEMENT ON BEHALF OF THE STATE

6 ATTORNEY FARMER: Thank you, Your Honor. May it please the  
7 Court.

8 THE COURT: Yes, ma'am.

9 ATTORNEY FARMER: At least five times, five is the number of  
10 shots it took for Yunique Weathers to put her girlfriend,  
11 De'Erica Fisher, down in a field on the side of Highway 9. First  
12 Yunique shot her in the leg multiple times. Then when De'Erica  
13 was down on the ground, on her knees, hands up, unarmed, Yunique  
14 shot her in the face. Because that still wasn't enough, she shot  
15 her one last time on the side of the head.

16 Folks, that's why we're all here this week, so that Yunique  
17 Weathers, who's the defendant in this case, so that she can  
18 answer for murdering her girlfriend, De'Erica. We're also here  
19 so that De'Erica's family can get some closure and try to get  
20 some justice.

21 Folks, throughout this week you're going to hear a very  
22 detailed account of everything that happened that day, but I want  
23 to briefly summarize those facts for you so you know what to  
24 listen for.

25 So this all took place on January 23rd of 2022. Now, on

1 that day the defendant and her girlfriend were coming back from a  
2 weekend at the beach. See, they were both from Fayetteville,  
3 North Carolina. They lived together in Fayetteville, and they  
4 came to Myrtle beach for a weekend away.

5 So that Sunday, shortly after they had gotten on the road to  
6 go home, the two got into an argument, an argument resulted in  
7 them stopping at a gas station. Now, during that argument a  
8 police officer happened upon the pair, and he wanted to see what  
9 was going on. Now he thought that the situation had calmed down,  
10 he thought they were going to go their separate ways. In fact,  
11 when he last saw them at that gas station he thought De'Erica had  
12 gotten in her car to go back to Fayetteville, and he just assumed  
13 that the defendant was going to find a ride, that she was going  
14 to call somebody to come get her, but that didn't happen.

15 And instead of separating, about an hour later multiple  
16 calls came in to 911. Those 911 callers informed that it looked  
17 like somebody was in a field right off Highway 9 on Pine Needle  
18 Drive with a gun, shooting another person.

19 Now, that same officer that encountered the pair at the gas  
20 station is also the officer that responded out to that field.  
21 When he got there he heard gunshots ringing out, and by the time  
22 he was finally able to make it to where they were it was too  
23 late. The defendant was down on the ground, hands up -- gun on  
24 the ground. She was unarmed, she was not shot. De'Erica,  
25 however, was down on the ground, facedown next to a ditch, at

1 least five gunshot wounds in her body. She was clearly deceased.

2 Folks, the case before you this week is not a who-did-it.  
3 It's also not a why-did-they-do-it. This was a murder by way of  
4 public execution, a public execution carried out by that  
5 defendant right there. She didn't care who saw, she didn't care  
6 who heard, and people did see and they did hear, and you're going  
7 to hear from those people this week.

8 And it's our job as representatives of the state to prove  
9 that she's guilty of committing that murder beyond a reasonable  
10 doubt. We can and we will prove that to you.

11 So what is beyond a reasonable doubt? Well, it's a standard  
12 of proof. You probably heard in it in TV shows. It's the same  
13 standard of proof used in criminal courts across the country.  
14 Beyond a reasonable doubt means the sort of proof that leaves you  
15 all, the jurors, firmly convinced of the defendant's guilt.

16 And before I tell you how we intend to prove her guilt to  
17 you I want to talk a little bit about the law in this case. Now,  
18 you all heard the Judge earlier say that he's going to instruct  
19 you on the law later on, but I want to preview what that law is  
20 for you so you know what to listen for.

21 So in South Carolina murder is defined as a killing of  
22 another with malice aforethought. It's short, there's not much  
23 to it, but what I want to focus on is malice. Malice is defined  
24 as a depraved heart, or heart intent on doing an evil deed.  
25 Simply put, malice is ill will towards another person. Folks,

1 malice, the perfect example of malice, is shooting somebody in  
2 the legs, and then when they're down on the ground at the mercy  
3 of somebody else yielding a weapon, malice is shooting them  
4 another two times in the head.

5 In the way that we intend to prove to you that Yunique  
6 Weathers is guilty is through evidence and through witness  
7 testimony, witness testimony that's going to come from that box,  
8 and evidence in the form of video, photos, and other testimony.

9 So you're going to hear from law enforcement. They're going  
10 to talk about the relative parts that they played in this  
11 investigation. You're going to see photos. You're going to see  
12 video. You're going to hear from a CSI officer. He's going to  
13 talk about the evidence that he found in this case.

14 You're also going to hear from pathologists. Now, that  
15 pathologist is coming in from MUSC, and she's the person who  
16 performed the autopsy on De'Erica. She's going to go through the  
17 path and the damage that each of those bullets took in De'Erica's  
18 body, how they led to her death.

19 You're going to hear from a 911 caller. He was there on the  
20 side of Highway 9, and he saw what was happening as well. You're  
21 going to hear from a lay witness. That witness was driving by  
22 the scene, and he witnessed what was going on out in that field.

23 You're also going to hear Officer Hamm from the Horry County  
24 Police Department. As you probably can guess, Officer Hamm is  
25 the person who encountered the defendant and her girlfriend at a

1 gas station about an hour before he responded out to that field  
2 and witnessed what was happening.

3 Folks, the time of year is not lost on us, we understand  
4 it's a week before Christmas, but I want to let you know that  
5 this trial is not going to be like what you see on TV, and it's  
6 going to be short.

7 And after you've heard from all the witnesses, after we've  
8 presented for you all the testimony -- I'll ask that you pay very  
9 close attention to all the testimony, all the evidence that we're  
10 going to put in front of you -- I'm going to stand back in front  
11 of you and ask you to find the defendant, Yunique Weathers,  
12 guilty of the murder, of the public execution, of her girlfriend,  
13 De'Erica Fisher, on January 23rd of 2022. Thank you.

14 ATTORNEY KATA: May it please the Court.

15 THE COURT: Yes, sir.

16 OPENING STATEMENT ON BEHALF OF THE DEFENDANT

17 ATTORNEY KATA: Good afternoon. Yes, Ms. Weathers killed  
18 De'Erica, but it's not murder, it wasn't done with malice  
19 aforethought, it wasn't done with a dark heart, premeditated, it  
20 wasn't done as the plan of the day.

21 They were here to go to the beach. They were here to get  
22 out of the house. And the evidence will show that Ms. Weathers  
23 was provoked, that she was pushed to a point of extreme  
24 exasperation, to the point where she lost control and was unable  
25 to stop after being pushed, her hair pulled.

1       You're going to see this event did last for an hour. We're  
2 going to ask you to look at that, look at all the details, look  
3 at everything that happened that day. Please pay close attention  
4 to everything that happened, please keep an open mind, review all  
5 the evidence, because not every killing is murder. No matter how  
6 horrible it may sound or how horrible the pitch, not every  
7 killing is murder.

8       There's another law that I would like to read to you. It's  
9 called voluntary manslaughter. And voluntary manslaughter is the  
10 unlawful killing of human being, without malice, and sudden heat  
11 of passion upon sufficient legal provocation. Ms. Weathers was  
12 under the heat of passion when this happened after being  
13 provoked. That's what the evidence will show.

14       Now, what do those two terms mean? Now I'm going to read  
15 that to you because there's a lot in this. I just want to read  
16 it once and, please, use that as a measuring stick as we go  
17 through the evidence and you hear the testimony and you review  
18 the exhibits and you sit through this trial.

19       Sudden heat of passion upon sufficient legal provocation,  
20 while it need not dethrone reason entirely, or shut out knowledge  
21 and volition, must be such as would naturally disturb the sway of  
22 reason and render the mind of an ordinary person incapable of  
23 cool reflection, produce what, according to human experience, may  
24 be called an uncontrollable impulse to be violent. The passion  
25 may not be so overpowering as for time to shut out all knowledge



1 and destroy all volition. That is heat of passion.

2 Ms. Weathers submits, and I submit, that the evidence will  
3 fit that definition and not malice.

4 To constitute sufficient legal provocation the provocation  
5 must come from some act of or related to victim. The provocation  
6 of the deceased must be such as naturally and instantly produces  
7 in the mind of a person ordinarily constituted the highest degree  
8 of exasperation, rage, anger, sudden resentment, or terror,  
9 rendering the mind incapable of cool reflection.

10 Keep those two precepts in the back of your mind as you hear  
11 the evidence, as you listen to the witnesses, and as we go  
12 through this case, and I submit that at end of all the evidence  
13 the only verdict that can be rendered is a verdict of voluntary  
14 manslaughter. Thank you.

15 THE COURT: Okay. Is there anything else before we dismiss  
16 for the day?

17 ATTORNEY HOLFORD: Not for the jury, Your Honor.

18 ATTORNEY KATA: No, Your Honor.

19 THE COURT: All right. Ladies and gentlemen, it's about 9  
20 minutes till 4:00, and we're going to let you all go early today  
21 simply because this first witness may keep us here long after  
22 5:00.

23 I remind you, don't discuss the case. And I'll see you back  
24 at 9:30 in the morning. When you come back, you'll go straight  
25 to the jury room. They'll show you where that is. Okay. If you

1 have an emergency, please call us. If not, I'll see you all at  
2 9:30.

3 (Jury is dismissed for the day at 3:52 p.m.)

4 MATTER(S) OF LAW

5 THE COURT: Anything else?

6 ATTORNEY HOLFORD: Your Honor, the jury having been sworn  
7 and the trial being started, the defendant's bond has been  
8 extinguished by law, is my understanding, so she's no longer on  
9 bond, and the state would request that she be taken into custody  
10 for the pendency of the trial. Again, I believe it's going to be  
11 a short trial. We should wrap it up either tomorrow afternoon or  
12 Wednesday morning.

13 THE COURT: Okay. Do you want to respond to that? He is  
14 right, and I normally take them into custody, unless you've got  
15 something.

16 ATTORNEY KATA: Your Honor, that's the law.

17 THE COURT: Okay.

18 ATTORNEY KATA: Your Honor, I will note for the record she  
19 has been out on monitoring with home detention, been very good,  
20 substantially complying with every issue required but, Your  
21 Honor, I do know that's the law.

22 THE COURT: Okay. She's in custody.

23 ATTORNEY HOLFORD: Thank you, Your Honor.

24 THE COURT: Anything else?

25 ATTORNEY HOLFORD: Nothing further from the state.

1 THE COURT: I'll see you all at 9:30.

2 ATTORNEY HOLFORD: Yes, Your Honor.

3 THE COURT: Okay.

4 (Proceedings recessed for the day at 3:53 p.m.)

5 (End of Transcript of Record.)

6  
7 CERTIFICATE OF REPORTER

8 I, Cathy J. Provost, Official Court Reporter for the  
9 Fourteenth Judicial Circuit of the state of South Carolina, do  
10 hereby certify that the foregoing is a true, accurate and  
11 complete Transcript of Record of the proceedings had and evidence  
12 introduced in the trial/proceedings of the captioned case in the  
13 Court of General Sessions for Horry County, South Carolina, on  
14 the 18th day of December, 2023.

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

17  
18 Date: February 22, 2024

19  
20 \s\ Cathy J. Provost  
21 Cathy J. Provost, RMR  
22 Official Circuit Reporter  
23  
24  
25

STATE OF SOUTH CAROLINA    )    COURT OF GENERAL SESSIONS  
COUNTY OF HORRY                )    CASE NO. 2022-GS-26-2082, -2081

-----  
December 19 and 20, 2023

BEFORE:

The Honorable R. Ferrell Cothran, Judge; and a jury

-----  
State of South Carolina,

Plaintiff,

vs.

Yunique D. Weathers,

Defendant.

-----  
APPEARANCES:

For the State:

Joshua D. Holford, Esq.

Elizabeth Farmer, Esq.

For the Defendant:

Justin M. Kata, Esq.

Cynthia D. Weaver  
Official Court Reporter

|    |                                     |                           |
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P-R-O-C-E-E-D-I-N-G

(WHEREUPON, the proceedings reconvened on Tuesday,  
December 19, 2023, 9:36 a.m.)

THE BAILIFF: All rise.

THE COURT: Thank you. You can be seated.

We're missing a juror, that's what we're waiting  
on.

The first witness -- is the first witness in the  
courtroom?

MR. HOLFORD: No, Your Honor, he's sequestered at  
the moment.

THE COURT: I know, but is there any reason we  
can't bring him in here? We're not going to be saying  
anything are we? That way we won't have to wait when I do  
get a Jury to bring him in here.

MR. KATA: We have no objection.

MR. HOLFORD: We'll bring him in.

THE COURT: Okay. He's not going to hear anybody  
else's testimony and that way we won't have to wait for him  
to get here.

MR. KATA: My client's ready, I mean, I don't know  
if we want to go ahead.

THE COURT: I'm just waiting on the last juror.

(WHEREUPON, there was a pause in the proceedings.)

THE COURT: Okay. Juror -- we're missing Juror

1 No. 350 and the phone that she's given the clerk's office  
2 has been disconnected. So do y'all want to put an alternate  
3 in place of her seat or do you want to wait on her?

4 Have y'all made up your mind yet or do you need to  
5 talk to your client about it?

6 MR. KATA: Let me go talk to her real quick.

7 THE COURT: She's number 350 on the list. And, of  
8 course, the statute requires for criminal alternates that  
9 they be drawn versus civil is the first one on the list. So  
10 I'll get the Clerk in anticipation to at least put the two  
11 alternates name in a hat or container and draw out the one  
12 if we have to use one.

13 And I guess we can wait a little while, but if it  
14 comes to the point, I don't care what y'all say, I'm going  
15 to put an alternate in place.

16 (WHEREUPON, there was a pause in the proceedings.)

17 MR. KATA: Your Honor, my client would prefer to  
18 start the trial utilizing the alternate if we haven't heard  
19 anything.

20 THE COURT: Okay. At a quarter till I'm going to  
21 do it anyway. I mean, we're not going to sit here all day  
22 as long as I got alternates. Now, when I run out of  
23 alternates, that changes things. Okay. I'll have the Clerk  
24 draw one of the two alternates names out of the hat or some  
25 container and we'll see who it is.

1                   Okay. Juror No. 77, Connor Cross.

2                   All right. Do you want to get your client and  
3 we'll get started?

4                   THE BAILIFF: Sir, the last juror just showed up,  
5 sir.

6                   THE COURT: Okay. So do you want to stay with the  
7 original panel then since she's here?

8                   MR. KATA: Sure. She's here.

9                   THE COURT: Okay.

10                  MR. KATA: She's here and we just didn't know it.

11                  THE COURT: All right. Wait a minute before you  
12 bring them in, let's get your client in here.

13                  (WHEREUPON, the defendant entered the courtroom at  
14 9:49 a.m.)

15                  THE COURT: Okay. Is the State ready?

16                  MR. HOLFORD: Yes, Your Honor.

17                  THE COURT: Defense ready?

18                  MR. KATA: Defense is ready, Your Honor.

19                  THE COURT: Bring in the jury.

20                  (WHEREUPON, the jury entered the courtroom at 9:51  
21 a.m.)

22                  THE COURT: Okay. Solicitor, you may call your  
23 first witness.

24                  MR. HOLFORD: Thank you, Your Honor.

25                  The State calls Lance Corporal Paul Hamm.

## PAUL HAMM - DIRECT BY MR. HOLFORD

1 THE COURT: Come around please, sir, place your  
2 left hand on the Bible and raise your right.

3 PAUL HAMM, having been duly sworn,  
4 testified as follows:

5 THE WITNESS: Lance Corporal Paul Hamm, H-A-M-M.

6 DIRECT EXAMINATION

7 BY MR. HOLFORD:

8 Q. Good morning.

9 A. Good morning.

10 Q. Can you tell the jury a little bit about what you  
11 do, where you're employed?

12 A. I work in the patrol division of Horry County  
13 Police Department. I patrol Sector 22, which is the  
14 Freemont, Cedar Branch, Flat Patch area, that side of the  
15 river.

16 Q. What part of the county is that in?

17 A. It's in the West Precinct.

18 Q. And how long have you been in the patrol division?

19 A. A little over six years.

20 Q. What is the patrol division? How is that  
21 different from another division?

22 A. I answer calls for certain issues, you know,  
23 alarms, building checks, domestic violence situations. And  
24 then you have the detectives who do the other stuff.

25 Q. Okay. Are you a first responder?

PAUL HAMM - DIRECT BY MR. HOLFORD

1 A. Yes.

2 Q. You respond to the scene initially?

3 A. Yes.

4 Q. Back in January 23, 2022, what was your position  
5 at that time?

6 A. Patrol officer.

7 Q. And how long had you been with the county --  
8 County PD at that point?

9 A. About four years.

10 Q. Four years?

11 A. Four or five years.

12 Q. I'm going to show you what's been marked as  
13 State's 55. Are you familiar with what State's 55 is? 65,  
14 sorry.

15 A. Yes.

16 Q. And how are you familiar with this?

17 A. We got Highway 905, we got Highway 9, there's the  
18 Minuteman gas station, Pine Needle Road to your left and to  
19 your right. That's the area I frequent.

20 Q. Okay. Is this an area in Horry County that you  
21 patrol?

22 A. Yes, sir.

23 Q. And specifically in relation to this case?

24 A. Yes, sir.

25 MR. HOLFORD: Your Honor, State would introduce



PAUL HAMM - DIRECT BY MR. HOLFORD

1 State's 65 into evidence.

2 THE COURT: Any objection?

3 MR. KATA: No objection.

4 THE COURT: It's entered without objection.

5 (WHEREUPON, State's Exhibit No. 65 was admitted  
6 into evidence.)

7 BY MR. HOLFORD:

8 Q. We've got two points marked on here and I'm going  
9 to ask you about the one in the field first and have you  
10 walk us through that. Let me back up.

11 On January 23, 2022, did you have an occasion to  
12 come in contact with this Defendant, Yunique Weathers?

13 A. I did.

14 Q. And how many times on that day?

15 A. Twice.

16 Q. Let's talk about the second time. I've got two  
17 red marks on here. One looks like it's in field and one  
18 that's at a gas station.

19 A. That's correct.

20 Q. The second time you came in contact with her,  
21 where was that?

22 A. In the field.

23 Q. Up here? (Indicating.)

24 A. Yes, sir.

25 Q. Tell us about that. What were you responding to?

PAUL HAMM - DIRECT BY MR. HOLFORD

1 A. Got a call of shots fired.

2 Q. What do you do when shots are fired?

3 A. Go and investigate.

4 Q. Where were you coming from?

5 A. I was coming from the Minuteman gas Station, that  
6 red dot right there, yes.

7 Q. Okay. And so you're traveling up this direction?

8 A. Yes, sir.

9 Q. What do you see when you get there?

10 A. See a couple of cars parked on the side of the  
11 road. See a crowd of people on the opposite side of the  
12 road and someone pointing out towards the field.

13 Q. Okay. At that time, did you recognize who was out  
14 in the field?

15 A. I did not.

16 Q. Did you recognize any of the cars that were out  
17 there?

18 A. I did, once I got out of mine, yes.

19 Q. And what car did you recognize?

20 A. It was the victim's red car.

21 Q. Okay. Who was the victim in this case?

22 A. Forgive me, I forget her last name, it was  
23 De'Erica.

24 Q. De'Erica Fisher?

25 A. Yes.

PAUL HAMM - DIRECT BY MR. HOLFORD

1 Q. Does that sound right?

2 A. Yes.

3 Q. Now, you had said you had an encounter twice with  
4 them, one earlier, same day?

5 A. Yes, sir.

6 Q. And where was that?

7 A. That was at the bottom red dot at the Minuteman  
8 gas station.

9 Q. Where you were coming from to actually respond to  
10 this?

11 A. Yes, sir.

12 Q. Now, let me ask you this: This field right here  
13 on off Pine Needle and Highway 9, is that in Horry County?

14 A. Yes, sir.

15 Q. That's part of your jurisdiction?

16 A. Yes, sir.

17 Q. About how far is it from this gas station up to  
18 that field right there? More than a mile? Less than a  
19 mile?

20 A. Less than a mile.

21 Q. Where did you park as you're pulling in here?

22 A. I pulled off on the right-hand side of the road in  
23 front of the victim's red car.

24 Q. Right here? (Indicating.)

25 A. Yes, sir.

PAUL HAMM - DIRECT BY MR. HOLFORD

1 Q. And did you say there were people up here on the  
2 Pine Needle side or on the left side?

3 A. On the left side -- on both sides.

4 Q. Okay. So you were responding to the shots fired  
5 call. What do you do? You park your car, you get out, what  
6 happens?

7 A. I check the car behind me due to traffic to make  
8 sure that there was no one actually in the car and I circled  
9 around my car and directed my attention to the field where  
10 they were pointing.

11 Q. When you directed your attention to the field  
12 where people were pointing, what did you observe? What did  
13 you hear?

14 A. I heard a gunshot.

15 Q. And what did you do in response?

16 A. There's a canal on this side of the road, makes it  
17 kind of difficult to kind of get around. So the little dirt  
18 road, I walked around to where the ditch is maybe smaller.

19 Q. Okay.

20 A. And I crossed the field -- crossed the ditch and  
21 proceeded across the field to where I heard the shot come  
22 from.

23 Q. Coming from up here around --

24 A. That's where I was, yes, sir.

25 Q. Okay. What happened as you advance out in the

PAUL HAMM - DIRECT BY MR. HOLFORD

1 field?

2 A. I heard another gunshot at which point in time I  
3 drew my weapon. I walked across the field as best I could  
4 and at that point in time I realized who I saw and I yelled  
5 her name and told her to drop the gun.

6 Q. You said you realized who you saw. Before this  
7 day, had you seen her before?

8 A. No, sir.

9 Q. You're not familiar with who she was?

10 A. No, sir.

11 Q. You just said you happened to encounter earlier in  
12 the day?

13 A. Yes, sir.

14 Q. Did she comply?

15 A. She did.

16 Q. She dropped the gun. Did you walk out there?

17 A. I did.

18 Q. To where she was?

19 A. I did.

20 Q. Did you check on the victim in this case?

21 A. As best I could, yes.

22 Q. Did -- what would you do in that situation, would  
23 you call EMS? Are you talking to dispatch? What's going  
24 on?

25 A. I placed the defendant into custody and moved her

PAUL HAMM - DIRECT BY MR. HOLFORD

1 away from the scene. I went back and I checked on the  
2 victim. At which point in time I called for EMS to assist.

3 Q. Okay. From your observation was there any  
4 assistance that could have been rendered, life-saving  
5 assistance at that point?

6 A. No, sir.

7 Q. After you detained the defendant, where'd you take  
8 her?

9 A. I took her and placed her in the back seat of my  
10 patrol car.

11 Q. Now, let me ask you this: A lot of police  
12 officers have, nowadays, body-worn cameras. Did you have  
13 one of those that day?

14 A. Yes, sir, I did.

15 Q. And did it record these events as you've explained  
16 them us?

17 A. Yes, sir, it did.

18 Q. I'm going to approach you with what's been marked  
19 as State's Exhibit 6. Are you familiar with what State's  
20 Exhibit 6 is?

21 A. Yes, sir.

22 Q. And how are you familiar with it?

23 A. It has my initials on it.

24 Q. It's a black USB drive, it's got your initials on  
25 it?

PAUL HAMM - DIRECT BY MR. HOLFORD

1 A. Yes, sir.

2 Q. Is this the body-worn camera that you had on that  
3 day?

4 A. Yes, sir.

5 Q. Have you reviewed this prior to trial?

6 A. Yes, sir.

7 Q. Is it a true and accurate copy of what your video  
8 captured that day?

9 A. Yes, sir.

10 MR. HOLFORD: The State would seek to introduce  
11 State's 6 into evidence, Your Honor.

12 THE COURT: What says Defense?

13 MR. KATA: No objection.

14 THE COURT: Okay. It's in without objection.

15 (WHEREUPON, State's Exhibit No. 6 was admitted  
16 into evidence.)

17 MR. HOLFORD: Permission to publish?

18 THE COURT: Yes, sir.

19 (WHEREUPON, State's Exhibit No. 6 was published  
20 for the jury.)

21 MR. HOLFORD: Can you see this screen?

22 Your Honor, I'd ask that Paul Hamm be allowed to  
23 step down to view the video.

24 THE COURT: Okay. You just need to keep your  
25 voice up so my court reporter and the jury can hear you.

PAUL HAMM - DIRECT BY MR. HOLFORD

1 MR. HOLFORD: Yes, sir.

2 BY MR. HOLFORD:

3 Q. Does this have a time and date stamp on it?

4 A. Yes, sir.

5 Q. And what is the -- what's the date on this body  
6 cam right now --

7 A. January 23, 2022.

8 Q. And what's the time right now?

9 A. 1:28.

10 Q. 1:28, okay. The first part of this body-cam video  
11 there's actually no sound. Do you know why that is?

12 A. It's a buffering. It goes back 30 seconds -- 30  
13 to 60 seconds before.

14 Q. So whenever you click that?

15 A. Uh-huh.

16 Q. It's captured video but not sound for 30 seconds  
17 prior?

18 A. Correct.

19 Q. So about 30 seconds we should hear some sound?

20 (Video playing.)

21 BY MR. HOLFORD:

22 Q. After that was she placed in the back of your  
23 patrol car and then taken into custody?

24 A. Yes, sir.

25 Q. Let me back up to -- you said that when you



PAUL HAMM - DIRECT BY MR. HOLFORD

1 arrived, you heard a gunshot; is that correct?

2 A. Yes, sir.

3 Q. Right here at 13:28:38, you're getting out of your  
4 vehicle; is that correct?

5 A. Yes, sir.

6 (Video playing.)

7 BY MR. HOLFORD:

8 Q. Right there at 13:28:46, is that where you were  
9 talking about?

10 A. Yes, sir.

11 Q. Now we can hear something on the video; is that  
12 right?

13 A. Uh-huh.

14 Q. Was it much clearer out there?

15 A. Yes.

16 Q. As you were advancing out into the field, where it  
17 starts at 13:29:07, after that first -- that gunshot being  
18 heard on your body cam, what was the position of the  
19 defendant and the victim at that point?

20 A. The victim was lying on the ground, the defendant  
21 was standing over top to of her.

22 (Video playing.)

23 BY MR. HOLFORD:

24 Q. Right there at 13:29:27, we heard something else  
25 on the video, what was that?

PAUL HAMM - DIRECT BY MR. HOLFORD

1 A. I think that was the final shot.

2 Q. About how far are you from where they were  
3 standing at this point?

4 A. Seventy-five yards, maybe, maybe 50 yards, maybe  
5 more.

6 (Video playing.)

7 BY MR. HOLFORD:

8 Q. Right here what's -- she what's the defendant  
9 doing, 13:29:36?

10 A. I believe she's getting on the ground complying  
11 with commands.

12 Q. Did she comply with your commands at that point  
13 after she had shot the victim?

14 A. Yes.

15 Q. Did she -- what's her demeanor? Was she  
16 hysterical? Was she freaking out?

17 A. Just as calm as she could be.

18 Q. And what did she do when she complies with your  
19 commands at that point?

20 A. She uttered something.

21 Q. Okay.

22 A. You're talking about as I put her in handcuffs?

23 Q. No, just her whole demeanor from this point  
24 forward, from 13:29:36 up until the time you get her in your  
25 car. Does she -- I mean, is she freaking out? Is she, you

PAUL HAMM - DIRECT BY MR. HOLFORD

1 know, going off?

2 A. No, sir.

3 Q. What's her demeanor?

4 A. As calm as she could be.

5 Q. Answering your questions?

6 A. Answering my questions.

7 Q. Knows where she is?

8 A. Yes.

9 Q. Rational?

10 A. Yes.

11 Q. Calm, cool and collected?

12 A. Calm, cool and collected.

13 Q. You just watched her murder the victim?

14 A. Correct.

15 Q. Now, you had said -- you had said you -- and we  
16 can see it in this body cam, you said, Yunique, put the gun  
17 down. And you said you had an interaction with them earlier  
18 in the day?

19 A. Yes, sir.

20 Q. I'm going to show you what's been marked as  
21 State's 4. Are you familiar with what State's Exhibit 4 is?

22 A. Yes, sir.

23 Q. And how are you familiar with that?

24 A. That's my initials on it.

25 Q. Is this a blue jump drive?

PAUL HAMM - DIRECT BY MR. HOLFORD

1 A. Yes, sir.

2 Q. Have you watched this?

3 A. Yes, sir.

4 Q. And what does this show?

5 A. The interaction at the gas station.

6 Q. Prior?

7 A. Yes, sir.

8 Q. So this is about -- you show up at 1:28 in the  
9 afternoon, and this is a little bit before that?

10 A. About an hour.

11 MR. HOLFORD: Your Honor, the State would seek to  
12 introduce State's 4 into evidence.

13 MR. KATA: No objection.

14 THE COURT: Okay. It's in without objection.

15 (WHEREUPON, State's Exhibit No. 4 was admitted  
16 into evidence.)

17 MR. HOLFORD: Permission to publish?

18 THE COURT: Yes, sir.

19 (WHEREUPON, State's Exhibit No. 4 was published  
20 for the jury.)

21 BY MR. HOLFORD:

22 Q. When you respond to this gas station, just tell  
23 me, where are you responding from, what you see, what's  
24 going on? Play that scene for us.

25 A. I was responding to another call across the street

PAUL HAMM - DIRECT BY MR. HOLFORD

1 and I saw the victim's car in the middle of the road with a  
2 little dog running around it. My -- I thought someone maybe  
3 had gotten sick and maybe had opened the door and was  
4 throwing up or something and the little dog jumped out and  
5 they were trying to get the dog.

6 Q. Did you go over there with the intention of  
7 arresting anyone?

8 A. No, sir.

9 Q. Were you doing what you normally do, responding to  
10 people in situations?

11 A. Yes, sir.

12 (Video playing.)

13 BY MR. HOLFORD:

14 Q. Who is this in the white shirt with the black  
15 corset thing?

16 A. The victim.

17 Q. Who is this in the red shirt and the black jacket?

18 A. The defendant.

19 (Video playing.)

20 BY MR. HOLFORD:

21 Q. When the defendant and the victim leave, did they  
22 leave together from this point?

23 A. No, sir, they went separate.

24 Q. It's about 12:24, so about an hour before the next  
25 video; is that right?

PAUL HAMM - DIRECT BY MR. HOLFORD

1 A. Yes, sir.

2 Q. You can have a seat.

3 So they're arguing about a song and phone?

4 A. Yes.

5 Q. And initially the defendant says she has the  
6 victim's phone, but then when questioned later she doesn't  
7 have the phone; is that right?

8 A. Yes, sir.

9 Q. And initially she says she doesn't have her own  
10 phone, but then we see her calling with it, right?

11 A. Correct.

12 Q. In your body cam out in the field, do you remember  
13 if there were two phones out there?

14 A. I don't recall if there were two or not.

15 Q. But the jury can watch that body cam and see if  
16 there were two phones out there in the field.

17 A. Should be able to.

18 Q. You said you respond to a number of situations,  
19 domestic violence included; is that right?

20 A. Yes, sir.

21 Q. This situation here at 12:24, were there any alarm  
22 bells going off like this is heated?

23 A. Not that it was really heated, no, sir.

24 Q. In your experience, as this a volatile situation  
25 that was going to lead to a shooting?

PAUL HAMM - DIRECT BY MR. HOLFORD

1 A. No, sir.

2 Q. How was the demeanor of -- of really both of them?  
3 Obviously, they were a little frustrated, but did it go  
4 beyond that?

5 A. No, it didn't go beyond that.

6 Q. And we can see the defendant's demeanor just an  
7 hour before; that's right?

8 A. Correct.

9 Q. And in your second body cam, we can see her  
10 demeanor after she shoots the victim?

11 A. Correct.

12 Q. Is it pretty consistent throughout?

13 A. Yes, sir.

14 Q. Again, at the gas station, she's not -- the  
15 defendant's not freaking out, not losing her mind?

16 A. No, sir.

17 Q. Not, you know, all hot and has to calm down?

18 A. No, sir.

19 Q. And then an hour after this is where you pull up  
20 to them just less than half a mile down the road in the  
21 field?

22 A. Correct.

23 Q. When you walked out there, when you come out to  
24 this field here, at any point did the victim have a gun?

25 A. No.

## PAUL HAMM - CROSS BY MR. KATA

1 Q. And you watched the defendant shoot her  
2 point-blank?

3 A. Yes.

4 Q. After she was on the ground?

5 A. Yes.

6 Q. When you got to that field did the victim pose any  
7 threat to the defendant?

8 A. None.

9 MR. HOLFORD: I have no further questions.

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

11 THE COURT: Yes, sir.

12 CROSS-EXAMINATION

13 BY MR. KATA:

14 Q. Officer Hamm, let's look at what's marked as  
15 Exhibit 65, this is the map. Can you see it from there?

16 A. Yes, sir.

17 Q. Okay. Let's start from the beginning. I guess  
18 we'll call it the day when you were with the gentleman in  
19 the wheelchair.

20 A. Yes, sir.

21 Q. And can you point out where that was on the map?

22 A. There was a fruit stand right here, so he was  
23 right in this area.

24 Q. So across the street?

25 A. Yes, sir.



## PAUL HAMM - CROSS BY MR. KATA

1 Q. Across a two-lane highway?

2 A. Yes, sir.

3 Q. A pretty busy street?

4 A. Yes, sir.

5 Q. To say the least. Okay. And as you're  
6 interacting with the gentleman in the wheelchair you noticed  
7 the car that was just parked in the middle of the street?

8 A. Yes, sir.

9 Q. Okay. Just standing still in the middle of  
10 traffic?

11 A. Yes, sir.

12 Q. And that was odd?

13 A. Yes.

14 Q. Okay. And so you terminate that encounter with  
15 the gentleman in the wheelchair and you jump in your car and  
16 you were going to respond, correct?

17 A. Correct.

18 Q. Okay. And when you respond to a situation like  
19 that, do you get on the radio?

20 A. Yes.

21 Q. I mean, that's standard procedure?

22 A. Yes, sir.

23 Q. Okay. And you radio in what you're doing?

24 A. Yes, sir.

25 Q. Okay. And isn't it true that when you got on the

## PAUL HAMM - CROSS BY MR. KATA

1 radio and you're about to respond and move across the  
2 street, you went out over the radio?

3 A. Uh-huh.

4 Q. And radioed in that you were responding to what  
5 looks like a fight?

6 A. Yes.

7 Q. Okay. And of course you radioed that based upon  
8 what you saw?

9 A. Yes.

10 Q. Okay. So from you standing across the two-lane  
11 busy street over here --

12 A. Uh-huh.

13 Q. -- you perceived what appeared to be a fight?  
14 Something was going on enough to draw your attention from  
15 across the street?

16 A. Yes.

17 Q. Okay. And for you to radio into the car  
18 responding to what appears to be a fight?

19 A. Yes.

20 Q. Okay. All right. Now, you respond on scene, did  
21 you ask Ms. Weathers, Why are y'all snatching each others  
22 hands and fighting --

23 A. Yes.

24 Q. -- did you ask them that?

25 A. I did.

## PAUL HAMM - CROSS BY MR. KATA

1 Q. Okay. And you began starting to do an  
2 investigation into that situation?

3 A. Correct.

4 Q. Okay. And you uncovered that she's actually in  
5 the military?

6 A. Correct.

7 Q. All right. You asked her and that's what she  
8 responded?

9 A. Yes.

10 Q. Do you know what branch of the military?

11 A. I do not.

12 Q. Okay. But you found out she was in the military?

13 A. Yes.

14 Q. All right. Let me draw your attention to what  
15 I'll mark for identification purposes as Defendant's No. 1.

16 Do you recognize this object?

17 A. Yes.

18 Q. What is it?

19 A. Looks like the shirt she was wearing.

20 Q. Okay. It's the color red?

21 A. Yes.

22 Q. Okay. And it looks just like the shirt that's in  
23 the video?

24 A. Yes.

25 Q. That we just watched. Okay.

## PAUL HAMM - CROSS BY MR. KATA

1 MR. KATA: Your Honor, at this time I'd move to  
2 admit Defendant's Exhibit No. 1.

3 MR. HOLFORD: No objection.

4 THE COURT: Okay. It's in without objection.

5 (WHEREUPON, Defendant's Exhibit No. 1 was admitted  
6 into evidence.)

7 BY MR. KATA:

8 Q. Now, in the video that we just watched at the gas  
9 station, okay, do you recall Ms. Weathers' shirt being  
10 ripped are intact?

11 A. I recall it being intact.

12 Q. Okay. Like a regular t-shirt up around the  
13 collar?

14 A. Yes.

15 Q. Just regular?

16 A. Yeah.

17 Q. Okay. Now, this shirt, Defendant's No. 1 --

18 A. Uh-huh.

19 Q. -- is there something different about this shirt  
20 as it stands right here than the shirt that you encountered  
21 at the gas station?

22 A. It looks like the neck's ripped.

23 Q. The neck's ripped. Now, Officer, you probably  
24 know this road more than any of us, okay. And this is where  
25 the initial encounter took place, correct?

## PAUL HAMM - CROSS BY MR. KATA

1           A.    Correct.

2           Q.    And this is where the second encounter took place?

3           A.    Correct.

4           Q.    Okay.  And whether it's a half a mile or a mile,  
5 we don't really know.  I mean, it's far enough away to where  
6 you can't see this field from here, can you?

7           A.    Correct.

8           Q.    No.  I mean, you'd have to get in your car --

9           A.    Yes.

10          Q.    -- and drive there?  Okay.

11                Let's go back to the car parked in middle of  
12 street.  That's part of what drew your attention there.  As  
13 part of your investigation, did you uncover that Ms. Yunique  
14 was driving that car?

15          A.    No, I didn't.

16          Q.    Originally?  Okay.  Do you recall who was driving  
17 the car at the beginning of that?

18          A.    I don't recall.

19          Q.    Okay.  All right.  Well -- so, you finish your  
20 encounter with Ms. Weathers and De'Erica at the gas station,  
21 okay.  And you testified that they went separate ways.

22          A.    Uh-huh.

23          Q.    Okay.  Do you remember -- describe the separate  
24 ways.  I mean, did they both leave -- they didn't both leave  
25 in the car, did they?

## PAUL HAMM - CROSS BY MR. KATA

1 A. No, sir. No.

2 Q. Did Ms. Weathers leave on foot?

3 A. Yes.

4 Q. Okay. In what direction, do you know?

5 A. She stuck around the gas station for a little

6 while. Ms. Fisher drove off on Highway 9 towards

7 North Carolina.

8 Q. Okay. So Ms. Weathers hung around for a little  
9 while and Ms. De'Erica drove off. How long did you observe  
10 them post your encounter?

11 A. Maybe five minutes.

12 Q. All right. And then you drove off?

13 A. I pulled around to the side of the store.

14 Q. Okay.

15 A. In the parking lot.

16 Q. And you testified that an hour later you received  
17 a call to respond to the field?

18 A. Correct.

19 Q. And when you receive a call to respond, is that  
20 over the radio?

21 A. Yes.

22 Q. Okay. So when you receive a call over the radio  
23 what kind of information are you provided?

24 A. As much as they can give me.

25 Q. Okay. Now, if people had called 911 and made 911

## PAUL HAMM - CROSS BY MR. KATA

1 calls describing a fight between two individuals would you  
2 have that information over the radio potentially or?

3 A. Potentially.

4 Q. Okay. But there's certain situations where you  
5 may not?

6 A. Correct.

7 Q. Okay. So you get that call over the radio about  
8 some people fighting in a field. Okay. And you respond and  
9 this is an hour later?

10 A. Yes, sir.

11 Q. Did you witness any events that occurred from the  
12 time that they went their separate ways at this gas station?

13 A. No, sir.

14 Q. To the time that you responded to the field?

15 A. No, sir.

16 Q. Okay. So you respond to the field and I believe  
17 you testified that you park your car right around here.

18 A. Yes, sir.

19 Q. Okay. And you testified that you couldn't just  
20 cut straight out there because there's a ravine or  
21 irrigation ditch?

22 A. Correct.

23 Q. That runs parallel to the road, correct?

24 A. Correct.

25 Q. Okay. And that irrigation ditch also runs

## PAUL HAMM - CROSS BY MR. KATA

1 perpendicular to the road, correct?

2 A. Yes.

3 Q. Okay. And is it safe to say that -- I mean, it's  
4 a deep ditch?

5 A. Yes, sir.

6 Q. It's not something you just -- because you go to  
7 go around it?

8 A. Uh-huh.

9 Q. Okay. And that's the same for this irrigation  
10 ditch here as well?

11 A. I don't recall how deep that one was.

12 Q. It's on the video?

13 A. Uh-huh.

14 Q. All right. And you respond, okay. You're walking  
15 into the field and you encounter Ms. Weathers?

16 A. Correct.

17 Q. And you start giving stern commands?

18 A. Yes, sir.

19 Q. As stern as you can --

20 A. Yes.

21 Q. -- to comply? Okay. And at that the point she  
22 complies with your commands?

23 A. Uh-huh.

24 Q. And you testified that you had knowledge that she  
25 was in the military?



## PAUL HAMM - CROSS BY MR. KATA

1           A.    Yes.

2           Q.    All right.  And when you approach Ms. Weathers,  
3 okay, and made contact with her, she was wearing a ripped  
4 shirt, correct?

5           A.    She was wearing a red shirt.

6           Q.    In this condition?

7           A.    I don't know if it was in that condition or not.

8           Q.    Okay.  You don't recall if it was ripped at the  
9 time that you made contact with her?

10          A.    I do not.

11          Q.    But there's no doubt that this is the shirt that  
12 she was wearing, Defendant's No. 1?

13          A.    She was wearing a red shirt.

14          Q.    This red shirt?

15          A.    I didn't take it off of her.  I don't know.

16               MR. KATA:  No more questions for this witness,  
17 Your Honor.

18               MR. HOLFORD:  Nothing further, Your Honor.

19               THE COURT:  Okay.  You can step down.

20               MR. HOLFORD:  I would ask that Lance  
21 Corporal Hamm's subpoena be -- he be excused from his  
22 subpoena.

23               THE COURT:  Any objection?

24               MR. KATA:  No, Your Honor.

25               THE COURT:  Okay.  Anybody need a break?

## KENNETH BAKER - DIRECT BY MS. FARMER

1 Everybody okay?

2 MS. FARMER: Your Honor, State calls Kenneth  
3 Baker.

4 KENNETH BAKER, having been duly sworn,  
5 testified as follows:

6 THE WITNESS: Kenneth Baker, K-E-N-N-E-T-H,  
7 B-A-K-E-R.

8 DIRECT EXAMINATION

9 BY MS. FARMER:

10 Q. Good morning, Mr. Baker.

11 A. Good morning.

12 Q. Mr. Baker, where are you from?

13 A. Columbus County, Tabor City, North Carolina.

14 Q. Where do you live now?

15 A. Nakina.

16 Q. How about back in January 23 of 2022, where did  
17 you live?

18 A. I was back and forth right there in Nakina and  
19 Tabor City.

20 Q. Are you familiar with the Horry County area?

21 A. Yes, ma'am.

22 Q. And were you in Horry County on January 23, 2022?

23 A. Yes, ma'am.

24 Q. What were you doing in Horry County that day?

25 A. On the way to eat.

KENNETH BAKER - DIRECT BY MS. FARMER

1           Q.    Okay.  Can you please describe where you were when  
2   you witnessed --

3           A.    Oh, I was coming up 905, about to take a right on  
4   Highway 9.

5           Q.    And did you witness an incident that day?

6           A.    Yes, ma'am.

7           Q.    Where was that incident at?

8           A.    If you get to the stoplight at 905 and Longs,  
9   maybe a quarter mile to the right-hand shoulder of the road.

10          Q.    And can you please describe for the jury what it  
11   is that you witnessed that day?

12          A.    I looked over on the field and a young lady -- I  
13   couldn't tell it was a lady, I thought it was a man and  
14   woman having an altercation.  One of the people had a gun  
15   and the other one was on the ground.

16          Q.    You said she was on the ground.  Can you tell what  
17   kind of position she was in?

18          A.    Just had her hands up in the air, looked like she  
19   was kind of trying to shield herself.

20          Q.    Can you tell what the person standing up was  
21   doing?

22          A.    Waving a gun.

23          Q.    Did you hear anything when this was happening?

24          A.    Yes, ma'am.  I think I heard two gunshots when we  
25   first stopped the vehicle.

KENNETH BAKER - DIRECT BY MS. FARMER

1 Q. And did you know either of these people?

2 A. No, ma'am.

3 Q. Hadn't met them before?

4 A. No, ma'am.

5 Q. Did you record a video of this incident on your  
6 cellphone?

7 A. Yes, ma'am.

8 Q. I'm going to show you what's been marked as  
9 State's Exhibit 7 for identification purposes and ask if you  
10 recognize this.

11 A. Yes, ma'am.

12 Q. How are you able to recognize it?

13 A. My initials.

14 Q. Have you reviewed that video in its entirety?

15 A. Yes, ma'am.

16 Q. And has it been changed or altered in any way?

17 A. No, ma'am.

18 Q. True and accurate reflection of what you witnessed  
19 that day?

20 A. Yes, ma'am.

21 MS. FARMER: Your Honor, at this time State would  
22 seek to enter Exhibit 7 into evidence.

23 THE COURT: Any objection?

24 MR. KATA: No objection.

25 MS. FARMER: Permission to publish?

KENNETH BAKER - DIRECT BY MS. FARMER

1 THE COURT: All right. It's in without objection.

2 I'm sorry, what?

3 MS. FARMER: I'm sorry, Your Honor. Permission to  
4 publish to the jury?

5 THE COURT: Yes, ma'am.

6 MS. FARMER: Thank you.

7 (WHEREUPON, State's Exhibit No. 7 was admitted  
8 into evidence and published for the jury.)

9 BY MS. FARMER:

10 Q. Mr. Baker, did you turn that video over to law  
11 enforcement?

12 A. They had it, but, yes, ma'am.

13 Q. Are you able to see the screen from here?

14 A. No.

15 MS. FARMER: Your Honor, may the witness step  
16 down?

17 THE COURT: Yes, ma'am.

18 If you can speak and keep your voice up, please,  
19 sir, that way the court reporter can hear you.

20 THE WITNESS: Yes, sir.

21 (Video playing.)

22 BY MS. FARMER:

23 Q. So I know that this was -- it happens fast, but  
24 you said earlier in your testimony that you heard what  
25 sounded like gunshots?

KENNETH BAKER - CROSS BY MR. KATA

1 A. Yes, ma'am.

2 Q. Is that what we're hearing at the beginning?

3 A. Yes, ma'am. Right before the traffic starts.

4 Q. And was it louder in person?

5 A. Yes, ma'am, more distinctive.

6 (Video playing.)

7 BY MS. FARMER:

8 Q. Just right there, a couple of seconds ago, what  
9 did it look like the person on the ground was doing?

10 A. Had both hands up.

11 Q. You didn't see a gun in that person's hand?

12 A. The one on the ground?

13 Q. Yes.

14 A. No, ma'am.

15 (Video playing.)

16 MS. FARMER: Your Honor, that's all the questions  
17 I have for Mr. Baker.

18 MR. KATA: May it please the Court?

19 CROSS-EXAMINATION

20 BY MR. KATA:

21 Q. Mr. Baker, when you took your video, you're  
22 driving from this direction, correct?

23 A. Correct.

24 Q. Okay. And so you come upon this and you record  
25 it?

KENNETH BAKER - REDIRECT BY MS. FARMER

1 A. Yes, sir.

2 Q. You testified earlier, you don't know any of these  
3 people?

4 A. No, sir.

5 Q. Okay. And you're coming from this way so you were  
6 not in a position to observe anything that happened  
7 throughout this stretch of the road earlier in the day,  
8 correct?

9 A. Well, when I first left my house, I'd come from  
10 this way and come up and circled around.

11 Q. Okay. But you didn't observe any interaction  
12 between any of these parties at any other time?

13 A. No, sir.

14 MR. KATA: No more questions for this witness.

15 MS. FARMER: Just briefly, Your Honor.

16 THE COURT: Okay.

17 REDIRECT EXAMINATION

18 BY MS. FARMER:

19 Q. Mr. Baker, do you remember about what time you  
20 took this video?

21 A. It was around 1:23.

22 MS. FARMER: Nothing further, Your Honor.

23 THE COURT: All right. You can step down.

24 MS. FARMER: Your Honor, may Mr. Baker be released  
25 from his subpoena?

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 THE COURT: Any problem with him being excused?

2 MR. KATA: No objection.

3 THE COURT: Okay.

4 MR. HOLFORD: You want me to call another witness  
5 or take a break, Your Honor?

6 THE COURT: Any of y'all need a break? My court  
7 reporter need a break?

8 THE COURT REPORTER: No, I'm good.

9 THE COURT: Any of y'all -- anybody need a break?  
10 You need one, we can take one. Want one? You want to keep  
11 going? Okay. Call your next witness.

12 MR. HOLFORD: State calls Anthony Anderson.

13 ANTHONY ANDERSON, having been duly  
14 sworn, testified as follows:

15 THE WITNESS: My name is Anthony Anderson.

16 A-N-T-H-O-N-Y, A-N-D-E-R-S-O-N.

17 DIRECT EXAMINATION

18 BY MR. HOLFORD:

19 Q. Mr. Anderson, good morning.

20 A. Good morning.

21 Q. Do some people call you Andy?

22 A. Yes.

23 Q. Okay. Tell the jury a little bit about yourself.  
24 Where are you?

25 A. I live in a little town called Whiteville,



ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 North Carolina, and I've spent most of my life providing  
2 mental health services for people with disabilities. I have  
3 been pastoring in South Carolina, 11 years in the Cedar  
4 Branch area, and then five years now in the Longs area.

5 Q. What's your church that you pastor at?

6 A. It's called Father's Cup Overflow Ministries.

7 Q. Back in January 23, 2022, do you remember that  
8 day?

9 A. Yes, sir.

10 Q. Were you out here near this field on Highway 9 and  
11 Pine Needle?

12 A. Yes, sir.

13 Q. Can you tell the jury what you remember? What  
14 happened? What caused you to stop at this area?

15 A. Well, I just got through preaching. My wife was  
16 driving as she usually, she usually drives and gives me a  
17 chance to kind of get myself back together after that. And  
18 then we usually kind of travel to go get something -- go get  
19 something to eat or to head home for something. And on the  
20 right-hand side of the road I recognized a vehicle parked on  
21 the side of the road. And the young lady was coming back to  
22 that vehicle. And just something caught me about her face  
23 and it just seemed like she was in some type of distress.  
24 And I told my wife, pull over, I think there's a problem. I  
25 don't know if somebody got hit or something. And I asked

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 her to pull over and she pulled over in a little driveway  
2 across from Pine Needle there in Longs.

3 Q. That person that you thought might have been in  
4 distress, that young female, do you know who she is now?

5 A. I do now, I know she's the eventual victim.

6 Q. Okay. Let me ask you this, and you kind of told  
7 us, I mean, you pastor a church, you've worked with mental  
8 health in the Cedar Branch area, Longs area. For, you know,  
9 for people on the jury that may not be familiar with that  
10 area, the types of people you're encountering on a daily  
11 basis, what kind of work are you doing? Is it easy?

12 A. Well, no. I've had, you know, a tough but  
13 rewarding, career. I've been, I guess, attracted to folks  
14 with challenges to help people through challenges all my  
15 life. I worked -- started working with Probation and Parole  
16 as a high school teenager. And as I went to NC Central  
17 University, came back and started working -- working at the  
18 Department of Social Services. I did child support  
19 enforcement and then into mental health.

20 And so all over North Carolina and Arizona, I've  
21 provided services for people with disability and people  
22 who've, you know, had various challenges from substance  
23 abuse to mental illness. I've had -- our firm had 12  
24 psychiatrists. I've done clinical work. So just providing  
25 services all my life to now.

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 Q. So I might see something in a field and drive on  
2 by, maybe call somebody.

3 A. Yeah.

4 Q. But you see something going on in a field and you  
5 go to it.

6 A. Maybe.

7 Q. That's not -- that's not uncommon for you, is it?

8 A. All the time.

9 Q. Okay.

10 A. Yeah.

11 Q. Have you seen the -- in preparation for trial have  
12 you seen the body camera of the officer as he approaches out  
13 into the field?

14 A. Yes.

15 Q. And there's a gentleman on there who comes up and  
16 asks the officer is everything okay. He's out there in the  
17 field on his phone. Do you know who that is?

18 A. That would be me.

19 Q. That's you. And did you call 911 in this case, as  
20 well?

21 A. Yes.

22 Q. Let me back up, because I think we left it where  
23 you saw someone, you thought -- eventual victim, might have  
24 been in distress. You pull over, what do you do at that  
25 point? You go out into the field to see --

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1           A.    I go out --

2           Q.    -- what's going on?

3           A.    -- yeah, because there's a person out in the  
4 field.  So I go out to check in the field to see what's  
5 going on.  You know, the way it looked, it looked like  
6 somebody may have gotten hit.  I've been in a situation that  
7 someone got hit like that and I responded.  They got hit and  
8 they were in a ditch, and they didn't make it.  So it kind  
9 of reflected that because I've been there before.

10          Q.    What do you see when you go out into the field?  
11 What's your interaction like?

12               Well, let me ask you this:  How many people are  
13 out there at that point?

14          A.    At that time it was one person in the field.

15          Q.    Okay.

16          A.    And then the eventual victim is returning back to  
17 the field from her -- a car --

18          Q.    Okay.

19          A.    -- that's parked on the side of the road, that's  
20 when, you know, I first saw the car.  And then I went out in  
21 the middle of the field thinking maybe somebody got hit and  
22 staggered out there or something.

23          Q.    The other person, other than the victim, do you  
24 know who that is?

25          A.    Yes.

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 Q. And was that?

2 A. It was the eventual person that I saw that shot  
3 the victim.

4 Q. Okay. And was she ultimately taken into custody?

5 A. Yes.

6 Q. Were there any -- any other people out there  
7 during this -- this incident?

8 A. When I returned back to my car, there were  
9 folks -- well, my wife was at the car and went to get my  
10 phone. Because after I talked to them, I tried to say,  
11 Okay, can I handle this, I'm a pastor. They said, No, you  
12 need to call the police. I said, Well, I don't have my  
13 phone, it's on my Bible. So I went back. And then when I  
14 went back I think by that time a member of my praise and  
15 worship team had stopped by at that time. But at that time  
16 I was just getting my phone and getting back on -- got on  
17 the phone and called 911.

18 Q. So there might have been some people observing  
19 back here, but out -- out in that field it was just the two  
20 individuals?

21 A. Yes, that's right.

22 Q. Just the defendant and victim?

23 A. That's it. Okay.

24 Q. Now, when you go out there and you're talking to  
25 them, what's -- what's going on? Is it heated? Are they

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 swinging at each other? Is it a fight or something?

2 A. No. Not -- when the defendant was standing by  
3 herself and then the eventual victim came up and was  
4 saying -- I said, You know, what's the problem, anybody  
5 hurt? And the eventual victim said, Well, she has something  
6 of mine, or something to that effect. I'm trying to  
7 remember exactly what it was.

8 And I said, Look, you know, hey, you know, if  
9 there's a problem, I think there was some stuff on the  
10 ground. And I said, there's some objects on the ground, is  
11 this what you need so we can help you with that. I said --  
12 then the victim said, Well, there's some a -- I said, Can I  
13 give somebody a ride? I could already see that, you know,  
14 that there was a disagreement. They weren't throwing  
15 punches or anything, but there was a disagreement. And the  
16 victim was kind of crying and distraught, the eventual  
17 victim. And I said, Look, you know, can we kind of handle  
18 this or do I need to call the police?

19 And so, to answer your question, no, they were not  
20 like scrapping, fighting. But you could tell that -- I  
21 could tell that there was a disagreement going on.

22 Q. At that point, did you see anyone with a gun?

23 A. No.

24 Q. Now, you said you returned back to your car, you  
25 had asked, you know, do we need to call 911 and you returned

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 back to your car to get your phone. Do you eventually call  
2 911?

3 A. Yes.

4 Q. And then on the 911 call, are you basically giving  
5 a play-by-play of what's going on out there, what you're  
6 watching?

7 A. Right.

8 Q. What did you see after you got on the phone with  
9 911 -- or as you get into your car and you're coming back?

10 A. I came back, then I saw the defendant had pulled  
11 out -- pulled out a gun and I was on 911 at that time. And  
12 I said, Hey, you know, stop, we're not doing this. And the  
13 911 operator kept asking me questions in between and I was  
14 trying to talk to both of them, the defendant, at the same  
15 time. And so that's what I saw and I think I told, at the  
16 time, told 911, Hey, look, there's a gun involved.

17 Q. I'm going to approach with what's been marked as  
18 State's 64. Have you had a chance to listen to that 911  
19 call prior to today?

20 A. Yes, sir.

21 Q. Does it appear to be a true and accurate copy of  
22 what you said to them at the time?

23 A. Yes.

24 MR. HOLFORD: Your Honor, at this time, State  
25 would seek to introduce State's 64 into evidence.

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 MR. KATA: No objection.

2 THE COURT: Okay. It's in without objection.

3 (WHEREUPON, State's Exhibit No. 64 was admitted  
4 into evidence.)

5 MR. HOLFORD: Permission to publish?

6 THE COURT: Yes.

7 (WHEREUPON, State's Exhibit No. 64 was published  
8 for the jury.)

9 BY MR. HOLFORD:

10 Q. That right there. Is this you on the call?

11 A. I didn't --

12 Q. All right. Let's go --

13 A. I just --

14 Q. -- just want to make sure?

15 A. I want to make sure too.

16 Q. Yeah.

17 (Video playing.)

18 BY MR. HOLFORD:

19 Q. Is that you saying, Don't shoot at her again?

20 A. Yes.

21 Q. Okay. We're about 11 seconds into this video,  
22 looks like it's -- or this audio. Looks like it's a total  
23 of 8 minutes and 41 seconds about.

24 (Video playing.)

25



ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 BY MR. HOLFORD:

2 Q. That total call lasted about 8 minutes and  
3 41 seconds. Looks like a start time of 13:22, and -- it was  
4 about 1:22 when you called police, maybe?

5 A. Yes.

6 Q. Now, we can actually hear the officer as he  
7 arrives and he's, you know, yelling demands to put the gun  
8 down at that point. But that was about seven minutes into  
9 your phone call. At the very beginning of the phone call  
10 you said, don't shoot her again. So the defendant had  
11 already shot, at least from your perspective, at the victim  
12 at that point?

13 A. Yeah. Either shot at her or shot her, like -- was  
14 like pointing at the lower extremities. So I just wasn't  
15 close enough to just confirm, and then she fell, when she  
16 fell I figured, you know, I don't know if she fell from  
17 fright or just fell from getting shot.

18 Q. So for about those five to seven minutes, what  
19 position is the victim in? Is she standing up?

20 A. She was all the way laying down at first, after  
21 the first shots. And then she was, like, sitting down, but  
22 then sitting up. She was sitting up in this position. And  
23 there -- and looking up at the defendant.

24 Q. And the defendant still had the gun at that point?

25 A. Yes.

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 Q. Let me ask you this: Was the defendant screaming  
2 or out of her mind or was she displaying any type of emotion  
3 that you could see?

4 A. During the whole incident she did not show any  
5 emotion. Even, you know, she handed me the keys earlier, it  
6 was no emotion. So there was no -- she didn't yell. The  
7 defendant (sic) was -- just seemed distraught the whole  
8 time, but not the defendant.

9 Q. The victim seemed distraught the whole time, but  
10 the defendant did not?

11 A. Uh-huh.

12 Q. And you never saw the victim with a gun?

13 A. No.

14 Q. You never saw the victim with a knife?

15 A. No.

16 Q. Any weapon?

17 A. No.

18 Q. And it was about somewhere between six and seven  
19 minutes from the initial shots on the call to the shots to  
20 the head?

21 A. In that time frame, honestly it felt like an hour,  
22 but, to me, because it took so long for everything to  
23 happen, you know. It took -- I don't know, the concept of  
24 time was really tough in that.

25 Q. And that was right off of Highway 9 in this field,

ANTHONY ANDERSON - DIRECT BY MR. HOLFORD

1 right?

2 A. Yeah.

3 Q. People watching all over here?

4 A. Eventually. You know, I had tunnel vision at the  
5 time. I realized after I heard about everybody else's  
6 testimony that -- the only person I knew is my wife was  
7 behind me. And that's when I started circling towards 9.  
8 So just in case she started to shoot, she would not shoot  
9 towards my wife. I had another choir member that came up  
10 behind me and so I kind of circled just a little bit toward  
11 9.

12 Q. So you were parked up here --

13 A. Right.

14 Q. -- is that right?

15 A. Right.

16 Q. And then we see on the body cam, you're down in  
17 this --

18 A. That's right.

19 Q. You're saying, you're moving out of the way, so if  
20 she fires at you -- you don't know what's going on -- that  
21 it comes this way and not towards --

22 A. Not towards folks who were coming behind.

23 Q. Is there anything I haven't asked you that you  
24 remember about that day that you feel is important?

25 A. No. Not that I can think of.

## ANTHONY ANDERSON - CROSS BY MR. KATA

1 Q. Thank you for being here.

2 MR. HOLFORD: I have no further questions, Your  
3 Honor.

4 MR. KATA: May it please the Court?

5 THE COURT: Yes, sir.

6 CROSS-EXAMINATION

7 BY MR. KATA:

8 Q. Pastor Anderson, good morning.

9 A. Good morning.

10 Q. Now, you testified earlier that the 911 call that  
11 we listened to, that's you on --

12 A. Yes.

13 Q. -- on that call? You made that call and you  
14 were -- you described that you were making a play-by-play of  
15 what happened?

16 A. Right.

17 Q. Okay. And when you made that call to give the  
18 play-by-play, you had made the decision that you couldn't  
19 handle this situation alone?

20 A. Right.

21 Q. Okay. What these two were engaged in was more  
22 than you could control?

23 A. Well, it was their decision. Because I asked  
24 them, I said, look, I'm a pastor. I could talk to you and I  
25 said, or I can call the police. I said, You know, I could

## ANTHONY ANDERSON - CROSS BY MR. KATA

1 talk to you, I just got through preaching, I could talk to  
2 you.

3 Q. Sure. Because anyone was listening to what you  
4 had to say?

5 A. Well, the victim said, You need to call the  
6 police.

7 Q. All right. And you were -- before you made the  
8 call, you were meaning that dispute over keys -- they were  
9 arguing over keys?

10 A. Yes.

11 Q. Okay. What happened when -- did you get the key?

12 A. Yes.

13 Q. And you gave it to the victim. What -- did she  
14 leave the incident site after that?

15 A. No.

16 Q. She left you and went towards the defendant,  
17 correct?

18 A. I gave her -- no, if I -- so the defendant gave me  
19 the keys, said thank you. I gave the victim -- the eventual  
20 victim the keys. I said, Okay folks, now you have your  
21 keys, can I give somebody a ride? Can we just kind of, you  
22 know, go our separate ways, do what we need to do? And then  
23 the victim said, Well, we've still got a problem because  
24 she's got a gun.

25 Q. Okay. When you step away and call 911, they asked

## ANTHONY ANDERSON - CROSS BY MR. KATA

1 you what happened, you described two black females as  
2 fighting?

3 A. Right.

4 Q. Right. Those are your words on there?

5 A. Right.

6 Q. Okay. And they ask you a second time, and you  
7 describe two black females fighting?

8 A. Right.

9 Q. Okay. And you testified just now that you lost  
10 the concept of time. Is that because this was stressful?

11 A. Yes.

12 Q. A tense situation?

13 A. Yes.

14 Q. Okay. And you got tunnel vision?

15 A. Yeah.

16 Q. Okay. So you would agree with me that, you know,  
17 under immense stress, under immense stressful situations,  
18 you can lose the concept of time and you can lose the  
19 concept of your surroundings?

20 A. Not my surroundings. I was very keen on my  
21 surroundings.

22 Q. Well, if you get tunnel vision, I mean you're --

23 A. I'm keen on what's in front of --

24 Q. -- keen on that and you don't see your  
25 surroundings?

## ANTHONY ANDERSON - CROSS BY MR. KATA

1 A. In front of me is a part of my surroundings.

2 Q. Right. Okay, but other things you may miss.

3 A. The stuff behind me, I was not -- I didn't have my  
4 head on a swivel.

5 Q. I'm going to show you what's marked as Defendant's  
6 Exhibit No. 1. You described Ms. Weathers as wearing a red  
7 shirt.

8 A. Yes.

9 Q. Do you know if this was the red shirt that she was  
10 wearing?

11 A. I'm not sure if that's the red shirt she was  
12 wearing.

13 Q. But it's a red shirt, nonetheless?

14 A. Yes, sir.

15 Q. And the 911 call that you made, that's your voice?

16 A. Yes.

17 Q. Okay. And that was you making the call?

18 A. Yes.

19 Q. And you describe two black females fighting,  
20 twice?

21 A. Yes.

22 MR. KATA: Beg the Court's indulgence, Your Honor.

23 No more questions, Your Honor.

24 THE COURT: Anything further?

25 MR. HOLFORD: Just briefly.

## ANTHONY ANDERSON - REDIRECT BY MR. HOLFORD

1 BY MR. HOLFORD:

2 Q. Pastor Anderson, when you describe them as  
3 fighting, that was prior to you making the 911 call; is that  
4 right?

5 A. Right. Right.

6 Q. They weren't fighting from the time that the  
7 defendant shot the victim at the legs, for those next six,  
8 seven minutes, until she shot her in the head, were they?

9 I mean, the victim was not fighting --

10 A. When I just --

11 Q. -- actively at that point, was she?

12 A. They were not actively fighting since I was there.  
13 They were kind of like posturing, you know, surround -- like  
14 the victim was walking around and they were walking around  
15 each other like that. There were no licks being, you know,  
16 there were no fists being thrown. They would walk up to  
17 each other, then they would back up to each other.

18 So, fighting probably wasn't the best description,  
19 but it's the thing I had at that time that, you know, that I  
20 could at least tell 911 the urgency of the situation --

21 Q. Might be a fight?

22 A. -- so nobody passed any, you know, like,  
23 haymakers, or fighting, that kind of deal, but they were in  
24 an altercation is a better word, now that I get a chance to  
25 think about it.



## ANTHONY ANDERSON - REDIRECT BY MR. HOLFORD

1           Q.    I might say I had a fight with my wife, but that  
2 doesn't mean we're punching each other?

3           A.    Not that.

4           MR. HOLFORD:  No further questions.

5           THE COURT:  Okay.  You can step down.

6           MR. HOLFORD:  Thank you, sir.

7           THE COURT:  Do you need a break?

8           THE FOREPERSON:  Yes.

9           THE COURT:  Okay.  I do too.  All right.  We'll  
10 take a few minutes.  Don't discuss the case and I'll get you  
11 back out here in a few minutes.

12           MS. FARMER:  Your Honor, can Mr. Anderson be  
13 released from his subpoena?

14           MR. KATA:  No objection.

15           THE COURT:  Yes.

16           (WHEREUPON, the jury exited the courtroom at 11:22  
17 a.m.)

18           THE COURT:  Okay.  We'll take a 10-minute break.

19           (WHEREUPON, a break was held from 11:22 a.m. until  
20 11:31 a.m.)

21           THE COURT:  Is the jury -- everybody ready?

22           MS. FARMER:  Your Honor, the State's ready.

23           MR. KATA:  The Defense is ready.

24           THE COURT:  Okay.  And if the jury -- if they need  
25 more time, fine, if they're ready, we're ready.

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1           You can get your next witness to come in.  
2           (WHEREUPON, the jury entered the courtroom at  
3           11:42 a.m.)  
4           THE COURT: Okay. You may call your next witness.  
5           MS. FARMER: Thank you, Your Honor. The State  
6           calls Officer Matthew Stephenson.  
7                         MATTHEW STEPHENSON, having been duly  
8           sworn, testified as follows:  
9                         THE WITNESS: My name is Matthew Stephenson,  
10          M-A-T-T-H-E-W, S-T-E-P-H-E-N-S-O-N.  
11                                 DIRECT EXAMINATION  
12          BY MS. FARMER:  
13                 Q. Officer Stephenson, where are you currently  
14          employed?  
15                 A. Horry County Police Department.  
16                 Q. How long have you been with the Horry County  
17          Police Department?  
18                 A. Right at 16 years.  
19                 Q. And what's your current assignment?  
20                 A. I'm the sergeant over our Crime Scene Unit.  
21                 Q. How long have you been in that assignment?  
22                 A. Three years.  
23                 Q. And did you receive any specialized training in  
24          the field of CSI work?  
25                 A. Yes, I've taken several classes through Horry

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 Georgetown Tech and the South Carolina Criminal Justice  
2 Academy.

3 Q. And what was your title back in January of 2022?

4 A. Crime Scene Detective.

5 Q. And did you become involved in the investigation  
6 into the killing of De'Erica Fisher that occurred on January  
7 23, 2022?

8 A. Yes.

9 Q. Did you respond to the scene?

10 A. Yes, ma'am.

11 Q. Can you tell us where you responded to?

12 A. It was a farm field across from Highway 9 at the  
13 intersection of Pine Needle Drive in the Longs' section of  
14 Horry County.

15 Q. And could you please describe what the scene was  
16 like when you got there?

17 A. It was kind of chaotic. There was a lot of police  
18 cars. The field was open. It was -- it was taped off with  
19 crime scene tape and police cars. There was also some  
20 bystanders out at the road and across from Highway 9 from  
21 the field, but other than that, there wasn't a whole lot  
22 going on at the scene.

23 Q. Did Horry County obtain a search warrant for that  
24 area?

25 A. Yes.

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 Q. Did you then execute a search and begin processing  
2 the scene pursuant to that search warrant?

3 A. I did.

4 Q. Did you start by taking overall photos?

5 A. Yes, ma'am.

6 Q. Officer Stephenson, I'm going to show you what's  
7 been marked State's Exhibit 8 through 37, I'm going to hand  
8 you these, ask that you take a few moments to flip through  
9 them and tell me if you're able to recognize them?

10 Do you recognize those photos?

11 A. Yes, ma'am. Those are the photos I took on the  
12 scene.

13 Q. They a true and accurate reflection of the photos  
14 that you took that day?

15 A. Yes, ma'am.

16 Q. They haven't been changed or altered in any way?

17 A. No, ma'am.

18 MS. FARMER: Your Honor, at this time, the State  
19 would seek to introduce Exhibits 8 through 37 into evidence.

20 MR. KATA: No objection.

21 THE COURT: Eight through 37?

22 MS. FARMER: Yes, Your Honor.

23 THE COURT: Okay. They're in without objection.

24 (WHEREUPON, State's Exhibits Nos. 8 through 37  
25 were admitted into evidence.)

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 BY MS. FARMER:

2 Q. Officer Stephenson, did you also photograph the  
3 victim's body?

4 A. Yes, ma'am, I did.

5 Q. And what injuries did you notice, if any?

6 A. She had what appeared to be bullet wounds to her  
7 thighs and her -- I believe it was her right shin and right  
8 calf area. And she also had a bullet wound to her face.

9 Q. Can you please describe what her positioning was  
10 when you happened upon the scene?

11 A. Yes, before she was moved. When I got to the  
12 scene, her upper torso, she was face down on the ground on  
13 her stomach. Her upper torso was kind of down in a ditch  
14 and her legs were stretched out straight at the top of the  
15 ditch.

16 Q. Was the victim's body later removed?

17 A. Yes.

18 Q. Who would have taken her body?

19 A. The coroner's office.

20 Q. Did you then begin to process the scene?

21 A. Yes, I did.

22 Q. And can you please describe that process for the  
23 jury?

24 A. We -- we start by taken, of course, overall  
25 photos. And then we start marking evidence. There were

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 several items of evidence on the scene. There was some  
2 personal effects, ear buds, some money, things like that.  
3 And there were several shell casings and live rounds located  
4 on the scene as well.

5 Q. And do you mark items of evidence that you find?

6 A. Yes, ma'am.

7 Q. What do you mark them with?

8 A. It's a yellow -- yellow triangle-shaped marker  
9 with a number on it.

10 Q. And is that item of evidence given that number?

11 A. Yes.

12 Q. And then is that item given a different number  
13 when you log it into your evidence control at Horry County?

14 A. Yes. And they get what we call a sticker number.  
15 The reason they do that is because I may collect several  
16 items from a scene, but if the case agent, or whoever else,  
17 may collect items from another location. So we may have  
18 several item ones of twos. The reason our evidence  
19 technician gives it a separate sticker number is just to  
20 keep everything in order.

21 Q. Then when an item in evidence is sent to SLED for  
22 testing, do they give it a new number?

23 A. Yes, ma'am.

24 Q. So one item of evidence could have three different  
25 numbers?

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1           A.    Yes, ma'am.

2           Q.    Did you collect any items of evidence that day out  
3 on the scene?

4           A.    Yes, ma'am, I did.

5           Q.    Did you collect any firearms-related evidence?

6           A.    I did.

7           Q.    Can you talk to us about the firearms-related  
8 evidence that you collected?

9           A.    Yes. I collected five spent shell casings and I  
10 want to say four live rounds that were found in close  
11 proximity to the victim. I also collected a black in color  
12 semi-automatic CZ handgun from beside the victim.

13          Q.    Now, Officer Stephenson, I'm going to show you  
14 what's been pre-marked for identification purposes. This is  
15 State's Exhibit 71, 72, 73, 74, and 75. I'm going to ask  
16 that you look at these and see if you're able to recognize  
17 what they are.

18          A.    Yes, ma'am. This is the evidence I collected at  
19 the scene.

20          Q.    How are you able to recognize those items?

21          A.    They're in boxes and these are the original boxes  
22 that they were packaged in, has my name on it.

23          Q.    And do they appear to be in substantially the same  
24 condition as they were when you collected them?

25          A.    Yes, ma'am.

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1           Q.    Thank you.  Officer Stephenson, I'm now going to  
2 show you what has been marked State's Exhibit 67, 68, 69,  
3 and 70 for identification purposes, ask if you recognize  
4 these items.

5           A.    Yes, ma'am.

6           Q.    How is it that you're able to recognize them?

7           A.    These are the live rounds that were collected on  
8 scene.  And again, they're packaged -- they're packaged with  
9 the original packaging from the scene with my name on it.

10          Q.    And you, yourself, collected those rounds?

11          A.    Yes, I did.

12          Q.    Do they appear to be in substantially the same  
13 condition as they were when you collected them?

14          A.    Yes, ma'am.

15          Q.    One more item to show you.  Officer Stephenson,  
16 this has been marked as State's Exhibit 66.  See if you  
17 recognize that.  If you need to open it.

18          A.    Yes, ma'am, that's the handgun that I collected at  
19 the scene.

20          Q.    Okay.  The last item of evidence I'm going to show  
21 you is State's Exhibit 76, ask whether you recognize that.

22          A.    Yes, ma'am.  That's the victim's cellphone that I  
23 collected at the scene.

24          Q.    Did it appear to be in substantially the same  
25 condition as it was when you collected it?



MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 A. Yes. Yes, ma'am.

2 Q. Hasn't been tampered with?

3 A. No. Other than there was a case on it at the time  
4 of collection, but it was separated.

5 MS. FARMER: Your Honor, State would seek to  
6 introduce Exhibit 76 into evidence.

7 THE COURT: Any objection?

8 MR. KATA: No objection.

9 THE COURT: Okay. It's in without objection.

10 (WHEREUPON, State's Exhibit No. 76 was admitted  
11 into evidence.)

12 MS. FARMER: Court's indulgence just a moment,  
13 Your Honor.

14 BY MS. FARMER:

15 Q. Officer Stephenson, I'm actually going to show you  
16 State's Exhibit 76 one more time. Do you know whose  
17 cellphone that -- who it belonged to?

18 A. I do not.

19 Q. Do you know how many cellphones you collected from  
20 the scene?

21 A. There was two.

22 Q. So, could that be the defendant's cellphone?

23 A. It possibly could, yes.

24 Q. Thank you.

25 MS. FARMER: Your Honor, permission to publish

## MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 what's been entered into evidence, State's Exhibit 8 through  
2 37. These were the photos.

3 THE COURT: Yes.

4 (WHEREUPON, State's Exhibits Nos. 8 through 37  
5 were published for the jury.)

6 BY MS. FARMER:

7 Q. Officer Stephenson, can you see the screen from  
8 here?

9 A. I cannot. Can I step up?

10 MS. FARMER: Your Honor, may he step down?

11 THE COURT: Yes. Just keep your voice up.

12 THE WITNESS: Yes, sir.

13 BY MS. FARMER:

14 Q. We're going to take these in turn. I'm just going  
15 to ask if you would describe what's in these photos for us.

16 A. That is the dirt road that was running parallel to  
17 the field where the victim was located.

18 Q. This is the field that you responded to?

19 A. Yes, ma'am.

20 That's an overall picture of the scene where the  
21 victim was located from the northwest corner of the field.

22 Q. Now this one.

23 A. That is a photograph showing the -- excuse me, the  
24 eastbound lane of Highway 9.

25 Q. And what is this area that we're focusing on right

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 here?

2 A. That's a ditch that was bordering the field.

3 Q. How about this photo?

4 A. That is the vehicle that was parked on the side of  
5 Highway 9 that the defendant and the victim were in.

6 Q. And this other view?

7 A. That's just the rear from the same vehicle.

8 Q. Can you please describe what's in this photo?

9 A. Yes. The number markers are marked on evidence  
10 that was around the victim and that's how the victim was  
11 positioned when I arrived on scene.

12 Q. So, her body's not moved at that point?

13 A. No.

14 Q. Please describe what's in this photo. I know it's  
15 a little difficult to see.

16 A. That's Item No. 5, which is one of the live rounds  
17 that I collected near the victim.

18 Q. Is that one of the live rounds that I showed you  
19 earlier?

20 A. Yes, ma'am.

21 Q. How about this photo?

22 A. That is photographs of -- Item 6 is actually the  
23 victim's phone, her driver's license was in that case. And  
24 Items 9 in that picture are the live rounds and the casings  
25 that were in close proximity to the victim.

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 Q. Can you tell me what Item 7 is, if you're able to  
2 see it?

3 A. I can't tell what that is. Oh, that's a -- that's  
4 the other cellphone, I'm sorry. It was a glare.

5 Q. How about this photo?

6 A. That's a view of Item 6 which is the victim's  
7 cellphone.

8 Q. You said that you collected two cellphones from  
9 the scene that day?

10 A. Yes, I did.

11 Q. So, if you said Item 6 is the victim's cellphone.  
12 Do you know what Item 7 is?

13 A. Item 7 is an unknown phone that was in close  
14 proximity to the victim.

15 Q. And moving on to this photo, can you describe  
16 what's in that one?

17 A. Yes, ma'am. That's Item 8. That is a photograph  
18 of the handgun that was used by the defendant.

19 Q. Is that the handgun you collected?

20 A. Yes, it is.

21 Q. The same one that I showed you earlier?

22 A. Yes, ma'am.

23 This is a closer view of it.

24 Q. How does that handgun appear to you?

25 A. With the slide locked back, it appears that the

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 handgun -- all the rounds were expended from the handgun.  
2 So it appears empty.

3 Q. Can you tell us what is in this photo?

4 A. That is Item No. 9. That's another live round  
5 that was found in the field near the victim.

6 Q. How about this one?

7 A. It's Item 11, I believe that is a spent casing.  
8 I'd have to see.

9 Q. Here's a closer up of that photo?

10 A. Yes, ma'am.

11 Q. Does that make it more clear?

12 A. That's a spent casing that was found near the  
13 victim.

14 Q. How about this photo?

15 A. That is other -- other casings that were found  
16 near the victim.

17 I believe that's a spent casing. Do you have a  
18 closer photo?

19 Q. Here's a closer up of that one.

20 A. Yes, ma'am, that's another spent casing.

21 Q. What's the next photo?

22 A. Item 16, that was a live round located near the  
23 victim.

24 That's 17, it's a spent casing that was also  
25 located near the victim.

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1           Eighteen appears to be a spent casing.

2           I believe 19 was a live round, too, I believe.

3           There it is, that's another spent casing.

4           Q.   And again, all of those spent casings and live  
5 rounds that I showed you in the photos, I asked you earlier  
6 did you recognize those?

7           A.   Yes.

8           Q.   Can you talk to us about this photo?

9           A.   That is a -- that is what we call blood-pooling.  
10 That was near the victim, near her feet. It appears that  
11 the victim was in a -- in a seated position or in that place  
12 after injuries occurred to her legs which would have caused  
13 the bloodletting that caused the pooling there.

14          Q.   Based on your training and experience, can you  
15 tell us any -- does that tell you anything about the length  
16 of time the victim may have been on the ground?

17          A.   For that amount of blood, it had to be several  
18 seconds to at least a few -- a couple minutes, probably.

19          Q.   Can you describe this photo for us?

20          A.   Yes, ma'am. That is a -- what appeared to be a  
21 bullet wound to the victim's left thigh area.

22          Q.   How about this one?

23          A.   That was on the victim's left knee area.  
24 Initially, it was thought that that could possibly be a  
25 bullet wound. We weren't really sure there, but that was

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 another injury she had to her left knee.

2 Q. How about this one?

3 A. That appears to be the entrance wound on the  
4 victim's left thigh area.

5 Q. And this photo?

6 A. Yes, ma'am. That's a bullet hole to the victim's  
7 right shin area.

8 That would be a bullet to her -- I believe that's  
9 her right -- that's one with the scale. I'm sorry. That's  
10 the same one with the scale, correct.

11 Q. This photo?

12 A. That appears to be an exit wound on the  
13 victim's -- rear of the victim's left calf.

14 Q. So, she was leaning this way.

15 And Officer Stephenson, can you describe for us,  
16 in general, where these live rounds and spent casings were  
17 found in relation to the victim?

18 A. Yes. They were -- most of the spent casings,  
19 there were a couple found near the blood pool, which was  
20 kind of near the victim's feet. And then after she was  
21 removed from the scene, there was several casings actually  
22 found underneath her where she was laying, and right around  
23 to the -- the way she was positioned in the ditch, the  
24 casings were mainly found to the left of her body.

25 Q. And that firearms-related evidence that you

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 collected, those spent casings, the live rounds, and the  
2 firearm, what did you do with them after collecting those  
3 items?

4 A. They were processed for touch DNA. And then the  
5 casings, live rounds, and the firearm were all sent to SLED  
6 firearms for comparison.

7 Q. And to your knowledge was any DNA testing ever  
8 done on that firearm?

9 A. I'm not aware of any.

10 Q. What do we typically use DNA testing for?

11 A. Just to prove that someone actually touched it.

12 Q. Is it also used to prove identification?

13 A. Yes.

14 Q. And is identification an issue in this case?

15 A. No, it's not.

16 MS. FARMER: Court's indulgence, Your Honor.

17 BY MS. FARMER:

18 Q. Officer Stephenson, I'm going to show you what's  
19 been marked State's Exhibit 41 and 42 for identification  
20 purposes, along with State's Exhibits 38, 39, and 40, ask if  
21 you recognize these.

22 A. Yes.

23 Q. How are you able to recognize those photos?

24 A. They are marked with a title card that has my name  
25 on it that I took these photos in the HCPD lab.



MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 Q. Has anything about those photos been changed or  
2 altered?

3 A. No, ma'am.

4 Q. Do they fairly and accurately depict the pictures  
5 you took that day?

6 A. Yes.

7 MS. FARMER: Your Honor, at this time, the State  
8 would seek to enter Exhibits 42 and 41 into evidence.

9 THE COURT: Forty-two and 41?

10 MS. FARMER: Yes, Your Honor.

11 THE COURT: Okay. Any objection?

12 MR. KATA: No objection.

13 THE COURT: All right. Forty-two and 41 are  
14 entered.

15 (WHEREUPON, State's Exhibits Nos. 41 and 42 were  
16 admitted into evidence.)

17 BY MS. FARMER:

18 Q. These are State's Exhibits 38, 39, 40 for  
19 identification purposes, ask if you recognize those.

20 A. Yes, ma'am. These are photos I took of the  
21 handgun, for the Horry County Police Lab.

22 Q. They been changed or altered in any way?

23 A. No, ma'am.

24 Q. Do they fairly and accurately depict the subject  
25 matter there?

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1           A.    Yes, ma'am.

2           Q.    Officer Stephenson, I'm going to ask you step off  
3 the stand for just one more time. Tell us what's in these  
4 photos.

5           A.    That is a photograph of a handgun that was  
6 collected on scene. That photo was taken at the Horry  
7 County Police Department Lab.

8           THE COURT: What number is that?

9           MS. FARMER: Your Honor, that is No. 38.

10          THE COURT: Okay. Did we move 38 in?

11          MS. FARMER: Your Honor, yes, I believe so. If  
12 not, I'd ask that they be entered into evidence at this  
13 time.

14          THE COURT: So, tell me right now. You want 38,  
15 39, and 40 in?

16          MS. FARMER: Yes, Your Honor.

17          THE COURT: You offered it for ID, but I never  
18 heard you move it in.

19          MS. FARMER: I apologize.

20          THE COURT: Any objection?

21          MR. KATA: No objection.

22          THE COURT: All right. Entered without objection.  
23 (WHEREUPON, State's Exhibit Nos. 38 through 40  
24 were admitted into evidence.)

25          MS. FARMER: Your Honor, I also ask that Items 41

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 and 42 be entered into evidence.

2 THE COURT: Now, you moved that one. Okay.

3 MS. FARMER: Thank you. A lot of pictures.

4 BY MS. FARMER:

5 Q. How about this photo?

6 A. That is a serial number of the gun that was  
7 collected on scene.

8 Q. Are serial numbers unique to guns?

9 A. Yes, they are.

10 Q. Show you these photos now. Can you tell me what  
11 that is?

12 A. That's a view of one of the cellphones that was  
13 found on scene.

14 And that's the backside of the same cellphone that  
15 was found on scene.

16 Q. Does that appear to be a cellphone that I showed  
17 you earlier?

18 A. Yes, ma'am.

19 Q. Officer Stephenson, if you would take the stand  
20 again, thank you.

21 I'm going to show you now what's been marked  
22 State's Exhibits 43, 44, and 45, ask if you recognize those.

23 A. Yes, ma'am, I do.

24 Q. How are you able to recognize them?

25 A. Those are the photographs that I took at the Horry

MATTHEW STEPHENSON - DIRECT BY MS. FARMER

1 County Police Department of the defendant's shoes after they  
2 were collected.

3 Q. Have we changed or altered them in any way?

4 A. No, ma'am.

5 Q. Fair and accurate representation of the photos  
6 that you took?

7 A. Yes, ma'am.

8 Q. Your Honor, at this time, the State would seek to  
9 enter Exhibits 43, 44, and 45 into evidence.

10 THE COURT: Any objection?

11 MR. KATA: No objection.

12 THE COURT: All right. It's in without objection.

13 (WHEREUPON, State's Exhibit Nos. 43 through 45  
14 were admitted into evidence.)

15 BY MS. FARMER:

16 Q. Officer Stephenson, I promise this is the last  
17 time I'll ask you to step off the stand.

18 Can you tell me what's in these photos?

19 A. Yes. I took photograph of the top of the shoes,  
20 which shows the blood that was on the defendant's shoes at  
21 the time of collection.

22 Q. How about this photo?

23 A. Yes, ma'am. That's a photo with the scale,  
24 showing the blood on the top of the victim -- or excuse me,  
25 the defendant's left shoe.

## MATTHEW STEPHENSON - CROSS BY MR. KATA

1 Q. How about this view?

2 A. And that is a side view showing the blood around  
3 the sole of the shoes.

4 Q. Is that what this is over here?

5 A. Yes.

6 Q. You can take the stand.

7 MS. FARMER: No further questions, Your Honor.

8 MR. KATA: May it please the Court?

9 THE COURT: Yes, sir.

10 CROSS-EXAMINATION

11 BY MR. KATA:

12 Q. Investigator, were you part of seizing this shirt?

13 A. I was.

14 Q. Is this the shirt that Ms. Weathers was wearing?

15 A. Yes.

16 Q. Okay. Is this shirt in the state that you seized  
17 it in?

18 A. Yes, it was.

19 MR. KATA: No more questions for this witness,  
20 Your Honor.

21 THE COURT: Anything else from the State?

22 MS. FARMER: Nothing further, Your Honor.

23 THE COURT: Okay. You can step down.

24 MS. FARMER: May Officer Stephenson be released  
25 from his subpoena?

## ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1 THE COURT: Any objection?

2 MR. KATA: No objection.

3 THE COURT: Yes, sir.

4 Okay. Now, do we need to break for lunch or we  
5 need to do something else?

6 MS. FARMER: I don't think so, Your Honor. The  
7 witness won't be rather lengthy, but it will be, probably,  
8 at least ten or 15 minutes.

9 THE COURT: So you -- so you want to give -- if  
10 it's not going to be a ten or 15-minute witness, we can go  
11 on break at 12:30 or we can break now.

12 MS. FARMER: Your Honor, we'll call the next  
13 witness.

14 THE COURT: Okay.

15 MS. FARMER: At this time the State will call  
16 Dr. Angelina Phillips.

17 ANGELINA PHILLIPS, having been duly  
18 sworn, testified as follows:

19 THE WITNESS: Angelina Phillips. A-N-G-E-L-I-N-A,  
20 P-H-I-L-L-I-P-S.

21 DIRECT EXAMINATION

22 BY MS. FARMER:

23 Q. Hey, Dr. Phillips.

24 A. Hello.

25 Q. Can you please tell us what you do for a living?

ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1           A.    I'm a forensic pathologist.

2           Q.    How long have you worked in that capacity?

3           A.    Eight years.

4           Q.    Can you please describe for us what a forensic  
5 pathologist does?

6           A.    A forensic pathologist is a doctor who is trained  
7 in the field of pathology, and more specifically forensic  
8 pathology, where we primarily perform autopsies.

9           Q.    Can you please go through your educational  
10 background for us?

11          A.    Of course. I have an undergraduate degree in  
12 anthropology, a graduate degree in human nutrition,  
13 completed four years of medical school, then four years of  
14 residency in Massachusetts before coming down to South  
15 Carolina to complete one more year of training in forensic  
16 pathology.

17          Q.    Are you affiliated with any academic universities  
18 or institutions?

19          A.    Yes.

20          Q.    Which one?

21          A.    The Medical University of South Carolina.

22          Q.    And as part of your duties and responsibilities in  
23 your role, do you perform autopsies?

24          A.    Yes, ma'am.

25          Q.    Approximately how many autopsies would you say

ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1 you've performed throughout your career?

2 A. At least a thousand.

3 Q. And have you ever testified in court before?

4 A. Yes, ma'am.

5 Q. About how many times?

6 A. At least 30.

7 MS. FARMER: Your Honor, at this time State would  
8 move to offer Dr. Phillips as an expert in the field of  
9 forensic pathology.

10 MR. KATA: No objection.

11 THE COURT: Court so finds.

12 BY MS. FARMER:

13 Q. Dr. Phillips, can you please explain for us how an  
14 autopsy's performed?

15 A. Okay. So the basics of the autopsy starts when we  
16 get authorization to perform the autopsy. The body is  
17 brought to our facility. We take photographs initially. We  
18 examine the clothing, we remove that clothing, clean the  
19 body up, not necessarily in that order, and then we take  
20 another set of photographs.

21 I examine the outside of the body, looking for any  
22 injuries or natural disease. And then I'll examine the  
23 inside of the body, again, looking for injury or natural  
24 disease to help me come up with the cause of death.

25 Q. Did you perform an autopsy on the victim in this



## ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1 case, De'Erica Fisher?

2 A. I did.

3 Q. What date did you perform that autopsy?

4 A. Mine, myself, it was in January of 2022 on the  
5 28th.

6 Q. And after you performed that autopsy, did you  
7 reduce your findings to a report?

8 A. Yes, ma'am.

9 Q. Do you have a copy of your report to refer back to  
10 if you need it?

11 A. I do.

12 Q. And I'm also going to show you -- make sure I have  
13 it marked -- I'm going to show you what's been marked for  
14 identification purposes as State's 78, ask if you recognize  
15 that.

16 A. Yes, I do. It is a copy of my autopsy report and  
17 a copy of the toxicology report.

18 Q. Does it appear to have been changed or altered in  
19 any way?

20 A. No.

21 Q. No portions were deleted?

22 A. No. It's all here.

23 Q. Now, I want to start with a little background  
24 information. Can you tell me what age De'Erica was at her  
25 death?

## ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1           A.    She was -- let me see.  She was -- I have her date  
2 of birth as 2000, and she died in 2022, so she'd be 22.

3           Q.    Can you also tell me what her height and weight  
4 was?

5           A.    That was -- she was 62 inches in length, which is  
6 about 5'2", and 144 pounds.

7           Q.    And after you performed the autopsy on De'Erica,  
8 were you able to determine the cause of death?

9           A.    Yes.

10          Q.    And what was that cause of death?

11          A.    She had multiple gunshot wounds and the cause of  
12 death was raised as gunshot wounds to the head, left thigh,  
13 left knee, and right leg, with a total of six gunshot  
14 wounds.

15          Q.    Dr. Phillips, I'm going to show you what's been  
16 marked for identification purposes as State's Exhibits 53  
17 through 63 and ask that you just not show them to the jury.

18          A.    These are autopsy photos of the injuries and  
19 photographs of the x-rays that were performed.

20          Q.    And can you please describe for us each of those  
21 gunshot wounds?

22          A.    Yes, ma'am.  And I'll refer to my report so I  
23 don't miss anything in this case.  So, the first gunshot  
24 wound I have described is a gunshot wound to the head,  
25 specifically on the face.  It enters at the left side of the

## ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1 face near the left eyelid, upper eyelid. That goes through  
2 the head and exits on the right side of the neck. The  
3 injuries for that gunshot wound is primarily through the  
4 sinuses in the face and of the muscles of the neck.

5 The next gunshot wound is on the right side of the  
6 head, and that gunshot wound does not exit. It goes to a  
7 projectile. And we recovered some fragments from the  
8 interior portion of the face. That is the most damaging of  
9 the gunshot wounds, and we have multiple skull fractures.  
10 And -- excuse me -- injuries to the brain, that gunshot  
11 wound.

12 We have two gunshot wounds on the left thigh, one  
13 that enters and exits, going through, disrupting primarily  
14 the skin and underlying tissues of the skin. And we have  
15 another gunshot wound that goes in and goes to a projectile.  
16 And that one fractures the left femur.

17 The next gunshot wound is on the left knee. That  
18 gunshot wound does not exit. It goes in, fractures the left  
19 knee bone, the patella. And also there's a fragment of  
20 projectile in that area.

21 Between the gunshot wound that's on the left thigh  
22 and the one on the knee, that both have associated  
23 projectiles in the body, I couldn't differentiate between  
24 the two that we recovered, the fragments that we recovered,  
25 which went with which gunshot wound, because of the overlap

ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1 in injuries.

2 The next gunshot wound that I have is on the right  
3 leg. And that gunshot wound goes in and exits out the back  
4 side of that right leg. And yet, I have injuries to the  
5 skin, underlying tissues and muscle.

6 Q. I want to start with the gunshot wounds to the  
7 lower extremities. Do the path, entrance, and exit wounds  
8 of those gunshots tell you anything about position of the  
9 shooter in relation to the victim?

10 A. So, we have gunshot wounds that are primarily  
11 going from front to back. Some of them are going upward and  
12 some of them are going down. So, I can tell you that the  
13 gun is likely facing the decedent in this case.

14 For those gunshot wounds to happen, it would have  
15 to have been shifted either up or down, or the body shifted  
16 so that the injuries can occur in the way that they did.

17 Q. And now, moving on to the gunshot wound to the  
18 left side of the face, which you described, does the  
19 entrance, exit, and path that that bullet took, tell you  
20 anything about the position of the shooter in relation to  
21 the victim?

22 A. So, the gunshot wound to the left side of the  
23 face -- if you recall, I said it enters at the left upper  
24 eyelid just along the midline and then it exits on the right  
25 side of the neck.

## ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1           So, if it's going from front to back, down towards  
2 the right, and that means that the weapon or the assailant  
3 would have to be facing the decedent in this case, and  
4 angled the weapon in such a way, or the body is angled in  
5 such a way for the bullet to travel downward.

6           Q.    Could that be consistent with the shooter standing  
7 over the victim?

8           A.    Yes.

9           Q.    Now I'm moving on to the gunshot wound on the  
10 right side of the head which you described. Does the path  
11 and entry and exit that that bullet took, tell you anything  
12 about the relation -- position of the shooter?

13          A.    So, the second gunshot wound to the head enters on  
14 the right side and goes to projectile fragments that are  
15 recovered from inside the head in the sinuses, underneath  
16 the skin of the face.

17                And that gunshot wound is going from back to  
18 front, right to left, and downward. And what that tells me  
19 is that the weapon in this case, when fired, is slightly to  
20 the back or at the back of the decedent or she is turned in  
21 such a way that her back is facing the weapon.

22          Q.    And now I'm going to show you what's been marked  
23 for ID purposes, these are State's Exhibits 52, 53, and 54,  
24 and ask if you recognize those.

25          A.    Yes. These are two photographs taken at the time

ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1 of autopsy of the various projectile fragments that I  
2 recovered from the left thigh, knee region, and the left  
3 side of the face/head. And a photograph showing the  
4 envelopes that those were packaged in.

5 Q. Now, I'm going to show you what's been marked for  
6 ID purposes, this is State's Exhibit 77, ask if you know  
7 what this is.

8 A. May I open it?

9 Q. Yes. And I have a tool if you need it.

10 A. So, this is an envelope that contains a clear bag  
11 with the envelopes that are labeled and marked from the time  
12 of autopsy, and the fragments of the projectiles that were  
13 collected.

14 Q. Now, are those the fragments that you collected  
15 during the autopsy?

16 A. The ones that I can see, appear to be. Closed,  
17 here, it's a very solid seal. From the ones that I can see,  
18 they do appear consistent.

19 Q. Okay. And the ones that you can see, does it  
20 appear that they've been tampered with in any way?

21 A. No.

22 Q. They look the same as they did when you collected  
23 them?

24 A. They do.

25 Q. Thank you. Dr. Phillips, the photos I showed you

ANGELINA PHILLIPS - DIRECT BY MS. FARMER

1 earlier, State's Exhibits 52, 53, and 54, did you state that  
2 you recognized those?

3 A. Yes.

4 Q. What do you recognize them to be?

5 A. The first two are photographs of the fragments of  
6 projectile recovered from the left thigh and knee, left  
7 cheek/head. And the last photograph has the -- is a  
8 photograph taken -- I don't believe at the time of autopsy,  
9 likely by investigators showing the envelopes that they  
10 received from us.

11 Q. As far as Exhibits 52 and 53, are they a fair and  
12 accurate representation of the fragments that were taken  
13 from the autopsy?

14 A. Yes.

15 MS. FARMER: Your Honor, at this time, the State  
16 would seek to introduce Exhibits 52 and 53 into evidence.

17 THE COURT: What says the defense?

18 MR. KATA: No objection.

19 THE COURT: All right. They're in without  
20 objection.

21 (WHEREUPON, State's Exhibit Nos. 52 and 53 were  
22 admitted into evidence.)

23 BY MS. FARMER:

24 Q. Dr. Phillips, after you finished performing your  
25 autopsy on De'Erica, were you able to determine a cause of

ANGELINA PHILLIPS - CROSS BY MR. KATA

1 death?

2 A. Yes.

3 Q. What was the cause of death?

4 A. The cause of death is the gunshot wounds to the  
5 head, left thigh, left knee, and right leg, as listed in my  
6 report.

7 Q. And what was the manner of death?

8 A. The manner of death in this case is homicide.

9 MS. FARMER: Just one moment, Your Honor. No  
10 further questions for this witness.

11 MR. KATA: Just briefly, Your Honor.

12 THE COURT: Okay.

13 CROSS-EXAMINATION

14 BY MR. KATA:

15 Q. Afternoon, Doctor.

16 A. Good afternoon.

17 Q. You testified about the -- the angles of the entry  
18 and exit wounds?

19 A. Yes.

20 Q. You gave an opinion about where positioning would  
21 be according to those wounds, correct?

22 A. Yes.

23 Q. Okay. And you when you were talking about the  
24 wounds to the leg, you testified that that would be a front,  
25 straight on angle from gun to victim, correct?



## ANGELINA PHILLIPS - CROSS BY MR. KATA

1           A.    The gun would have to be in the front of the  
2 decedent, not necessarily straight on.

3           Q.    Okay.  So front is, you're in front of me?

4           A.    Correct.

5           MR. KATA:  All right.  No further questions, Your  
6 Honor.

7           MS. FARMER:  Nothing further from this witness,  
8 Your Honor.

9           THE COURT:  Okay.  You can step down.

10          MS. FARMER:  And may Dr. Phillips be released from  
11 her subpoena?

12          MR. KATA:  No objection.

13          THE COURT:  Yes.

14          Let me talk to the lawyers real quick just for  
15 some scheduling matters before we break.

16          (WHEREUPON, a brief pause in the proceedings.)

17          THE COURT:  Ladies and gentlemen, we are going to  
18 break for lunch and I'll ask you to be back at 2:00.  Don't  
19 discuss the case, don't do any research.  If you have an  
20 emergency, call us.  If not, I'll see y'all at 2:00 o'clock.  
21 Okay.

22          (WHEREUPON, the jury exited the courtroom at 12:29  
23 p.m.)

24          THE COURT:  All right.  Anything before we break  
25 for lunch?

1 MR. HOLFORD: Not from the State, Your Honor.

2 MR. KATA: Nothing from defense, Your Honor.

3 THE COURT: See you at 2:00 o'clock.

4 (WHEREUPON, a lunch break was held from 12:29 p.m.  
5 until 2:00 p.m.)

6 THE BAILIFF: All rise.

7 THE COURT: Thank you. You can be seated.

8 I'm sorry I'm late okay, I had another issue come  
9 up.

10 Okay. Are we ready for the jury?

11 MR. HOLFORD: Yes, Your Honor.

12 THE COURT: I assume we have a jury back, right?

13 THE BAILIFF: Yes, sir.

14 THE COURT: All right. You can bring them in.

15 (WHEREUPON, the jury entered the courtroom at 2:12  
16 p.m.)

17 THE COURT: All right. You may call your next  
18 witness.

19 MS. FARMER: Thank you, Your Honor. The State  
20 calls Detective Tysheena May.

21 TYSHEENA MAY, having been duly sworn,  
22 testified as follows:

23 THE WITNESS: Tysheena, T-Y-S-H-E-E-N-A. May,  
24 M-A-Y.

25 DIRECT EXAMINATION

TYSHEENA MAY - DIRECT BY MS. FARMER

1 BY MS. FARMER:

2 Q. Detective May, where are you currently employed?

3 A. I'm currently employed with the Horry County  
4 Police Department.

5 Q. How long have you worked there?

6 A. I've worked there for approximately 12 years.

7 Q. Can you tell us about your current assignment  
8 there?

9 A. I'm currently assigned to the Homicide Division.

10 Q. And what kinds of duties and responsibilities do  
11 you have in that assignment?

12 A. In that assignment we're responsible for  
13 investigating crimes of a violent nature. We also obtain  
14 search warrants, arrest warrants, and collect evidence and  
15 attend autopsies.

16 Q. Were you working back in January of 2022?

17 A. Yes, ma'am.

18 Q. What was your assignment back then?

19 A. I was assigned to the Homicide Unit.

20 Q. Okay. And you said that one of your duties was  
21 collecting evidence, did you do that in this case?

22 A. Yes, ma'am.

23 Q. Where did you go to collect evidence?

24 A. To MUSC.

25 Q. Can you tell us a little bit about that?

TYSHEENA MAY - DIRECT BY MS. FARMER

1           A.    I -- so, what we normally do is a detective will  
2 go down to MUSC when we have an autopsy, and the evidence  
3 that's retrieved at that time they sign over to the  
4 detective that attends, and we transport that evidence back  
5 to our evidence department.

6           Q.    Do you remember on what date that you went to  
7 MUSC? A general time frame is okay, too.

8           A.    It was probably approximately two days after the  
9 incident occurred.

10          Q.    Okay. Detective May, I'm going to show you what's  
11 been marked as State's Exhibit 77 for identification  
12 purposes, ask if you would look at those items and see if  
13 you're able to recognize them.

14          A.    Yes, ma'am.

15          Q.    What are those items?

16          A.    These are items that I retrieved from medical  
17 personnel at MUSC when I obtained the autopsy.

18          Q.    And that was the autopsy for the victim in this  
19 case, De'Erica Fisher?

20          A.    Yes, ma'am, for Ms. Fisher.

21          Q.    Do they appear to have been tampered with in any  
22 way?

23          A.    No, ma'am.

24          Q.    They appear to be substantially the same condition  
25 as they were when you collected them?

TYSHEENA MAY - DIRECT BY MS. FARMER

1           A.    Yes, ma'am. With our department's labeling and  
2   securing of the evidence and with MUSC's.

3           Q.    Thank you.

4           MS. FARMER: All right. At this time the State  
5   seeks to enter Exhibit 77 into evidence.

6           THE COURT: What say the defense?

7           MR. KATA: No objection.

8           THE COURT: Okay. Exhibit 77 in without  
9   objection.

10           (WHEREUPON, State's Exhibit No. 77 was admitted  
11   into evidence.)

12   BY MS. FARMER:

13           Q.    And Detective May, what did you do with these  
14   items of evidence after you collected them?

15           A.    After collecting the evidence, I transported it  
16   back to Horry County Police Department where it was placed  
17   in our evidence lockers.

18           Q.    And when you transported these items were they in  
19   your sole custody and control at that time?

20           A.    Yes, ma'am.

21           Q.    Did anybody else have access to those items?

22           A.    No, ma'am.

23           Q.    And what about when they were put in evidence at  
24   Horry County?

25           A.    No, ma'am.

CHAD SMITH - DIRECT BY MR. HOLFORD

1 Q. Where would you have brought them at Horry County?

2 A. When I took -- so, that evidence went straight  
3 into our evidence lockers. It was evening time, so it was  
4 placed in a locker that the key goes in the locker with it  
5 and no one has access to that except for the evidence  
6 personnel.

7 MS. FARMER: One moment, Your Honor. No more  
8 questions for this witness, Your Honor.

9 MR. KATA: No questions.

10 THE COURT: You may step down.

11 MS. FARMER: Your Honor, may Detective May be  
12 released from her subpoena?

13 THE COURT: Any objection?

14 MR. KATA: No objection.

15 THE COURT: Yes.

16 MR. HOLFORD: State calls Agent Chad Smith.

17 CHAD SMITH, having been duly sworn,  
18 testified as follows:

19 THE WITNESS: My name is Chad Smith, S-M-I-T-H.

20 DIRECT EXAMINATION

21 BY MR. HOLFORD:

22 Q. Agent Smith, where are you currently employed?

23 A. I'm employed with the South Carolina Law  
24 Enforcement Division. It's commonly known as SLED.  
25 Specifically, I work in the firearms department at SLED's

CHAD SMITH - DIRECT BY MR. HOLFORD

1 Forensic Services Laboratory in Columbia.

2 Q. How long have you been in the firearms department?

3 A. A little over 15 years now.

4 Q. What kind of stuff do you do in relation to  
5 firearms?

6 A. So my duties include the examination of firearms,  
7 ammunition, ammunition components, such as bullets and  
8 cartridge cases. I also perform serial number restorations  
9 on firearms that had their serial numbers obliterated. I  
10 also assist with the destruction of firearms that agencies  
11 throughout the state bring us for destruction.

12 Q. And do agencies from the entire state submit items  
13 to SLED for testing?

14 A. They do.

15 Q. And is that what do?

16 A. Yes, sir.

17 Q. Have you been qualified as an expert before in  
18 firearms analysis?

19 A. I have.

20 Q. Do you know approximately how many times?

21 A. It's over a hundred times.

22 MR. HOLFORD: Your Honor, at this time, the State  
23 would tender Agent Smith as an expert in firearms analysis.

24 MR. KATA: No objection.

25 THE COURT: Okay. Court so finds.

CHAD SMITH - DIRECT BY MR. HOLFORD

1 BY MR. HOLFORD:

2 Q. Are there any other specialties that are not  
3 covered in firearms analysis that you typically testify to?

4 A. I also do -- we have a system in our department  
5 called IBIS, which is the Integrative Ballistic  
6 Identification System. I also -- I enter specimen into that  
7 system. I also perform correlation analysis with that  
8 system.

9 Q. Did you receive evidence in this case?

10 A. I did.

11 Q. Did you test those items?

12 A. Yes, sir.

13 Q. I'm going approach with what's been marked as  
14 State's Exhibit 79 -- 79, 80, and 81. Starting with State's  
15 79, are you familiar with what that exhibit is?

16 A. This appears to be some -- some paperwork, some  
17 submission paperwork. When an agency brings evidence to  
18 SLED, they usually pre-log it online in their system. And  
19 this appears to be that sort of a document.

20 Q. And does a document like this show that an agency  
21 might have a certain identifying number with an item, and  
22 then SLED might identify it as an Item 3?

23 A. Correct. An agency may have their own item number  
24 when they pick up evidence and log it to their system for  
25 their case. They'll give it their own item number. When it



CHAD SMITH - DIRECT BY MR. HOLFORD

1 comes to the laboratory, SLED, it's given another case  
2 number, a SLED lab case number, as well as a different item  
3 number, which would be the lab item number.

4 Q. I'm going to show you what's been marked as  
5 State's 80 for ID. Are you familiar with what State's 80  
6 is?

7 A. Yes, sir. This is a chain-of-custody printout for  
8 a SLED case, items in the case. When evidence is brought to  
9 the laboratory and logged in with our evidence control  
10 department, that's when it's given the lab case number as  
11 well as the item number and all that.

12 Transfer of custody is also done electronically so  
13 that keeps track of whenever evidence goes to a different  
14 person, it's transferred in this chain of custody, so you  
15 can see who all handled the evidence.

16 Q. Why do we chains of custody and why do we have to  
17 go through this, who collected, who handed it to who, before  
18 it gets to you for testing?

19 A. Well, it keeps the integrity of the evidence to  
20 make sure that it's all accounted for, who touched it, that  
21 sort of thing, in case there's any issues that arise. It's  
22 always a good idea to have -- keep track of who handles  
23 evidence.

24 Q. In this case, after it left Horry County PD and it  
25 came to SLED, are you able to tell who at SLED touched it

CHAD SMITH - DIRECT BY MR. HOLFORD

1 before you actually examined it?

2 A. Yes, sir, that would be indicated on the chain of  
3 custody.

4 Q. Okay. So let's move to -- I'm going to approach  
5 you with -- it's been ID'd as State's Exhibit 66. Now, we  
6 of course have our own numbering system. This is State's  
7 66, this would be SLED Item No. 1.

8 A. It's SLED Item 3 in this case.

9 Q. And that might be Horry County PD No. 8 on scene  
10 or?

11 A. Correct.

12 Q. Are you familiar with State's 66 or SLED Item 3?

13 A. Yes, sir. This is a firearm, that's a  
14 9-millimeter pistol that was submitted for examination in  
15 comparison with other evidence, with other items that were  
16 submitted.

17 Q. Okay. And is this an item that you actually  
18 tested?

19 A. Yes, sir. I would have examined it, make sure it  
20 functioned properly, test fired the firearm into a water  
21 tank, that's how we do our test-firing. And I can collect  
22 bullet and cartridge cases fired from this firearm and then  
23 compare those with each other, compare those test specimens  
24 with evidence specimens that were submitted to try to  
25 determine if they were potentially fired by this firearm.

CHAD SMITH - DIRECT BY MR. HOLFORD

1 MR. HOLFORD: Your Honor, at this time, State  
2 would seek to introduce State's 66 in evidence.

3 MR. KATA: No objection.

4 THE COURT: Okay. It's in without objection.

5 (WHEREUPON, State's Exhibit No. 66 was admitted  
6 into evidence.)

7 MR. HOLFORD: Your Honor, the gun is secure, it is  
8 a firearm, it is secured. It does have a lock, I have a key  
9 to the lock and there are no -- there's no ammunition in  
10 there.

11 THE COURT: Okay.

12 BY MR. HOLFORD:

13 Q. Does this firearm also have an identifying serial  
14 number?

15 A. Yes, sir, it does.

16 Q. So we can know, if we took a picture of the  
17 firearm at the scene or during processing and it was sent to  
18 you, it's the same firearm?

19 A. Yes, sir, yeah. If you -- you can compare  
20 photographs of a firearm with a manufacturer's information,  
21 including a serial number, and then, you know, if it was the  
22 correct serial number, then that would be the right firearm.

23 Q. Okay. Now, I'm going to hand you what's been  
24 marked as State's 67, 68, 69, and 70. Sixty-seven, can you  
25 identify on there what SLED Item Number that is?

CHAD SMITH - DIRECT BY MR. HOLFORD

1           A.    Yes, sir. This is SLED Lab Item No. 2. It's an  
2 unfired, 9-millimeter Luger caliber cartridge. This is an  
3 unfired round of ammunition.

4           Q.    Is this something that you examined?

5           A.    Yes, sir. I would examine it just to verify what  
6 caliber it is. Basically, the only result I would give is,  
7 it's the correct caliber of ammunition for use of said  
8 firearm. If we have a 9-millimeter Luger caliber pistol, it  
9 would be correct for use in that pistol.

10          Q.    Okay. I'm going to hand you 68, 69, and 70. And  
11 if you can identify for each one of those, 68, 69, and 70,  
12 what SLED item number that is, and if these are also  
13 something that you examined.

14          A.    State's Exhibit 68 is SLED Lab Item No. 4. This  
15 is another unfired 9-millimeter Luger caliber cartridge.  
16 And I would have examined all of these. State's Exhibit 69,  
17 SLED Lab Item No. 8 in another 9-millimeter Luger caliber  
18 cartridge, unfired. State's Exhibit 70 is SLED Lab Item No.  
19 11. It's the fourth unfired 9-millimeter Luger caliber  
20 cartridge that I examined.

21          Q.    When they got to you, would they have been  
22 packaged with taping?

23          A.    Yes, sir. They would have been packaged in these  
24 little boxes that has evidence tape wrapped around it with  
25 initials and a date. When I return evidence, I usually

CHAD SMITH - DIRECT BY MR. HOLFORD

1 return it what we call court packaging. And it's basically  
2 just in Ziploc bags that's heat-sealed with my initials and  
3 seal date, just so you -- with the original packaging and  
4 the items, so you can actually see what the item is without  
5 having to open up all the packaging. You can just kind of  
6 see it through the bag.

7 Q. And 67, 68, 69 and 70, are they in the court  
8 packaging that you did?

9 A. Yes, sir.

10 MR. HOLFORD: Your Honor, at this time, the State  
11 would seek to introduce State's 67, 68, 69, and 70 into  
12 evidence.

13 THE COURT: What says defense?

14 MR. KATA: No objection.

15 THE COURT: All right. It's in without objection.

16 (WHEREUPON, State's Exhibit Nos. 67 through 70  
17 were admitted into evidence.)

18 BY MR. HOLFORD:

19 Q. Now, let me go back to the chain of custody. With  
20 Item 3, the firearm -- SLED Item 3, the firearm, as well as  
21 these unfired cartridge cases, can you tell and can you  
22 identify who at SLED may have handled it or moved those  
23 items from one place to another before you tested it?

24 A. Yes.

25 If I may, I've got my own copy. And it may just

CHAD SMITH - DIRECT BY MR. HOLFORD

1 be easier. I've highlighted some things and it makes it  
2 easier to find them.

3 So in regards to the firearm, State's Exhibit 66,  
4 SLED Item 3, it was submitted to the laboratory on  
5 February 18, 2022. And it went through a series of evidence  
6 control technicians, which is our evidence control  
7 department, transfer the evidence. The first person to  
8 handle in our laboratory would have been Olivia Cartwright,  
9 again, these are forensic technicians.

10 Then it was transferred to evidence storage area  
11 in the evidence control department. Then it was transferred  
12 to forensic technician, Bailey Haines, who then, in turn,  
13 transferred it to my custody. And this was March 25, 2022.

14 Now, all of these items -- we moved laboratories  
15 back in October of last year. We had a new laboratory  
16 built, and so it was a major undertaking to transfer all the  
17 evidence from the old laboratory to the new laboratory, but  
18 we were able to do it and the chain-of-custody shows that it  
19 was transferred to the new laboratory. It's listed as being  
20 secured evidence transferred.

21 Now, it went from my custody to another evidence  
22 control technician, Rachel Noelle Johnson, who then  
23 transferred it to the laboratory -- to the new laboratory.  
24 Bailey Haines handled it at the new laboratory, put it on a  
25 shelf in the storage area of the new laboratory. And then I

CHAD SMITH - DIRECT BY MR. HOLFORD

1 picked up the evidence in September of this year to actually  
2 start working the case. And I got it from Rachel Noelle  
3 Johnson, who transferred it to my custody.

4 Then at that point, I worked the case. And then  
5 when I was ready to return the evidence back to the evidence  
6 control department -- because that's where, again, agencies  
7 drop off and then pick up evidence. Hannah Jefferson helped  
8 me, took it into her custody, she placed it into a different  
9 area of the storage. And then, another technician,  
10 Christine Dunavo (ph), was the one who helped transfer it  
11 back to Horry County PD and that was November of this year.

12 I believe that -- I believe the chain-of-custody  
13 is the same for all those items, for every item that I  
14 tested.

15 Q. And those people in the chain, they don't actually  
16 mess with the evidence itself? They just move it from one  
17 place to another and then you test it?

18 A. That would be correct, yeah. All that the  
19 forensic technicians do in the evidence control department  
20 is basically move the evidence around to different areas,  
21 whether it be storage, to an analyst to be examined, or  
22 transfer it back to the submitting agency.

23 So, they don't actually open up the packaging to  
24 see what's inside or do any sort of analysis that's left up  
25 to the forensic scientists.

CHAD SMITH - DIRECT BY MR. HOLFORD

1 Q. I'm going to hand you what's been marked as  
2 State's 71, 72, 73, 74, and 75. Are you familiar with those  
3 items?

4 A. Yes. These were five fired 9-millimeter Luger  
5 caliber cartridges cases that were submitted for comparison  
6 with each other and with the firearm that was submitted.

7 MR. HOLFORD: Your Honor, the State would seek to  
8 introduce 71, 72, 73, 74, and 75 into evidence.

9 MR. KATA: No objection.

10 THE COURT: Okay. It's in without objection.

11 (WHEREUPON, State's Exhibit Nos. 71 through 75  
12 were admitted into evidence.)

13 BY MR. HOLFORD:

14 Q. I'm going to hand you what's been marked as  
15 State's 77. Are you familiar with what State's 77 is?

16 A. Yes, sir. These were projectiles, pieces of  
17 projectiles that were submitted for examination and  
18 comparison. They were made up of -- of multiple pieces.  
19 They were logged in or submitted as just two items.

20 But when I got them and started doing inventory  
21 and looking at them I was able to separate them out into  
22 other pieces but they were submitted as just two items.

23 MR. HOLFORD: And I believe State's 77 is already  
24 in evidence.

25 THE COURT: Yes, sir.



CHAD SMITH - DIRECT BY MR. HOLFORD

1 BY MR. HOLFORD:

2 Q. Finally, I'm going to hand you what's been marked  
3 as State's 81. Are you familiar with what State's 81 is?

4 A. This is a copy of a report that I issued  
5 summarizing my findings, my examinations and comparisons in  
6 this case.

7 MR. HOLFORD: The State would seek to introduce  
8 State's 81 into evidence.

9 THE COURT: What say the defense?

10 MR. KATA: No objection.

11 THE COURT: It's in without objection.

12 (WHEREUPON, State's Exhibit No. 81 was admitted  
13 into evidence.)

14 BY MR. HOLFORD:

15 Q. All right. We went through all that, all the  
16 chain to get to the conclusions. What conclusions were you  
17 able to make in this case?

18 A. So, again, I compared, test-fired the firearm that  
19 was submitted, looked at my test specimen with each other.  
20 And how we do that is we have a comparison microscope. It's  
21 basically two microscopes that's connected by an optical  
22 bridge system. So, we can look into that, compare two  
23 samples simultaneously.

24 I can compare bullets with other bullets,  
25 cartridge cases with other cartridge cases, and I look for

CHAD SMITH - DIRECT BY MR. HOLFORD

1 the markings that are created by the firearm during the  
2 firing process on those pieces of evidence to try to  
3 determine if they were fired by the same gun or by different  
4 guns potentially.

5 So I compared all those together. The five  
6 cartridge cases that were submitted, I was able to determine  
7 were all fired by CZ, the 9-millimeter pistol that was  
8 submitted.

9 Q. So Item 5 -- so that's Item 5, State's 71, was  
10 fired by SLED Item 3, State's 66?

11 A. Correct.

12 Q. Okay. Again, State's 72, SLED Item 7, was fired  
13 by the same pistol?

14 A. Yes, sir.

15 Q. State's 73, SLED Item 9 was fired by the same  
16 pistol?

17 A. Yes, sir.

18 Q. State's 74, SLED Item 10 was fired by the same  
19 pistol?

20 A. Yes, sir.

21 Q. State's 75, SLED Item 12 was fired by the same  
22 pistol?

23 A. Correct.

24 Q. So, all the shell -- all the fire or spent shell  
25 casings that were submitted to you, were fired by this one

CHAD SMITH - DIRECT BY MR. HOLFORD

1 gun?

2 A. That's correct.

3 Q. Okay. Now, you said with the unfired cartridges  
4 you were able to tell it's the same caliber, right?

5 A. Right. It was -- unfired ammunition would be  
6 correct for use in that firearm they were all the same  
7 caliber. So, you could fire those unfired ammunition in  
8 that pistol without issue.

9 Q. But if they haven't actually been fired, they're  
10 not going to have the same markings that a fired spent  
11 casing would?

12 A. Right. It wouldn't have the fired markings. Now,  
13 potentially, sometimes we get cartridges that may have been  
14 cycled through a firearm. And you can sometimes tell -- it  
15 picks up those markings, the extractor or ejector markings.  
16 Those are just areas of the firearm that help, basically,  
17 eject a cartridge or a cartridge case out of the firearm  
18 through the cycling.

19 So, basically, any part of the firearm that comes  
20 in contact with a bullet or a cartridge case can potentially  
21 put marks on those pieces. But, in this case, again, I was  
22 just able to determine that the gun-fired ammunition was the  
23 correct caliber for use in that firearm, and other firearms  
24 chambers for 9-millimeter Luger caliber cartridges.

25 Q. And then moving to State's 77, this looks to be

CHAD SMITH - DIRECT BY MR. HOLFORD

1 SLED Item 19, bullet recovered from the -- or fragments  
2 recovered from the autopsy, thigh and knee. What  
3 conclusions were you able to make about SLED Item 19 as it  
4 refers to SLED Item 3, the firearm?

5 A. So 19, again, when I got it, it was several  
6 pieces. But I left Item 19 as being a fired bullet jacket,  
7 which is -- if you have a jacket of bullets, it's a type of  
8 construction of bullet to where you have a core, which is  
9 usually some sort of lead alloy, a softer material, and the  
10 jacket, all that is, is just a harder metal covering over  
11 that core, usually it's like a brass or copper alloy.

12 So this, Item 19, was just the exterior of a  
13 jacket of bullet. That's okay because the exterior is what  
14 comes in contact with the barrel, the bore of that firearm  
15 and picks up the markings. So, I was able to determine that  
16 Item 19, again, comparing my test bullets with each other  
17 and with Item 19, Item 19 was fired by Item 3 -- my Item 3  
18 pistol.

19 Q. And then what about the rest of it, 20, 21, 22,  
20 23, 24? Based on their condition, what were you able to  
21 tell?

22 A. Not much. I was able to -- two of those pieces  
23 were just small fragments of the jacket. There were some  
24 other little jacket fragments, some pieces of lead. I  
25 really couldn't do much with those based on the damage and

CHAD SMITH - DIRECT BY MR. HOLFORD

1 the size of them.

2 So, I really couldn't determine if they had been  
3 fired by the pistol or not. Two of them were inconclusive  
4 of having been fired by the pistol, and the rest were just  
5 unsuitable for identification, they didn't have any marks on  
6 them. So, really Item 19 was the only that I could  
7 determine had been fired by a submitted gun.

8 Q. So, of all the evidence collected and submitted to  
9 you for testing, the only firearm that -- that matches the  
10 casings as well as what was pulled from the autopsy is the  
11 one gun that we have?

12 A. Right. And they had pulled from autopsy just the  
13 one -- the one item, Item 19. Again, the cartridge cases  
14 and the Item 19 bullet jacket did match, or as I was able to  
15 determine, had been fired by the firearm that was submitted.

16 MR. HOLFORD: No further questions, Your Honor.

17 MR. KATA: No questions for this witness.

18 THE COURT: Okay. You may step down.

19 THE WITNESS: Thank you, sir.

20 THE COURT: Okay.

21 MR. HOLFORD: I would ask that Agent Smith be  
22 excused from his subpoena.

23 THE COURT: Any objection?

24 MR. KATA: No objection.

25 THE COURT: All right. He's excused.

BENJAMIN WELLS- DIRECT BY MR. HOLFORD

1 THE WITNESS: Thank you, Your Honor.

2 MR. HOLFORD: The State would call Benjamin Wells.

3 BENJAMIN ALAN WELLS, having been duly  
4 sworn, testified as follows:

5 THE WITNESS: Benjamin Alan Wells.

6 B-E-N-J-A-M-I-N, A-L-A-N, W-E-L-L-S.

7 DIRECT EXAMINATION

8 BY MR. HOLFORD:

9 Q. Detective Wells, where are you currently employed?

10 A. I'm currently employed with the Horry County  
11 Sheriff's Office.

12 Q. With the Horry County Sheriff's Office, what are  
13 some of your duties that you perform?

14 A. I perform cellphone extractions, digital forensics  
15 for computers, for the Internet Crimes Against Children for  
16 the Attorney General's Office, the Secret Service Cyber Task  
17 Force, a Human Trafficking Task Force; and extract data from  
18 digital devices to put it in a readable format for courtroom  
19 purposes.

20 Q. And how do you typically extract that data from a  
21 cellphone?

22 A. We use -- there's different proprietary softwares  
23 out there, Cellebrite, Graykey, we use to connect to the  
24 device and talk directly to the memory to extract the device  
25 and put the data in a readable format.

BENJAMIN WELLS- DIRECT BY MR. HOLFORD

1 Q. What kind of education do you have or  
2 specializations?

3 A. I'm a certified mobile forensics -- Cellebrite  
4 Certified Mobile Forensics Fundamentals; CCO, which is a  
5 Certified Cellebrite Operator; CCPA, Certified Cellebrite  
6 Physical Analyst; Cellebrite Certified Premium Operator.  
7 And I'm also an instructor in all of the above.

8 Q. About how many data extractions have you performed  
9 on cellphones?

10 A. Thousands.

11 Q. Thousands. And have you ever testified in a trial  
12 before?

13 A. I have.

14 MR. HOLFORD: Your Honor, at this time State would  
15 tender Lieutenant Wells as an expert in data extraction and  
16 digital forensics.

17 THE COURT: What says the defense?

18 MR. KATA: No objection.

19 THE COURT: The Court so finds.

20 BY MR. HOLFORD:

21 Q. In this case, did Horry County turn a phone over  
22 to you?

23 A. They did.

24 Q. And what function did you perform with that  
25 cellphone?

BENJAMIN WELLS- DIRECT BY MR. HOLFORD

1       A.    With that cellphone, I performed a brute force to  
2   take a pass code and extract the data from the device.

3       Q.    So, that's from the phone itself?  You're taking  
4   the information off the phone itself?

5       A.    Correct.

6       Q.    And then is it -- is that downloaded into a report  
7   or is it saved somewhere?

8       A.    It's downloaded to the data file.

9       Q.    Okay.

10      A.    And then what we use is -- there's two separate  
11   softwares that you can use, CCPA, in this case, premium was  
12   used to download the data.  Then we used another software  
13   called Physical Analyzer.  What that does is it reads the  
14   data file and it will parse the data into a readable report  
15   where it'll separate it and look for the text messages.  It  
16   will look for pictures and put it in a nice report for you  
17   to see.

18      Q.    Are you able to add anything to that cellphone  
19   data?  Are you able to remove text messages or add text  
20   messages?

21      A.    From the report, no.

22      Q.    After you completed this download, did you then  
23   turn that evidence over to Horry County PD?

24      A.    I did.

25      Q.    Okay.  Was that kind of your involvement?  They'll



## ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 send you phones, get you to do the extraction, and then you  
2 send the information back to them?

3 A. That's correct.

4 MR. HOLFORD: No further questions for this  
5 witness.

6 THE COURT: Okay.

7 MR. KATA: No questions.

8 THE COURT: You can step down, thank you, sir.

9 THE WITNESS: Thank you, Your Honor.

10 MR. HOLFORD: Your Honor, the State would call  
11 Detective Adam Skellett.

12 THE COURT: Okay.

13 ADAM ROBERTS SKELLETT, having been duly  
14 sworn, testified as follows:

15 THE WITNESS: Detective Adam Roberts Skellett,  
16 S-K-E-L-L-E-T-T.

17 DIRECT EXAMINATION

18 BY MR. HOLFORD:

19 Q. Detective Skellett, where are you currently  
20 employed?

21 A. Horry County Police Department.

22 Q. AND how long have you been with the Horry County  
23 Police Department?

24 A. About 12-and-a-half years now.

25 Q. Have you always been a detective there?

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1           A.    No, I did about eight years of patrol and one year  
2 as a corporal, supervision.

3           Q.    Back in January 23, 2022, were you a detective?

4           A.    Yes, with the Homicide Division.

5           Q.    What was your role in this case?

6           A.    I was the lead detective. I got the phone call in  
7 reference to the shooting incident, and reported to the  
8 office at that time.

9           Q.    Okay. Tell me a little bit -- or tell the jury a  
10 little bit about what a lead detective does, how many  
11 detectives are involved? We've heard from at least one  
12 other.

13          A.    Sure. In this particular case -- we have on-call  
14 schedule. At that time, on that weekend, I was on-call  
15 personnel. At that time we had our supervisor, at that  
16 time, Sergeant Lent, now Lieutenant Lent, he would disperse  
17 certain responsibilities to detectives.

18                We were notified that the defendant in this case  
19 was already in custody. At that time, I went to our central  
20 precinct, awaiting her arrival. And we also had other  
21 detectives that responded to the scene for assistance.

22          Q.    Now, we just heard from Lieutenant Wells, did you  
23 send evidence off to him for him to download?

24          A.    Yes. The CSI department did recover cellphones in  
25 that case. My job, being the lead detective, is, of course,

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 to gather as much information as possible. With this case,  
2 two search warrants for these cellphones were secured and  
3 sent off to Ben Wells for downloading.

4 Q. Let me ask you this: State's 76, this cellphone's  
5 been entered into evidence. Are you familiar with this  
6 cellphone?

7 A. Yes, sir.

8 Q. Whose cellphone is this?

9 A. That would be the defendant's.

10 Q. You mean Weathers'?

11 A. Yes.

12 Q. This cellphone sent for a data extraction?

13 A. Yes.

14 Q. Have you reviewed that data extraction?

15 A. Yes.

16 Q. I'm going to ask you first: Were you contacted by  
17 anyone else, alerted to some message?

18 A. Yes, the day of the incident, we discovered that  
19 the defendant was actually in contact with someone at Fort  
20 Bragg where she was stationed at. They had told their  
21 supervisor's due to having --

22 MR. KATA: Objection, hearsay.

23 BY MR. HOLFORD:

24 Q. All right. You can't -- don't tell us anything  
25 that they told the supervisor, what the supervisor said.

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1           A.    We were notified of a discussion that we needed to  
2   look into in reference to a cellphone communication.

3           Q.    I'm' going to hand you what's been marked as  
4   State's 82.  Without saying what is contained in the 82, are  
5   you familiar with it? .

6           A.    Yes.

7           Q.    Is that the discussion you were alerted to?

8           A.    Yes.

9           Q.    Okay.  Now, after you're alerted to it, you --  
10   like we said, you got the phone, a data extraction was  
11   performed, you received that evidence back from Lieutenant  
12   Wells?

13          A.    Yes.

14          Q.    Did you then see a Cellebrite report that  
15   confirmed that discussion?

16          A.    Yes.

17          Q.    I'm going to hand you what's been marked as  
18   State's 83.  Are you familiar with what State's 83 is?

19          A.    Yes.

20          Q.    And what is 83?

21          A.    A preliminary device report for that specific  
22   cellphone.

23          Q.    Okay.  Does that appear to be a true and accurate  
24   copy of the preliminary device report from Cellebrite?

25          A.    Yes.

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 Q. That you received in this case?

2 A. Yes, sir.

3 Q. For State's 76?

4 A. Uh-huh.

5 MR. HOLFORD: Your Honor, at this time, State  
6 would seek to introduce 83 into evidence.

7 MR. KATA: No objection.

8 THE COURT: Okay. It's in without objection.

9 (WHEREUPON, State's Exhibit No. 83 was admitted  
10 into evidence.)

11 BY MR. HOLFORD:

12 Q. Now, a preliminary device report, what kind of  
13 information does that give us?

14 A. A lot of information in reference to the phone,  
15 the model of the phone, the IMEI, which would basically be a  
16 phone's serial number, the phone number that's registered to  
17 that, a specific phone number. Also, email accounts that  
18 would be registered through certain different applications  
19 and whatnot.

20 Q. The email accounts, the account information that  
21 are registered to this phone, what do they appear as?

22 A. The Apple ID, specifically, is  
23 [REDACTED]@icloud.com. We have a WhatsApp application. It  
24 say it's registered to Yunique Weathers, a Cash App to  
25 Yunique, Apple Wallet to Yunique Weathers, Booking.com to

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 Yunique Weathers. TikTok to Yunique Weathers. It says,  
2 Yunique Weathers 207 and an email registered to that as  
3 well.

4 Q. Now, I'm going to hand you what's been marked a  
5 State's 84. Are you familiar with what State's 84 is?

6 A. Yes.

7 Q. And how are you familiar with it?

8 A. Through reviewing with the Cellebrite extraction  
9 report.

10 Q. And does that contain a portion of the report?

11 A. Yes. A lot of information is going to be poured  
12 out onto these reports. This is specifically in reference  
13 to this case, the date and time of the incident.

14 Q. These reports, when a cellphone's data is  
15 extracted, how many pages?

16 A. Anywhere from 1 to 500,000, 50,000. For  
17 reference, I believe this is Page 114,170, I believe.

18 Q. But you've reviewed the Cellebrite report, does  
19 this appear to be a true and accurate depiction of the text  
20 received that day and time?

21 A. Yes.

22 MR. HOLFORD: Your Honor, at this time, State  
23 would seek to introduce State's 84 into evidence.

24 MR. KATA: No objection.

25 THE COURT: Okay. It's in without objection.

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 (WHEREUPON, State's Exhibit No. 84 was admitted  
2 into evidence.)

3 MR. HOLFORD: Detective Skellett, would you come  
4 off of the stand for me?

5 Your Honor, do you mind?

6 THE COURT: No.

7 BY MR. HOLFORD:

8 Q. I'm going to have you -- hopefully, we'll be able  
9 to show you this. From this report, can we see what type of  
10 message it is?

11 A. Yes. Looks like a -- as I should point it to you,  
12 an outgoing message coming from this specific device.

13 Q. From this device, the defendant's cellphone?

14 A. Yes.

15 Q. Okay. And what day and time is it?

16 A. I apologize if I'm blocking anybody's view. Right  
17 here it would show the date, January 23rd of 2022, and it's  
18 already adjusted the time for 1:25 p.m.

19 Q. And it was from the owner to another person?

20 A. Yes.

21 Q. Who's that other person?

22 A. The person that would be going to -- where it says  
23 from, that would be her number, to the person, and that's  
24 actually the name -- phone number and the name that they  
25 were actually texting it to.

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 Q. What does that message from the defendant say?

2 A. Goes out to right here, it says, "Don't come. I'm  
3 going to jail. I killed her."

4 Q. And that was at 1:25?

5 A. Yes, sir.

6 Q. As the lead investigator in this case -- I know we  
7 jumped ahead to Cellebrite because we just had Ben Wells on  
8 the stand, but you were able to confirm the discussions you  
9 were alerted to through the course of your investigation?

10 A. Yes, sir.

11 Q. Okay. As the lead investigator, do you often  
12 interview witnesses?

13 A. Yes. To always give practice to, even if there's  
14 preliminary investigations the day of by other detectives,  
15 or if it's, for instance, I would go out there to do  
16 interview someone, doing a follow-up interview is always a  
17 good thing to do.

18 Q. And so, did you speak to a number of people in  
19 this case?

20 A. Yes. Yes.

21 Q. Did you speak to a number of eye witnesses in this  
22 case?

23 A. Yes. Some that testified today.

24 Q. Including Pastor Anderson?

25 A. Yes, sir.



ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 Q. Ken Baker?

2 A. Yes, sir.

3 Q. And you've reviewed the body cam and the footage  
4 in this case?

5 A. Yes, sir.

6 Q. Do you remember about what time Officer Hamm  
7 arrived on scene?

8 A. I apologize. My times might be off on that.  
9 Around the 1:20, 1:22 time, p.m., I believe.

10 Q. If -- well -- if the call went out from Pastor  
11 Anderson around 1:22 -- and we can look through the video  
12 again and see -- but if that went out around 1:22, and  
13 Officer Hamm arrived around 1:28 -- you've been in the  
14 courtroom, right?

15 A. Yes.

16 Q. You heard the 911 call?

17 A. Yes.

18 Q. It lasted about eight minutes total, but probably  
19 six minutes in between shots?

20 A. Yes.

21 Q. That text message that the defendant sent at 1:25  
22 would fall before Officer Hamm arrived?

23 A. Yes.

24 Q. Did you interview the defendant in this case?

25 A. I did.

ADAM SKELLETT - DIRECT BY MR. HOLFORD

1 Q. Did you do what's customarily called Miranda?

2 A. Yes.

3 Q. I'm going to show you what's been marked as

4 State's 5. Are you familiar with this form?

5 A. Yes, sir.

6 Q. What is that form?

7 A. That's an advisement of Miranda Rights form.

8 Q. Did she sign this?

9 A. Yes.

10 Q. Did you sign this?

11 A. Yes.

12 Q. Did you provide her with her Miranda Rights?

13 A. Yes, sir.

14 Q. And you interviewed her?

15 A. Yes, sir.

16 MR. HOLFORD: Your Honor, the State would seek to  
17 introduce State's 5 into evidence.

18 MR. KATA: No objection.

19 THE COURT: Okay. It's in without objection.

20 (WHEREUPON, State's Exhibit No. 5 was admitted  
21 into evidence.)

22 BY MR. HOLFORD:

23 Q. During your contact with the defendant, tell me  
24 about her demeanor --

25 A. Very calm ---

## ADAM SKELLETT - CROSS BY MR. KATA

1 Q. -- how did she appear?

2 A. I apologize. Very calm. Actually, pretty  
3 respectful.

4 Q. I know that I'm keeping your testimony short,  
5 obviously, this investigation's been spanned some time; is  
6 that correct?

7 A. Yes, sir.

8 Q. We talked about, earlier -- not with you, but --  
9 DNA. Was this ever an identification-type case?

10 A. No. Under some circumstances, especially with  
11 homicide cases, DNA testing is always something that we look  
12 into. This was not a question in our eyes of a who-did-it,  
13 therefore it wasn't deemed necessary at that point.

14 MR. HOLFORD: I have no further questions, Your  
15 Honor.

16 MR. KATA: May it please the Court?

17 CROSS-EXAMINATION

18 BY MR. KATA:

19 Q. Investigator Skellett?

20 A. Yes, sir.

21 Q. Now, you're the lead investigator, correct?

22 A. Yes, sir.

23 Q. So, essentially, I guess, in just common terms,  
24 you're in charge?

25 A. Yes, sir.

ADAM SKELLETT - CROSS BY MR. KATA

1 Q. All right. They put you at the top of everybody  
2 else that is involved with the case?

3 A. Yes, sir.

4 Q. Okay. And part of your role as lead investigator,  
5 that you testified to, is that you interview people?

6 A. Yes, sir.

7 Q. Is it, I guess, part of your practice to try to  
8 make sure that you interviewed everybody?

9 A. To the best of my ability, yes, sir.

10 Q. Okay. How many -- how many people called 911 in  
11 this case?

12 A. I believe, off the top of my head, I believe it  
13 was two people, I believe.

14 Q. Only two?

15 A. I believe so.

16 Q. Do you have notes with you?

17 A. I can look back into my notes, if possible.

18 Q. Would you like to check?

19 MR. KATA: Your honor, if you've got permission to  
20 step down.

21 THE COURT: Yes, sir.

22 THE WITNESS: Okay. I do apologize it would have  
23 been three persons. One would have been Mr. Anthony  
24 Anderson, who came here today and testified; a Barbara  
25 Augusta, I have notated called 911 -- and I apologize.

## ADAM SKELLETT - CROSS BY MR. KATA

1 BY MR. KATA:

2 Q. Was there a person named Shawn Gore?

3 A. Yes. Shawn Gore, as well.

4 Q. Okay. What about a Mr. Michael Patterson?

5 A. Michael Patterson. I believe the -- this appears  
6 through my notes that he was a spectator from a little bit  
7 prior to that incident. This would have said that I spoke  
8 with him a few days after the incident.

9 Q. But you had --

10 A. He called. He had some information that he  
11 thought would have been prevalent.

12 Q. Understood. All right. Let's take a look at  
13 State's Exhibit 65. Let's draw your attention to the field.

14 A. Yes, sir.

15 Q. Where was caller Shawn Gore?

16 A. I apologize.

17 Q. Take your time.

18 A. I notated that 150 yards away. He said he walked  
19 outside of his residence. Appears I don't have the actual  
20 locations set down, but it also has a P.O. Box number for  
21 his address, so.

22 Q. That's okay.

23 A. A hundred, 150 yards away is from what he notated.

24 Q. What he said -- so it's probably over here?

25 A. I assume. Yeah, in that area.

## ADAM SKELLETT - CROSS BY MR. KATA

1 Q. And when he called 911, of course, he had to have  
2 perceived something from 150 yards away at his property to  
3 trigger calling 911?

4 A. One could assume. I don't want to say, he's not  
5 here, so I can't testify for him.

6 Q. But you interviewed him?

7 A. Yes, sir.

8 Q. And you asked him about it?

9 A. Uh-huh.

10 Q. Okay. Did he indicate to you that he observed  
11 fighting in the field?

12 MR. HOLFORD: Objection, Your Honor. It's hearsay  
13 about what Mr. Gore might have told the detective.

14 MR. KATA: Judge, I just asked if he indicated it.

15 THE COURT: Well, how -- what's the difference  
16 between that and asking whether he told him?

17 MR. KATA: Your Honor, if I'm offering it to show  
18 that the statement was made is outside the definition of  
19 hearsay. It's not being offered for the truth.

20 THE COURT: So it's not being offered for the  
21 truth of the matter asserted?

22 MR. KATA: I'm offering it to show that he made a  
23 statement after perceiving an event.

24 THE COURT: Okay. You can answer that.

25 THE WITNESS: I always notate this, too, in any of

## ADAM SKELLETT - CROSS BY MR. KATA

1 my notes here, that this is a summarization. It's not exact  
2 transcripts of what the person would have said.

3 That person advised that he walked outside --

4 THE COURT: No. Just tell me what he indicated,  
5 don't tell me what he said. The question was: "Did he  
6 indicate?"

7 THE WITNESS: Oh. I -- two subjects screaming at  
8 each other.

9 BY MR. KATA:

10 Q. That he picked up from 150 yards away?

11 A. From what he would have told me.

12 Q. All right. So that's one person.

13 Did you interview Barbara Augusta?

14 A. Yes, I believe so.

15 Q. And do you recall or do you know where she was  
16 when she made the phone call?

17 A. Is it okay if I go back and look at my notes?

18 Q. It's okay. Take your time on the notes.

19 A. So, she's turning on -- turning onto Pine Needle  
20 Drive.

21 Q. Off No. 9?

22 A. I'm assuming.

23 Q. Had to be.

24 A. Yeah.

25 Q. Okay. And did she indicate that she observed

ADAM SKELLETT - CROSS BY MR. KATA

1 something?

2 A. Yes, she observed an altercation.

3 Q. That caused her to call 911?

4 A. Yes.

5 Q. All right. Now, let's go to Michael Patterson.

6 Now, you testified that, of course, you

7 interviewed him as a well?

8 A. Uh-huh.

9 Q. Okay. But he wasn't actually at the field?

10 A. Driving north on Highway 9, stopped at a red  
11 light. Location wise, that's what he -- I notated.

12 Q. Is there a red light at this intersection at Pine  
13 Needle and Number 9?

14 A. No. I do not believe so, unless there's one that  
15 had there up.

16 Q. So it had to be have been before the --

17 A. Uh-huh.

18 Q. -- the field?

19 A. Uh-huh.

20 Q. Okay. Did he indicate to you that he observed an  
21 altercation?

22 A. Yes. He notated a different time, though.

23 Q. Right. With a different time, prior to  
24 Ms. Weathers and De'Erica reaching the field --

25 A. Yes.



## ADAM SKELLETT - CROSS BY MR. KATA

1 Q. -- obviously, because there's no traffic light --

2 A. Yes.

3 Q. -- at this intersection? So it had to have been  
4 before in between this gas station and Pine Needle?

5 A. Yeah, it's notated he said --

6 Q. Somewhere.

7 A. -- 12:30 is when he called that one.

8 Q. Okay. You testified earlier that Ms. Weathers was  
9 calm and respectful?

10 A. Yes, sir.

11 Q. Now, that was during your interview?

12 A. Yes.

13 Q. And that was calm and respectful towards you?

14 A. Yes.

15 Q. Okay. Did you have any interaction with  
16 Ms. Weathers prior to the events?

17 A. No, not at the scene, no.

18 Q. Okay. Did you have any interaction with  
19 Ms. Weathers at the gas station?

20 A. No.

21 Q. Did you have any interaction in between the gas  
22 station and the field?

23 A. No.

24 Q. Okay. So -- because you got called in afterwards,  
25 essentially?

ADAM SKELLETT - CROSS BY MR. KATA

1 A. Yes.

2 Q. And then became the lead investigator?

3 A. Yes, sir.

4 Q. Now, you testified that you had contact with  
5 individuals from the Army?

6 A. Yes, sir.

7 Q. In North Carolina? And that's because she's in  
8 the Army?

9 A. Yes, sir.

10 Q. Okay. And based on that, your investigation of  
11 the case, did you learn that Ms. Weathers had taken out a  
12 restraining order --

13 MR. HOLFORD: Objection.

14 THE COURT: Y'all come up here.

15 (WHEREUPON, a bench conference was held off  
16 record.)

17 THE COURT: Objection is sustained.

18 MR. HOLFORD: Thank you.

19 BY MR. KATA:

20 Q. Investigator, as part of your role, of course, you  
21 even interviewed Officer Hamm?

22 A. Yes.

23 Q. Just because he's a witness just like any other  
24 witness?

25 A. Yes, sir.

## ADAM SKELLETT - CROSS BY MR. KATA

1 Q. Okay. And you reviewed his body camera footage?

2 A. Yes, sir.

3 Q. Okay. And the body camera footage I'm referring  
4 to is the body camera footage that was at the gas station?

5 A. Yes, sir.

6 Q. Okay. Was Ms. Weathers wearing a red shirt?

7 A. That day, yes.

8 Q. And is this the red shirt?

9 A. It appears to be, yes. I believe we also seized  
10 that from her later on that day.

11 Q. Right. After your interview?

12 A. Yes.

13 Q. Okay. And the condition of this shirt, is it is  
14 now torn?

15 A. Yes, sir.

16 Q. Was it torn when you interviewed her?

17 A. Yes.

18 Q. Okay. And this is the shirt?

19 A. Yes.

20 Q. Marked as Defendant's Exhibit No. 1.

21 MR. KATA: Beg the Court's indulgence, Your Honor.

22 No more questions for this witness, Your Honor.

23 THE COURT: Anything further from the State?

24 REDIRECT EXAMINATION

25

## ADAM SKELLETT - REDIRECT BY MR. HOLFORD

1 BY MR. HOLFORD:

2 Q. Detective Skellett, you said that that's the shirt  
3 the defendant was wearing, right?

4 A. Yes, sir.

5 Q. You had a lengthy interview and that shirt was  
6 collected afterwards; is that right?

7 A. Yes, sir.

8 Q. Did she appear to have any bruising or abrasions  
9 or broken skin? I mean, were her eyes clawed or  
10 anything like that?

11 A. Not that I recall. I remember that we had  
12 possibly observed a little bit of slight blood on the bottom  
13 of the lip. But nothing of major concern. Nothing needing  
14 medical attention. In fact, during the interview she was  
15 asked if medical attention was needed or any type of  
16 physical discomfort. She declined that.

17 MR. HOLFORD: No further questions.

18 THE COURT: Okay. You can step down.

19 THE WITNESS: Thank you, sir.

20 MR. HOLFORD: Your Honor, the State rests.

21 THE COURT: Okay.

22 Has anything schedule-wised changed since we  
23 talked at lunch? Okay.

24 Ladies and gentlemen, the State has rested, so  
25 you've heard all the evidence at least on direct from the

1 State. I've got to take up some matters with y'all outside  
2 your presence. It's after 3:00 o'clock, so leaving you  
3 locked up in the jury room doesn't make much sense, I'm just  
4 going to send you home for the evening and ask you to be  
5 back at 9:30 in the morning.

6 I'll remind you, don't discuss this case. Don't  
7 do any research, and I need y'all back at 9:00. If you have  
8 an emergency, please call us, okay. See you in the morning.

9 (WHEREUPON, the jury exited the courtroom at  
10 3:12 p.m.)

11 THE COURT: Okay.

12 MR. KATA: I do have a motion.

13 THE COURT: Okay.

14 MR. KATA: Your Honor, I have a motion for  
15 directed verdict of not guilty for the failure to bring the  
16 essential elements by direct or circumstantial evidence,  
17 specifically the element of malice.

18 THE COURT: And I respectfully deny the motion. I  
19 think there's sufficient evidence in this record for the  
20 case to go forward to the jury.

21 Now, Ms. Weathers, how about let me -- stand up  
22 and raise your right hand.

23 Do you solemnly swear the testimony you give me  
24 will be the truth, the whole truth and nothing but the  
25 truth, so help you God?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: Okay. You can put your hand down.

3 The State has rested. Now, you have an  
4 opportunity to put up any evidence you want to. You have an  
5 opportunity to testify. I don't know whether you've got a  
6 prior record or not, but if you do, the State, they can  
7 impeach you on that if you get on the stand.

8 You have a Constitutional Right to remain silent.  
9 And if you choose that right, I'm going to instruct the jury  
10 that they cannot consider that in any way in their  
11 deliberations against you. And your decision whether to  
12 testify or not to testify is your decision.

13 Your lawyer can advise you to what he thinks you  
14 should do, but ultimately is your decision.

15 Do you understand that?

16 THE DEFENDANT: Yes, sir.

17 THE COURT: But I say, if you decide to testify,  
18 you'll be treated like any other witness. You can be  
19 impeached if there's anything out there, I don't know.

20 Do you understand that?

21 THE DEFENDANT: Yes, sir.

22 THE COURT: Now, you -- and since the jury's gone,  
23 you can discuss with your attorney this afternoon and  
24 overnight as to whether you want to testify or not testify,  
25 you understand?

1 THE DEFENDANT: Yes, sir.

2 THE COURT: But in the morning, you're going to  
3 have to make that decision of whether or not you want to get  
4 on the stand, you understand?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Okay. Thank you.

7 MR. HOLFORD: Your Honor, just for purposes of the  
8 record and for defense counsel's knowledge, I don't see any  
9 impeachable offenses on her record.

10 THE COURT: Okay. So the Prosecutor's told me  
11 that he doesn't see anything on your record as far as  
12 criminal record or anything they can impeach you by.

13 Do you understand?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay. Is there anything else I need  
16 to address?

17 MR. KATA: Not from the Defense.

18 THE COURT: Okay. I'll see y'all in the morning.  
19 Thank you.

20 (WHEREUPON, the proceedings adjourned for the day  
21 at 3:14 p.m.)

22 (WHEREUPON, the proceedings reconvened on  
23 Wednesday, December, 20, 2023 at 9:40 a.m.)

24 THE BAILIFF: All rise.

25 THE COURT: Thank you. You can be seated.

1           Okay. Are we ready?

2           MR. KATA: Defense is ready.

3           MR. HOLFORD: Your Honor, the State's ready to  
4 proceed. I think before we call, or the Defense calls their  
5 witness, the State's going to object to certain pictures and  
6 videos that they intend to introduce. It might make sense  
7 just to bring that up now before the jury is in here.

8           THE COURT: Okay.

9           MR. KATA: That's okay.

10          Your Honor, we'll call Ms. Yunique Weathers to the  
11 stand.

12          THE COURT: Okay. So do we need to deal with it  
13 before you call her about the pictures, they're going to  
14 object on, you want me to rule on it?

15          MR. KATA: Sure, we can do that. Your Honor, I  
16 have three pictures that Ms. Weathers will authenticate that  
17 she took of herself of injuries that were inflicted by  
18 Ms. De'Erica, the deceased.

19          Your Honor, we're going to try to admit those into  
20 evidence. They go to her state of mind. Your Honor, it's,  
21 I believe, admissible under State v. Gardner that says that:  
22 In making the determination previous relations of the  
23 parties and conditions connected with the tragedy as well as  
24 those existing at the time of the killing are relevant are  
25 at issue.



1           So, Your Honor, we think these photographs will  
2 fall underneath that case and would be admissible.

3           THE COURT: Okay. So when were these photographs  
4 allegedly taken.

5           MR. KATA: Your Honor, she's going to testify to  
6 that, two were in the later part of 2022, and then was of  
7 them was in 2021. And then there's two videos of her  
8 recording her own injuries, they're from previous fights  
9 with the victim.

10          THE COURT: Okay.

11          MR. HOLFORD: Your Honor, the State's objection is  
12 kind of twofold. One is there's no -- there are no reports.  
13 We don't know who caused these injuries. We don't know when  
14 they were caused, I understand that the defendant will  
15 say -- I caught later 2022, but the victim was deceased in  
16 January of 2022.

17          MR. KATA: 2021, I apologize.

18          MR. HOLFORD: So at a minimum, they're alleged to  
19 have happened at least months before. So the second part of  
20 the -- the first part is that they're not relevant, that  
21 will be the State's objection they're not relevant.

22          The second part would be, if they're admitted to  
23 show that somehow the victim, if she's able to prove that  
24 these injuries were, in fact, caused by the victim, which we  
25 have no evidence of, then that would be prior bad acts and

1 it would be inadmissible to show bad acts on the victim's  
2 part from prior incidences. These are not to have alleged  
3 to have occurred at the time of the shooting, the day of the  
4 shooting, the day before the shooting, and would be  
5 irrelevant for that, as well.

6 THE COURT: Okay. You want to respond to that?

7 MR. KATA: Yes, Your Honor. Well, I mean, she's  
8 going to testify that the victim inflicted them on her and  
9 that's going to part of her testimony.

10 Your Honor, State v. Gardner, 219 SC 97: In  
11 determining whether the act which caused death was impelled  
12 by a heat of passion or malice all the surrounding  
13 circumstances and conditions are to be taken into  
14 consideration including previous relations and conditions  
15 connected with the tragedy as well as those existing at the  
16 time of the killing.

17 I think that last part, as well as those existing  
18 at the time of the killing, when taken in conjunction with  
19 including previous relations and conditions connected with  
20 the tragedy, takes into account that there could be  
21 situations that are involved between the victim and  
22 Ms. Weathers that she experienced, and she's going to  
23 testify that she experienced these and that that was in her  
24 head and that she knew about those because she experienced  
25 them at the time that she took the shot.

1           So, Your Honor, I think that that makes it  
2 relevant and I think that that makes it admissible under  
3 that case.

4           THE COURT: Let me see that case. Are you going  
5 to give me that? You just got one copy?

6           Give me the cite on that again.

7           MR. KATA: 219 SC 97.

8           (WHEREUPON, a brief pause in the proceedings.)

9           THE COURT: So what paragraph is it you think  
10 this -- that you were quoting from?

11          MR. KATA: Your Honor --

12          THE COURT: It's a 1951 case.

13          MR. KATA: Its an older case and it comes out of  
14 Ralph K. Anderson's request to charge, is where it's listed.

15          THE COURT: And it's a request for charge for  
16 voluntary manslaughter?

17          MR. KATA: Correct.

18          THE COURT: But how does that make this evidence  
19 admissible?

20          MR. KATA: Your Honor, the voluntary manslaughter  
21 charge, which we're going to be asking for.

22          THE COURT: Right.

23          MR. KATA: It says in the charge that the prior  
24 relationships between the parties are to be considered by  
25 the jury.

1 THE COURT: I understand that she can testify  
2 about that prior relationship.

3 MR. KATA: Correct. She will, but I mean, if  
4 she's documented injuries sustained in those prior  
5 relationships, I think that those injuries should be, if she  
6 can -- if she can, you know, authenticate the photographs, I  
7 think that those should be admissible.

8 THE COURT: Yeah, but wasn't that overturned?

9 MR. KATA: I did -- I mean, the case itself but,  
10 Your Honor, the jury charge still says that prior  
11 relationships of the parties are to be considered. So how  
12 would that not?

13 THE COURT: I'm don't disagree with you that the  
14 prior relationships of the parties can be considered, this  
15 is a question whether these photographs can be entered.

16 MR. KATA: I understand that, Your Honor.

17 THE COURT: Let me see the photographs.

18 MR. KATA: Sure.

19 THE COURT: Have you seen the photographs,  
20 Solicitor?

21 MR. HOLFORD: I have, Your Honor.

22 MR. KATA: Your Honor, there's two videos, as  
23 well.

24 THE COURT: There's two videos?

25 MR. KATA: Well, just short videos that she took

1 of herself that we would -- and what I included in those  
2 three.

3 THE COURT: And when were these allegedly taken?

4 MR. KATA: With the year prior to the event, it  
5 was in the month leading up to it. And, Your Honor, we put  
6 could break into two. I mean, I don't think there's any --  
7 I don't think there's any challenge to her being able to  
8 testify that she had sustained injuries from the victim in  
9 the past, just by word of mouth, her testimony.

10 MR. HOLFORD: I would object to that, too. I  
11 don't think it's relevant to the situation in which she  
12 found herself in that day. As to what occurred in the past,  
13 the question at issue is whether there was malice or not  
14 when she struck the fatal blow with the firearm.  
15 Whether she was injured in the past doesn't play a role in  
16 that.

17 THE COURT: So I assume the defendant wants me to  
18 charge voluntary manslaughter. Does the State object to  
19 that?

20 MR. HOLFORD: I think for appellate purposes the  
21 State would probably -- if the defense is requesting it,  
22 would ask the Court to charge it, because it would likely be  
23 overturned if a later court were to find that some reason  
24 there was some...

25 THE COURT: All right. You know, this is a close

1 call, but there is evidence in the record at least that  
2 there was a fight going on. Now, the definition of that  
3 fight, you know, nobody's testified that there were actually  
4 physical blows or what, you know, fight. There was an  
5 altercation, there was some struggling, there was some  
6 tugging, there was an issue over keys. So there was at  
7 least some altercation going on between the victim and the  
8 defendant in this case.

9 And so there's some evidence in the record and  
10 whether -- and I guess it's going to be a question of fact  
11 for this jury to determine when they hear both charges, as  
12 to whether, you know, it constitutes a voluntary  
13 manslaughter versus malice. You know, the issue that, you  
14 know, at least the State has in it's favor is that seven or  
15 eight minute of time between the time she shot her in both  
16 legs and ultimately killed her. You know, she certainly had  
17 her incapacitated prior to killing her.

18 MR. HOLFORD: And, Your Honor, there are pictures  
19 that are taken of the defendant on the day of and the State  
20 wouldn't object to the use of those.

21 THE COURT: All right.

22 MR. HOLFORD: What we're telling the Court are  
23 that these pictures are from some time prior, we don't even  
24 know what day or month, we just know that they're --

25 THE COURT: I guess that --

1           MR. HOLFORD: -- in 2021 they're leading up to and  
2 it's not revolving these -- around these events.

3           THE COURT: And what I can have -- is put her on  
4 the stand without the jury here and ask her those questions  
5 to see what the answers are.

6           MR. HOLFORD: Sure.

7           MR. KATA: I don't mind proffering to try to see  
8 if she can authenticate them.

9           THE COURT: Okay. I think we need to do it that  
10 way to see and then I'll rule.

11          MR. KATA: Yes, sir.

12          THE COURT: Okay. How about is there any  
13 objection for one of the Bailiff's telling the jurors that  
14 we're dealing with a legal matter and we'll get them out  
15 just as quick as I can. They're all here, right?

16          THE BAILIFF: Yes, sir.

17          MR. HOLFORD: Not from the State, Your Honor.

18          MR. KATA: No objection.

19          THE COURT: Okay. If you'll just let them know  
20 that.

21                 Do you have any case that actual evidence came in  
22 as a result of these prior bad acts or is it just testimony?

23          MR. KATA: No, Your Honor.

24          THE COURT: Okay. All right. You want to call  
25 her to the stand?

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 MR. KATA: Your Honor, the defense will call  
2 Ms. Yunique Weathers, please.

3 THE COURT: If you'll come around, place your left  
4 hand on the Bible raise your right.

5 YUNIQUE WEATHERS, having been duly  
6 sworn, testified as follows:

7 THE WITNESS: Yunique Weathers.

8 DIRECT EXAMINATION

9 BY MR. KATA:

10 Q. Ms. Weathers, I'm going to show you what I've  
11 marked as Defendant's Exhibit No. 2. Do you recognize this  
12 photograph?

13 A. Yes, sir.

14 Q. Okay. Did you take this photograph?

15 A. Yes, sir.

16 Q. Okay. Does it -- what is it a photograph of?

17 A. Scratches on the face, a black eye, and a busted  
18 lip.

19 Q. Okay. Is it -- has it been altered or tampered  
20 with in any kind of way?

21 A. No, sir.

22 Q. Okay. Do you remember when you took the  
23 photograph?

24 A. June of 2021.

25 Q. Ms. Weathers, what happened before you took this



## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 photograph?

2 A. Before I took the photograph?

3 Q. Yes.

4 A. I was attacked.

5 Q. And who were you attacked by?

6 A. De'Erica Fisher.

7 Q. Okay. Did she cause the scratches on your eye?

8 A. Yes, sir.

9 Q. Okay. Why did she attack you?

10 A. Because I was having a conversation with my

11 sergeant.

12 Q. Did that make her upset?

13 A. Yes, sir.

14 Q. Ms. Weathers, I'm going to show you what's marked

15 as Defendant's Exhibit No. 3. Do you recognize this

16 photograph?

17 A. Yes, sir.

18 Q. What is it a photograph of?

19 A. A busted lip.

20 Q. Okay. And you took the photograph?

21 A. Yes, sir.

22 Q. Has it been changed in any kind of way?

23 A. No, sir.

24 Q. Do you remember when you took it?

25 A. Yes, sir.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. Okay. When did you take the photograph?

2 A. May of 2021.

3 Q. What happened prior to you taking the photograph?

4 A. I was attacked by De'Erica Fisher.

5 Q. Ms. Weathers, I'm going to show you what's marked  
6 as Defendant's Exhibit No. 4. Do you recognize the  
7 photograph?

8 A. Yes, sir.

9 Q. Did you take the photograph?

10 A. Yes, sir.

11 Q. Has it been altered or changed in any kind of way?

12 A. No, sir.

13 Q. Is it a picture of you?

14 A. Yes, sir.

15 Q. Okay. Is it a fair and accurate description of  
16 what you took?

17 A. Yes, sir.

18 Q. What is it a picture of?

19 A. A black eye.

20 Q. Okay. How did you get the black eye?

21 A. De'Erica Fisher.

22 Q. All right. When did you take this photograph?

23 A. February of 2020.

24 Q. All right. Ms. Weathers, if I could get you to  
25 step down to look at this screen. We'll have to get the

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 video turned on first.

2 THE COURT: I know, but it's not going to do you  
3 any good unless I can't see it.

4 (Video playing.)

5 BY MR. KATA:

6 Q. Ms. Weathers, do you recognize that video?

7 A. Yes, sir.

8 Q. Okay. Did you take the video?

9 A. Yes, sir.

10 Q. Has it been changed in any kind of way?

11 A. No, sir.

12 Q. When did you take that video?

13 A. February of 2022 -- not 2022, 2021, I'm sorry.

14 Q. February of 2021?

15 A. Yes, sir.

16 Q. Okay. What is that a video of?

17 A. De'Erica Fisher tried to basically bite my ear  
18 off.

19 Q. Okay. And you took a picture of the injury?

20 A. I took a video of it.

21 Q. Sustained by her?

22 A. Yes, sir.

23 Q. Okay. And that's Defendant's Exhibit No. 5?

24 A. Yes, sir.

25 Q. I'll play the second video from Defendant's

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Exhibit No. 5.

2 (Video playing.)

3 BY MR. KATA:

4 Q. Is that from the same day?

5 A.. Yes, sir.

6 Q. And the same event?

7 A. Yes, February 2021.

8 Q. And you took that video?

9 A. Yes, sir.

10 Q. And it's from the same event?

11 A. Yes, sir.

12 Q. Okay. And what was the injury on that video?

13 A. She bit part of my tattoo off. She punched me in  
14 the eye. And she was scratching my face and she tried to  
15 bite my lip too.

16 Q. Okay. Has it been altered in any kind of way?

17 A. No, sir.

18 Q. Please have a seat.

19 MR. KATA: Your Honor, those are the exhibits.

20 THE COURT: Okay. The State's objection is  
21 relevance?

22 MR. HOLFORD: Two part objection, Your Honor. The  
23 first part is relevance that injuries sustained in  
24 June 2021, May 2021, February 2020, February 2021, are not  
25 relevant to this jury determining whether the events that

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 occurred that day were either murder or voluntary  
2 manslaughter or justified.

3           The second part of that objection would be that if  
4 the Court would find that is relevant evidence that under  
5 Rule 404, character evidence is not admissible through  
6 conduct that these are being offered as prior bad acts,  
7 prior wrongs of the victim in this case. And I think this  
8 refers to wrongs of the defendant, but evidence of other  
9 crimes or bad acts must be clear and convincing if act is  
10 not subject to a conviction.

11           That lends towards the defendant typically in the  
12 case, but there's not clear and convincing evidence in this  
13 case, other than the defendant's testimony that these  
14 injuries were caused by the victim. There's no reports,  
15 there's no medical documentation, we don't have anything  
16 else saying that they were, in fact, inflicted by the  
17 victim.

18           THE COURT: Okay. I'm going take a few minutes to  
19 look at this and I want to see y'all in chambers.

20           MR. HOLFORD: Yes, Your Honor.

21           MR. KATA: Yes, Your Honor.

22           THE WITNESS: Do I sit back down?

23           THE COURT: You can sit back down.

24           (WHEREUPON, a break held while in chambers.)

25           THE BAILIFF: All rise.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 THE COURT: Thank you. You can be seated.

2 Okay. Based on the facts and circumstances in  
3 this case, I think that the prior relationship is relevant.  
4 I'm going to allow the pictures and video in. Of course,  
5 the State -- it will be up to the jury to what weight they  
6 give this in this testimony, you'll certainly be able to  
7 cross-examine her on anything that's happened in the past,  
8 but I think it's relevant.

9 Okay. Now, are we ready for the jury? Anything  
10 else?

11 MR. HOLFORD: Nothing further from the State, Your  
12 Honor.

13 MR. KATA: Nothing from the defense.

14 THE COURT: Bring the jury, please, sir.

15 (WHEREUPON, the jury entered the courtroom at  
16 10:16 a.m.)

17 THE COURT: Okay. You may call your witness.

18 MR. KATA: May it please the Court?

19 THE COURT: Yes, sir.

20 MR. KATA: Your Honor, the defense calls  
21 Ms. Yunique Weathers to the witness stand.

22 YUNIQUE WEATHERS, having been duly  
23 sworn, testified as follows.

24 THE WITNESS: Yunique Weathers, Y-U-N-I-Q-U-E,  
25 Weathers, W-E-A-T-H-E-R-S.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

DIRECT EXAMINATION

BY MR. KATA:

Q. Ms. Weathers, good morning.

A. Good morning.

Q. Let's start off, tell the jury a little bit about yourself. Where did you grow up? Where are you from?

A. Am I allowed to look?

Q. Uh-huh.

A. All right. I'm Yunique Weathers. I was born in Columbia, South Carolina, raised back and forth from Decatur, Georgia to Columbia, South Carolina. Graduated high school in Powers High School from Decatur, Georgia. After I graduated high school I joined the military like two months after. I was in the military from 2000 -- October the 2nd, 2018, of course, until January of 2022.

I as a -- in military I was a unit supply specialist which is a 92 Yankee, Ft. Bragg, that was my first duty station. I went to training -- went to basic training, in fort -- sorry, what is it -- Ft. Jackson, South Carolina I'm sorry, in AIT, which is MOS training. And after 92 Yankee, I went to Ft. Lee, Virginia. And, of course, as I said, my first duty station was Ft. Bragg, North Carolina.

That's -- I have six other siblings, that's a bit much it, to keep to the basics.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. All right. That's your history. It's safe to say  
2 you're a little nervous right now?

3 A. Yeah, a little nervous. A little nervous.

4 Q. All right. Tell the jury how did you meet Ms.  
5 De'Erica?

6 A. Me and De'Erica Fisher, we met on a dating app.

7 Q. Okay. And how long had you --

8 A. We met --

9 Q. -- had y'all been dating?

10 A. Since September the 9th of 2019.

11 Q. And during the course of dating did you ultimately  
12 move in together?

13 A. Yes, I moved her in with me because she had family  
14 issues.

15 Q. And how long did she live with you?

16 A. She lived with me since September the 9th of 2019.

17 Q. Okay. Now, what brought y'all to Horry County,  
18 and Myrtle Beach?

19 A. What brought us there is we were basically sitting  
20 at home North Carolina, Fayetteville, North Carolina, and  
21 she was bored. She said -- I asked her what did she want to  
22 do, she tell me she never saw penguins before. And the  
23 closest I know of penguins was the aquarium at Myrtle Beach.

24 So I got a room down there at Myrtle Beach. We  
25 went there, we had a weekend out there, we had a good



## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 weekend out there. Took her to the aquarium, we got drinks.  
2 After that, we were staying in the room that Friday night.  
3 Saturday -- Saturday night we were supposed to go to a strip  
4 club, we didn't end up going, so we just stayed in and we  
5 got drinks, had intercourse. Sunday, it was time to check  
6 out, we had intercourse, we packed up and we left.

7 Q. Okay. So you leave, where were you going to  
8 leave? Going back to Fayetteville?

9 A. Back to Fayetteville, North Carolina.

10 Q. Okay. What brought you to this part of town?

11 A. We -- I had to -- I was driving and I had to get  
12 gas and I guess the GPS rerouted us and so that's how we  
13 ended up on that road.

14 Q. On Highway No. 9?

15 A. Yes, sir.

16 Q. And I'm referring to -- pointing to State's  
17 Exhibit No. 65, which is a map of this area.

18 So you go to get gas and you get rerouted and you  
19 get back on track to going home?

20 A. Yes, sir.

21 Q. Okay. And are you driving the car?

22 A. Yes, sir.

23 Q. And tell us about what happened as you're driving?

24 A. As usual, because I'm usually the driver, I put on  
25 music and I guess a song that came on it triggered her -- do

YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 I state the song or no?

2 Q. Sure.

3 A. It was a song that was on Pandora that came on and  
4 I have no control over Pandora it just -- it just comes on.  
5 The song was, B's Ain't S but Hoes and Tricks, but I have no  
6 control of the songs. But she got mad and instead of saying  
7 she was mad she snatches the aux cord out and throws it out  
8 the window.

9 Q. Okay. Now, once she throws that out the window.

10 A. Yes, sir.

11 Q. Do you react an any kind of way to her throwing it  
12 out the window?

13 A. No, sir.

14 Q. Okay.

15 A. I just continue to play my music on my phone.

16 Q. Okay. And do you continue to drive?

17 A. Yes, sir.

18 Q. Okay. At some point do you come up to a stop  
19 light?

20 A. Yes, sir.

21 Q. Describe to the jury what happened at that point.

22 A. When we got to the stop light, as a driver, I  
23 pushed on the brakes, once I pushed on the brakes, she  
24 puts -- because the gear switch was in the middle -- she  
25 pushed the gear switch into park, snatches the keys out, and

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 runs into the gas station that was nearest to us.

2 Q. So you're driving?

3 A. Yes, sir.

4 Q. You stop, your foot's on the brake?

5 A. Yes, sir.

6 Q. Okay. She jams the car into park?

7 A. Yes, sir.

8 Q. Grabs the keys and runs?

9 A. Yes, sir.

10 Q. Okay. And you're sitting in the driver's seat?

11 A. Yes, sir.

12 Q. And that is on which highway?

13 A. Can I get up?

14 MR. KATA: Your Honor, permission for her to come  
15 down?

16 THE COURT: Yes.

17 THE WITNESS: This one right here, we were right  
18 here.

19 BY MR. KATA:

20 Q. Right here?

21 A. Yes, sir.

22 Q. Okay. What do you do at that point?

23 A. First, I'm confused, but we're in the middle of  
24 the road, so I get out and go after her to try to get the  
25 keys.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. Okay. With the car still in the road?

2 A. Yes, sir.

3 Q. On the highway?

4 A. Yes, sir. I put the signal lights on.

5 Q. Okay. And so do you approach her in the gas  
6 station to get the keys?

7 A. Yes, sir.

8 Q. Okay. And describe to the jury your interaction  
9 with her at the gas station.

10 A. I try to go get the keys. She starts to pull my  
11 hair, basically she's telling me she hate me and stuff like  
12 that, and then beat me in the back of the head while I'm  
13 trying to just pull the keys. I'm explaining to her, I'm  
14 just trying to move the car out of the middle of the road.  
15 And then I guess --

16 Q. Okay. So she's pulling your hair?

17 A. Yes, sir.

18 Q. She's hitting you in the back of the head?

19 A. Yes, sir.

20 Q. Okay. Is this before police responded or after?

21 A. Before.

22 Q. Okay. So that's all happening. Are you guys  
23 making a lot of noise?

24 A. Yes, sir. Because she's screaming at me, and I'm  
25 explaining to her I'm trying to get the keys, so basically a

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 back and forth conversation.

2 Q. Okay. All right. How long does that go on for?

3 A. Until the police pull up?

4 Q. Uh-huh.

5 A. Probably a minute and a half.

6 Q. Okay. All right. Of course, you've seen State's  
7 Exhibit where Officer Hamm --

8 A. Yes, sir.

9 Q. -- responds. Okay. So you're in the gas station,  
10 she's got your hair, she's yelling at you, you've got the  
11 keys, you're trying to get the keys back.

12 A. Yes, sir.

13 Q. -- and law enforcement --

14 A. Pulls up.

15 Q. -- drives right up to you?

16 A. Yes, sir.

17 Q. Okay. What was your reaction when law enforcement  
18 --

19 A. To avoid.

20 Q. -- separated --

21 A. Yes, sir.

22 Q. -- off towards law enforcement officer?

23 And do you remember making any kind of statement  
24 to the officer right as he approached?

25 A. I didn't want to deal with this. Basically I

YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 didn't want to deal with this.

2 Q. Okay. Now, you tell him, I don't want to deal  
3 with this today.

4 A. Uh-huh.

5 Q. Let's take a step back? .

6 A. Yes, sir.

7 Q. And go through your prior relationship to  
8 Ms. De'Erica.

9 A. Yes, sir.

10 Q. Was this the first time that she's --

11 A. No. No, sir.

12 Q. -- pulled hair and hit you?

13 A. No, sir.

14 Q. Okay. I'm going to show you what's marked as  
15 Defendant's Exhibit No. 2. Do you recognize the photograph?

16 A. Yes, sir.

17 Q. Did you take the photograph?

18 A. Yes, sir.

19 Q. Is it a fair and accurate depiction --

20 A. Yes, sir.

21 Q. -- of the photograph that you took?

22 A. Yes, sir.

23 Q. Has it been changed, altered, or deleted in any  
24 kind of way?

25 A. No, sir.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. Okay. What is it --

2 MR. KATA: Your Honor, at this point I move into  
3 evidence as Defendant's 2.

4 THE COURT: Okay. It's in over objection of the  
5 State.

6 (WHEREUPON, Defendant's Exhibit No. 2 was admitted  
7 into evidence.)

8 BY MR. KATA:

9 Q. Ms. Yunique, what happened in Exhibit No. 2?

10 A. She came home and attacked me because I was having  
11 conversations with my sergeant. I kind of like to come home  
12 and talk about my day but she didn't like that I had  
13 conversations with my sergeant. She expects me to just to  
14 not talk when I'm at work.

15 Q. Okay. And the marks on your face and the cuts?

16 A. She inflicted those against me.

17 Q. Okay. Do you remember when that happened?

18 A. June of 2021.

19 Q. I'm going to show you what's marked as Defendant's  
20 Exhibit No. 3. Do you recognize this photograph?

21 A. Yes, sir.

22 Q. Did you take the photograph?

23 A. Yes, sir.

24 Q. All right. Is it a fair and accurate depiction of  
25 the photograph that you took?

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 A. Yes, sir.

2 Q. Did you change it in any kind of way?

3 A. No, sir.

4 Q. Okay. Do you remember when you took it?

5 A. Yes, sir. May of 2021?

6 MR. KATA: Okay. Your Honor, at this time the  
7 defense would move into evidence Defendant's Exhibit No. 3.

8 THE COURT: Okay. It's in evidence.

9 (WHEREUPON, Defendant's Exhibit No. 3 was admitted  
10 into evidence.)

11 BY MR. KATA:

12 Q. All right. Ms. Weathers, tell the jury what this  
13 photograph is about, Defendant's Exhibit No. 3?

14 A. Basically kind of the same thing, having  
15 conversations at work, I'm not supposed to. And she had  
16 sharp nails at the time, she basically grabbed me by the lip  
17 and just snatches my lip so it kind of -- this is where the  
18 rip came from.

19 Q. She caused this cuts?

20 A. Yes, sir.

21 Q. Ms. Weathers, I'm going to show you what's marked  
22 as Defendant's Exhibit No. 4.

23 A. Yes, sir.

24 Q. Do you recognize the photograph?

25 A. Yes, sir.



## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. Did you take the photograph?

2 A. Yes, sir.

3 Q. Did you change it in any kind of way?

4 A. No, sir.

5 Q. Alter it?

6 A. No, sir.

7 Q. When did you take it?

8 A. February of 2020.

9 Q. And it depicts you?

10 A. Yes, sir.

11 Q. Accurately?

12 A. Yes, sir.

13 MR. KATA: Your Honor, at this time I move into  
14 evidence Defendant's Exhibit No. 4.

15 THE COURT: Okay. It's in evidence.

16 (WHEREUPON, Defendant's Exhibit No. 4 was admitted  
17 into evidence.)

18 BY MR. KATA:

19 Q. Okay. Yunique, describe to the jury what this  
20 picture is?

21 A. When I was in the military I picked up a second  
22 job to basically support her at McDonald's and I had -- she  
23 couldn't take me to work because she was mad with me, so I  
24 found another ride, so she basically punched me in the face  
25 before I got to work to I guess to stop me from going to

YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 work.

2 Q. Ms. Weathers, one more exhibit.

3 A. Yes, sir.

4 Q. Defendant's Exhibit No. 5 is a thumb drive.

5 A. Yes, sir.

6 Q. Have you -- have you reviewed the thumb drive?

7 A. Yes, sir.

8 Q. Okay. And there's my two videos on Exhibit No. 5?

9 A. Yes, sir.

10 Q. Okay. Did you record those videos?

11 A. Yes, sir.

12 Q. Do they fairly and accurately --

13 A. Yes, sir.

14 Q. -- depict you?

15 A. Yes, sir.

16 Q. Do you remember when you took those?

17 A. Yes, sir.

18 Q. When did you take those?

19 A. February of 2021.

20 MR. KATA: Your Honor, at this time I move into

21 evidence Defendant's No. 5.

22 THE COURT: Okay. It's in evidence.

23 (WHEREUPON, Defendant's Exhibit No. 5 was admitted

24 into evidence.)

25 THE WITNESS: Do I step down?

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 MR. KATA: Ms. Weathers, please step down.

2 Your Honor, permission to publish Defendant's 5,  
3 the videos?

4 THE COURT: Permission granted.

5 (Video playing.)

6 BY MR. KATA:

7 Q. Ms. Weathers, describe that video.

8 A. We got into an altercation. She said that I  
9 wasn't listening to her so she tried to basically bite my  
10 ear off.

11 (Video playing.)

12 BY MR. KATA:

13 Q. Ms. Weathers, describe this video. Is this the  
14 same incident as the first video?

15 A. Yes, sir. There was a bite mark here, she bit me  
16 there, and she tried to bite a piece of my tattoo off.

17 Q. Ms. De'Erica?

18 A. Yes, Ms. Fisher.

19 Q. Please have a seat.

20 So, Ms. Weathers, when law enforcement responds  
21 and you say, I'm not going to deal with this today.

22 A. Yes, sir.

23 Q. I mean, is this the type of thing that you were  
24 talking about?

25 A. Yes, sir.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. And on this day with the keys, with the shoving  
2 the car into park, pulling the keys out and running across  
3 the street, is that in line with these other situations?

4 A. Yes, sir.

5 Q. Okay. All right. And, of course, you watched the  
6 tape?

7 A. Yes, sir.

8 Q. What happens at the end when the officer drives  
9 off?

10 A. I leave to go into the store.

11 Q. Okay. So law enforcement leaves --

12 A. Yes, sir.

13 Q. -- and he said -- he testified you all went your  
14 separate ways?

15 A. Yes, sir.

16 Q. Okay. Describe your -- what was your separate  
17 way?

18 A. She leaves in the car and I leave to go into the  
19 store. I leave before her.

20 Q. Okay. So you went into the store. How long were  
21 you in the store?

22 A. Probably two minutes.

23 Q. Okay. And to where -- to your knowledge where was  
24 she?

25 A. Gone.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. Okay. Like, gone as in what?

2 A. Drove away. Drove to go back to Fayetteville,  
3 because she had my house key.

4 Q. Okay. So at that point in time what was your  
5 intention for the rest of the day?

6 A. I was willing to walk all the way back  
7 Fayetteville or I was willing to wait for a ride until it  
8 came.

9 Q. I understand, so walking back to Fayetteville, I  
10 mean, that's kind of impractical.

11 A. Yes, sir. Uh-huh.

12 Q. Did you call for a ride?

13 A. Yes, sir.

14 Q. Okay. And you were going to go walking?

15 A. Yeah, until my ride met me.

16 Q. Okay. How long were you at the gas station?

17 A. From the beginning or.

18 Q. Well, after law enforcement leaves.

19 A. I was at the gas station from two to five minutes.

20 Q. Okay. All right. Where did you go after the gas  
21 station?

22 A. I walked up that Highway 9.

23 MR. KATA: Your Honor, can she have permission to  
24 step down and point to the map?

25 THE COURT: Yes, sir.

YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 BY MR. KATA:

2 Q. So you're here. Is this the gas station?

3 A. Yes, sir.

4 Q. Okay. Point out to the jury where did you walk to

5 next?

6 A. I walked up this road.

7 Q. Okay. You walked up this road?

8 A. Yes, sir.

9 Q. All the way up 9?

10 A. Yes, sir.

11 Q. Now, did you walk just straight from the gas

12 station all the way up to the field?

13 A. No, sir.

14 Q. Okay. What happened as you started to walk off

15 from the gas station?

16 A. From my understanding, I thought Ms. Fisher had

17 left, but I see her coming back down Highway 9.

18 Q. Back down this way, in the opposite direction?

19 You can step down, you can testify.

20 A. Yes, sir.

21 Q. So you're walking down this way?

22 A. Yeah.

23 Q. Where are you?

24 A. I'm probably right here.

25 Q. And what do you see at that point?

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1           A.    I see her coming back down from right here to make  
2 a u-turn right here.

3           Q.    Okay.  And does she make a u-turn?

4           A.    Yes, sir.

5           Q.    Okay.  You're standing right there, correct?

6           A.    I'm walking, I never stop, because I see her, I'm  
7 just continuing to walk.

8           Q.    Okay.  And does she ultimately -- what does she  
9 do?

10          A.    She pulls beside me telling me to get in the car,  
11 get in the car, that I'm doing too much, but I continue to  
12 walk she's right beside me.  I'm ignoring her so she pulls  
13 off again.

14          Q.    Okay.  You're right here, she pulls off again, and  
15 goes north, on No. 9?

16          A.    Yes, sir.

17          Q.    Okay.  What are you doing at this point?

18          A.    Continuing to walk.

19          Q.    Okay.  What happens next?

20          A.    I see her coming back down and she makes another  
21 u-turn to right beside me.  I'm probably here, probably here  
22 at this point.

23          Q.    Okay.  And at this point what is she doing?

24          A.    She's right beside me saying the same thing, but  
25 at this point she's laughing and mocking me.

YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. And does she end up pulling the car over?

2 A. No, she -- she doesn't pull the car over.

3 Q. Okay. What happens after that?

4 A. She rides up again. And then she comes back and  
5 makes another u-turn. At this point she pulls the car over  
6 and get out and our dog gets out and the dog walks off --

7 Q. Let's take it one step at a time. So this is the  
8 second time that she's looped around and come back to you?

9 A. Yes, sir.

10 Q. She drives off for the third time?

11 A. Yes, sir.

12 Q. Loops back around. Now, we're going through this  
13 one by one by one by one. What was the time frame of the  
14 loops, was it much slower than what we're describing right  
15 now or was it?

16 A. Probably a minute, probably apart.

17 Q. Okay. So what happens the third time that she  
18 looped around?

19 A. The third time she parks the car. The dog jumps  
20 out of the car to run to me and I get the dog pick the dog  
21 up and she --

22 Q. What kind of dog is it?

23 A. It's a miniature Pincher Chihuahua.

24 Q. Okay. So something you can hold right in --

25 A. Yes, sir.



## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. -- tuck in your arm?

2 A. Yes, sir.

3 Q. Okay.

4 A. She gets out the car, she sees me I have the dog,  
5 she comes and hits me and tells me she hates me and stuff  
6 like that and telling me basically give her her dog, give  
7 her her dog. And so I just put the dog in the car and I  
8 continue to walk. She gets back in the car and drives off.

9 Q. Okay. And you keep -- you keep walking?

10 A. Yes, sir.

11 Q. Okay. What direction are you walking?

12 A. Up Highway 9.

13 Q. Okay. All right. Does she pull around again?

14 A. Yes, sir.

15 Q. Okay. Point out on the map where she pulls around  
16 again.

17 A. She pulls up around here, I guess, I'm not sure  
18 where she made a u-turn at because I'm all the way down  
19 here.

20 Q. Okay. All right. Where does she interact with  
21 you again? Where are you standing the fourth time that she  
22 comes back up 9? Are you at the field?

23 A. No. No, I'm not at the field yet.

24 Q. Okay. Where are you?

25 A. The fourth time I'm probably right here.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. Okay.

2 A. The fourth time -- again, I tried to --

3 Q. Describe the interaction you had with her the  
4 fourth time she loops around.

5 A. The fourth times she's right beside me. She's  
6 laughing at me basically telling me I'm doing too much, that  
7 if I don't get in the car, she's going to go to the house  
8 and destroy the house. That I know that she -- I know that  
9 she's telling the truth because she's done it before. I'm  
10 basically still ignoring her.

11 So she turns the car -- basically turning the  
12 wheel over to basically smear me into the dirt and stuff  
13 like that to cut me off and she's still laughing at me.

14 So -- continue?

15 Q. Uh-huh.

16 A. I'm steady walking, steady walking, at this point  
17 I'm kind of -- I'm kind of pissed and she drives off again.

18 Q. Okay. All right. So you're getting frustrated  
19 with her?

20 A. Uh-huh.

21 Q. Okay. That's building. What is the time frame  
22 between the fourth and the fifth turn around. Does she turn  
23 around for a fifth time?

24 A. Yes.

25 Q. Okay. Where are you in the fifth time?

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1           A.    I'm probably around here.

2           Q.    Okay. All right. At what point do you get to the  
3 field?

4           A.    Here. This is where she stops the car and she  
5 starts to get out.

6           Q.    So you're here the fifth time that she's coming  
7 around?

8           A.    Uh-huh.

9           Q.    And does she ride with you up to here to park?

10          A.    Yes, she's right here.

11          Q.    And describe from here to here, please.

12          A.    From here to here, she basically -- I tried to  
13 keep crossing the road back here, back here, and she was  
14 trying to cross the road with her car to basically come at  
15 me almost hitting another vehicle. And when she got back --  
16 she got back -- she cut in front -- I think there was a  
17 ditch or something right there so she couldn't really put  
18 her car down there because it was lower than the car, so I  
19 was running basically back and forth and she tried to come  
20 and chase me.

21                Here, when she stopped the car, she finally gets  
22 out the car and the dog gets out again. So I grabbed the  
23 dog to try to place the dog back in the car and that's when  
24 she's parked right here.

25          Q.    Got it. So you come back to get the dog, you got

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 the dog?

2 A. Yes, sir.

3 Q. Okay. And you go back and -- describe your  
4 interaction with her at that car.

5 A. She tells me that I need to get my stuff out the  
6 car, that I need to get the gun out the car, if I don't get  
7 the gun out of the car she's going to use it to kill herself  
8 with. And I got the gun out of the car. I wasn't really  
9 worried about getting all my stuff, because there was a lot  
10 of stuff.

11 Do I continue?

12 Q. Uh-huh.

13 A. Put the gun on my side and I felt like it was an  
14 opportunity for me to try to get my house key. So, as soon  
15 as I reach for, I got the key, she headbutts me in my mouth  
16 and gets out --

17 Q. So she hits you with her head?

18 A. Yes.

19 Q. Okay. While you're trying to get the key?

20 A. Yeah, I got the key.

21 Q. Did that cut your lip?

22 A. Yes, sir.

23 Q. Okay. All right. Continue. What happened next?

24 A. She headbutts me, she grabs me by the hair, she  
25 has me pinned up against the car hitting me and I'm trying

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 to basically push her off of me. Once I do get myself off  
2 of her I went into the field and she chases me, she follows  
3 me into the field.

4 Q. Okay. So she's following you into the field?

5 A. Yes, sir.

6 Q. Okay. How long are you two in the field before  
7 you remember having any interaction with Pastor Anderson?

8 A. We was in the field for probably 10 minutes when I  
9 was just running from her.

10 Q. Okay. Fighting and arguing?

11 A. Yes, sir.

12 Q. Okay. Describe what happened when Pastor Anderson  
13 walks -- comes into the equation.

14 A. When he comes into the equation, he's basically --  
15 she has my hair pulling on me, he basically says stop all  
16 that fighting and stuff like that. He's in the middle and  
17 she's screaming that, I want my -- I want my car key, I want  
18 my car key. As she has my hair, she's swinging on me, I'm  
19 trying to get the house key off the car keys. When I  
20 finally get the house key off the car keys, I hand it to  
21 him, and I run.

22 Q. Okay. And which direction do you go?

23 A. This way.

24 Q. Okay.

25 A. We're right here.

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 Q. Okay. And at this point in time you've had all of  
2 these different interactions --

3 A. Yes, sir.

4 Q. -- going down the road?

5 A. Yes sir.

6 Q. Okay. I mean, are you -- how was that --

7 A. Umm, it's like, it's getting built up, because I  
8 really don't know, I'm thinking in my mind it started over a  
9 song. I don't know why she's doing all this at this point  
10 when we just came from having a good weekend.

11 Q. Is it making you -- I mean, were you angry?

12 A. Yes, I was angry.

13 Q. Okay. I mean, you were just tired of this?

14 A. Yes, sir.

15 Q. Because you've dealt with --

16 A. Yes, sir. I didn't want to deal with it --

17 Q. -- you dealt with this before?

18 A. -- that's why I kept running away from her.

19 Q. Okay. All right. You can have a seat.

20 So at this point you break away from her?

21 A. Yes, sir.

22 Q. Okay. All of these other things had happened on  
23 the way up to this?

24 A. Yes, sir.

25 Q. And she had been pulling your hair?

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 A. Yes, sir.

2 Q. Okay.

3 A. Punching me in the back of the head.

4 Q. Okay. And y'all had been screaming?

5 A. Yes, sir.

6 Q. Okay. You're walking towards this drainage ditch,  
7 correct, the irrigation channel?

8 A. Yes, sir.

9 Q. Okay. And what do you perceive as you're doing  
10 that?

11 A. What do you mean? I don't understand.

12 Q. What do you see? What do you see? Do you -- what  
13 do you see as you're walking away, do you see her?

14 A. Yeah, she never stops following me. Every time I  
15 got loose of her she still follows me.

16 Q. Always following you?

17 A. Yes, sir.

18 Q. She was following you at that moment?

19 A. Yes, sir.

20 Q. Okay. And what did you have on you?

21 A. The gun on my side.

22 Q. And as get closer to the irrigation channel.

23 A. I realize I have no where to go because she's  
24 right behind me and if you actually see the ditch it's deep  
25 it's real deep, it's wide, and it's wet, so I couldn't jump

## YUNIQUE WEATHERS - DIRECT BY MR. KATA

1 it, I couldn't do nothing, basically I was cornered.

2 Q. All right. I mean, tell the jury, I mean, about  
3 the emotions that you had at this point.

4 A. At this point, I feel like, because I kept running  
5 from her all day, I had nowhere to go. She cornered me, I  
6 had no -- nothing to do, I was angry, I'm upset, I'm sad,  
7 it's all mixed emotions, but it's just built up anger  
8 because, at this time, I don't -- I'd been through this so  
9 much I don't know what she's doing. It's just so much at  
10 this point.

11 Q. What did you end up doing?

12 A. Pulling the gun out and shooting her in the leg to  
13 stop her.

14 Q. Okay. And when you did that what did you see?

15 A. Blood.

16 Q. Okay. And how did that affect you?

17 A. It made me -- it made me basically just see red  
18 and there was nothing else.

19 Q. Nothing else that you recall?

20 A. No, nothing else that I recall.

21 Q. Okay. What was -- what was the next thing? Do  
22 you have any idea of how long that lasted?

23 A. No. No, sir.

24 Q. Okay. I mean, did -- what did you recall next?

25 A. I recall seeing the police there, dropping the



## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 gun, and getting down.

2 Q. You heard those commands?

3 A. Yes, sir.

4 Q. And you followed those commands?

5 A. Yes, sir.

6 Q. Do you remember texting the person who was coming  
7 to get you?

8 A. No, sir.

9 Q. You don't remember that at all?

10 A. No, sir, I don't recall it.

11 Q. Were you able to send a text from the point in  
12 time Officer Hamm commanded you to lay on the ground  
13 afterword?

14 A. No, sir.

15 Q. So you have no access to your phone after  
16 Officer Hamm commanded you on the ground?

17 A. Not of my knowledge.

18 Q. Ms. Weathers, please answer any questions the  
19 State has.

20 A. Yes, sir.

21 CROSS-EXAMINATION

22 BY MR. HOLFORD:

23 Q. So you're the victim?

24 A. I wouldn't say -- I wouldn't say that, sir.

25 Q. I don't know, it sounds like you get beat up all

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 the time. You got a couple of scratches from 2020.

2 A. Yes, sir. That's 2021.

3 Q. This is 2021?

4 A. That's 2020, sir. That's 2021.

5 Q. When your lip --

6 A. Yes, sir.

7 Q. -- got busted?

8 A. Yes, sir.

9 Q. It was two years ago, three years ago?

10 This is attacked this day. She slammed you up  
11 against the car, pulling your hair, punching you,  
12 headbutting you. That's what you said, right?

13 A. Yes, sir.

14 Q. I'm going to show you State's 46. You remember  
15 police taking pictures of you that day, right?

16 A. Yes, sir.

17 Q. Is that a picture of you?

18 A. Yes, sir.

19 Q. That day?

20 A. Yes, sir.

21 MR. HOLFORD: The State would seek to introduce 46  
22 in evidence.

23 THE COURT: What says defense?

24 MR. KATA: No objection.

25 THE COURT: All right. Forty-six is in.

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 (WHEREUPON, State's Exhibit No. 46 was admitted  
2 into evidence.)

3 BY MR. HOLFORD:

4 Q. Your shirt's ripped a little bit?

5 A. Yes, sir.

6 Q. No scratches on your face, no bruises, no cuts, no  
7 abrasions, you look fine, but you were pinned against the  
8 car, headbutted --

9 A. Yes, sir.

10 Q. -- punched?

11 A. In the back of the head, yes, sir.

12 Q. In the back of the head?

13 A. Yes, sir.

14 Q. You had no way out?

15 A. Yes, sir.

16 Q. But you had a gun on you?

17 A. Yes, sir.

18 Q. State's 66, this is your gun, isn't it?

19 A. Yes, sir.

20 Q. The victim never had a gun?

21 A. Do I answer that?

22 Q. Did she have a gun with her that day?

23 A. Oh, no. No, sir.

24 Q. Okay. Did she have a knife with her that day?

25 A. No, sir.

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

- 1 Q. Did she have brass knuckles with her that day?
- 2 A. No, sir.
- 3 Q. But you had a gun?
- 4 A. Yes, sir.
- 5 Q. And you fired that gun until it was empty?
- 6 A. From what I was told, yes.
- 7 Q. You remember shooting De'Erica in the legs?
- 8 A. In the leg, yes, sir.
- 9 Q. And then you shot her in the leg again.
- 10 A. Not to my memory.
- 11 Q. You don't remember that?
- 12 A. No, sir.
- 13 Q. So you don't remember shooting her in the leg a
- 14 third time?
- 15 A. I only remember shooting her in the leg one time,
- 16 sir.
- 17 Q. Do you remember standing over her with a gun
- 18 waiving it at her head?
- 19 A. No, sir. No, sir.
- 20 Q. You don't remember her sitting on the ground after
- 21 you shot her in the leg with her hands up pleading for her
- 22 life?
- 23 A. No, sir.
- 24 Q. You don't remember that?
- 25 A. No, sir. All I remember is the first shot.

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 Q. That's convenient.

2 Do you remember when the police officer showed up?  
3 Do you remember his lights showing up, don't you?

4 A. No, sir.

5 Q. Didn't you give an interview to the police in this  
6 case?

7 A. Yes, sir.

8 Q. Do you remember telling them the day of, when they  
9 interviewed you, I remember seeing the police car, the  
10 lights, him getting out of the car, he calls my name, he was  
11 stopped at the end of the road, he yelled my name, I dropped  
12 the gun and got down.

13 A. But I didn't see the police lights, sir.

14 Q. Okay. But that's what you told them that day?

15 A. Okay. Yes, sir.

16 Q. And now you don't remember seeing the lights?

17 A. I never seen the lights, I seen the police car,  
18 but I never -- you asked me did I see the lights, sir.

19 Q. So we've all watched the video where the policeman  
20 shows up and his car gets on scene and then, boom, that's  
21 the shot to the face. But you don't remember that shot?

22 A. No, sir.

23 Q. You remember seeing the policeman advance out into  
24 the field yelling your name?

25 A. I thought you were saying something else.

YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 Q. Did you?

2 A. I remember his commands, yes, sir.

3 Q. And as he's advancing out into the fields after he

4 yells your name, you shoot her again in the back of the head

5 on the side of the head, but you don't remember the shot?

6 A. No, sir.

7 Q. So you want this jury to believe that you remember

8 seeing the police show up but you don't remember shooting

9 twice in the head?

10 A. Yes, sir.

11 Q. You don't have any police reports for these minor

12 scratches you endured do you?

13 A. No, sir.

14 Q. No one was ever arrested for any of this?

15 A. No, sir.

16 Q. No medical documentation, we don't even know --

17 A. I would never press charges.

18 Q. Okay. We don't even know if the victim is the one

19 who incurred those injuries?

20 A. The bite marks match.

21 Q. The bite marks.

22 A. Yes, sir, they match.

23 Q. Do you have her dental records?

24 A. I do not have her dental records, sir.

25 Q. You've matched them together?

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1           A.    No, sir.

2           Q.    You have a police agency match the bite marks  
3 together?

4           A.    No, sir.

5           Q.    Okay. This gun was fired at least five times,  
6 there are five shell casing on the scene all from that gun,  
7 your gun. There are also live cartridge rounds. Do you  
8 remember telling the police that you shot and then you  
9 racked the slide again to clear a jam and then you shot and  
10 then you racked the slide again to clear a jam and then you  
11 shot and that's why we have live cartridges on the ground?

12          A.    Say that again, sir.

13          Q.    Do you remember when you interviewing with the  
14 police and you were explaining to them why we have live  
15 cartridges on the ground that had not been fired but we have  
16 fired rounds?

17          A.    Yes, sir.

18          Q.    And do you remember telling them that the gun  
19 would jam after you fired and so you were racking --

20          A.    As I'm firing into the ground, yes, sir.

21          Q.    So you were racking the slide to clear the jam so  
22 that you could then fire again?

23          A.    No. I'm firing into the ground and I was  
24 basically cocking the gun back, that's how the live rounds  
25 are from.

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

- 1 Q. Cocking the gun back?
- 2 A. Yes, sir.
- 3 Q. You're in the military, right?
- 4 A. Yes, sir.
- 5 Q. Or you were?
- 6 A. Yes, sir.
- 7 Q. Did you have training with firearms?
- 8 A. Yes, sir.
- 9 Q. So rifles?
- 10 A. Yes, sir.
- 11 Q. But not semi automatic?
- 12 A. Yes, sir. At AIT we learned how to take them
- 13 apart and put them back together and everything like that.
- 14 Q. Okay. So you're familiar with this firearm?
- 15 A. Not particular with that particular firearm, but,
- 16 yes, sir.
- 17 Q. How long had you had this one?
- 18 A. I got it for her probably a couple of months, if
- 19 even that.
- 20 Q. A couple of months?
- 21 A. Yes, sir.
- 22 Q. So you had some scratches in the years past, no
- 23 reports, she's still living with you?
- 24 A. Yes, sir.
- 25 Q. Her daughter lives with you?



## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

- 1 A. Yes, sir.
- 2 Q. Everything's going well.
- 3 A. I wouldn't say that.
- 4 Q. You didn't leave, she didn't leave.
- 5 A. I can't leave my own house.
- 6 Q. You get a gun.
- 7 A. For her, yes, sir.
- 8 Q. For her?
- 9 A. Yes, sir.
- 10 Q. But you have it?
- 11 A. Yes, sir. I had it because she wanted me to get
- 12 it out of the car, yes, sir.
- 13 Q. You traded your rifle for it?
- 14 A. Yes, sir.
- 15 Q. Okay. But it's for her?
- 16 A. Yes, sir. Because she was an exotic dancer and
- 17 she wanted protection.
- 18 Q. But she never shot you, did she?
- 19 A. No, sir, not that day, no, sir.
- 20 Q. Okay. She never pointed the gun at you. She's
- 21 not on video holding the gun.
- 22 A. Yes, sir.
- 23 Q. You call your buddy Smith or Smitty, as he is in
- 24 your phone, go give you a ride back after this situation at
- 25 the gas station where she again had attacked you, but we see

YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 you on the video, you don't look beat up.

2 A. What video, sir? Which one?

3 Q. You remember the video of you at the gas station?

4 A. Yeah, nothing happened at the gas station. So far

5 as her pulling my hair and hitting me in the back of the

6 head.

7 Q. The back of the head?

8 A. Yes, sir.

9 Q. And you told the police that on video, didn't you?

10 A. I'm not sure.

11 Q. Oh, you didn't?

12 A. I'm not sure.

13 Q. But we can see the condition you're in.

14 A. Yes, sir, I'm in good condition.

15 Q. So you call for a ride?

16 A. Yes, sir.

17 Q. And then you end up texting him, Don't come, I'm

18 going to jail, I killed her?

19 A. I don't recall that, sir.

20 Q. You don't recall it?

21 A. No, sir.

22 Q. Okay. You recall the pastor being out there?

23 A. Yes, sir.

24 Q. Trying to calm you down?

25 A. Yes, sir.

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

- 1 Q. Trying to tell you guys to stop?
- 2 A. Yes, sir.
- 3 Q. Trying to get the keys?
- 4 A. Yes, sir.
- 5 Q. De'Erica says, we need to call law enforcement?
- 6 A. She never says that.
- 7 Q. He calls law enforcement?
- 8 A. Yes, sir.
- 9 Q. Did you tell him call law enforcement?
- 10 A. I did.
- 11 Q. You did?
- 12 A. Yes, I did.
- 13 Q. You wanted the cops to come right before --
- 14 A. He had --
- 15 Q. -- you shot your girlfriend? That's what you're
- 16 telling -- you want the --
- 17 A. I didn't know none of that other stuff was going
- 18 to happen, sir. I just wanted her off me.
- 19 Q. All right. So the pastor says she wanted the
- 20 cops, you're saying that you --
- 21 A. She could have said it, too, I'm not sure, sir.
- 22 Q. He goes to get his phone and call police.
- 23 A. Yes, sir.
- 24 Q. You've had enough.
- 25 A. When he goes -- when he goes and he breaks us up,

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 I run.

2 Q. You run?

3 A. Yes, sir.

4 Q. You've got the gun?

5 A. On my side, yes, sir.

6 Q. She's chasing you?

7 A. Yes, sir.

8 Q. You got a gun and she's chasing you?

9 A. Yes, sir.

10 Q. And you shoot her, but then after that, you can't

11 remember the rest of it?

12 A. No, sir.

13 Q. You can't remember the second shot, the third

14 shot, the two shots to the head?

15 A. No, sir.

16 Q. You can't remember the text you sent?

17 A. No, sir.

18 Q. But then all of a sudden you remember things after

19 that?

20 A. Yes, sir, some things, yes, sir.

21 Q. No question no one else is out there, you're the

22 only one with a gun?

23 A. Yes, sir.

24 Q. Do you remember when the police showed up to the

25 gas station and asked you about what was going on?

## YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 A. Yes, sir.

2 Q. Do you remember telling them you had De'Erica's  
3 phone?

4 A. Yes, sir.

5 Q. And then you remember later telling them you  
6 didn't have her phone?

7 A. Yes, sir.

8 Q. And do you remember initially telling them you  
9 didn't have your own phone?

10 A. Yes, sir.

11 Q. But you did have your phone?

12 A. Yes, sir.

13 Q. Because you were calling your buddy for a ride?

14 A. Yes, sir.

15 Q. The same guy you later --

16 A. Yes, sir.

17 Q. -- texted but forgot you told --

18 A. Called for a ride, yes, sir.

19 Q. You remember on the scene both De'Erica's phone  
20 and your phone are there?

21 A. No, sir.

22 Q. You don't remember that?

23 A. No, sir.

24 Q. And, again, will you explain to us how you are  
25 shooting and cocking the weapon and ejecting live rounds and

YUNIQUE WEATHERS- CROSS BY MR. HOLFORD

1 then spent casings as well?

2 A. Say that again, sir.

3 Q. How -- I'm having a hard time understanding, you  
4 shoot, there's a spent casing that's ejected from a  
5 semi-automatic?

6 A. Basically, she's coming -- basically, she's coming  
7 at me so I fired a round into the ground and I'm just keep  
8 cocking it back thinking she would stop coming at me.

9 Q. So you're cocking it back?

10 A. Yes, sir.

11 Q. And then you fire again?

12 A. I fired first.

13 Q. You fired first?

14 A. Yes, sir.

15 Q. And then you're cocking it back?

16 A. Yes, sir.

17 Q. And that ejects a round, a live round?

18 A. Yes, sir.

19 Q. Because a semi-auto, automatically chambers a  
20 round?

21 A. Yes, sir.

22 Q. And so then you fire again?

23 A. I'm cocking it back multiple times, sir.

24 Q. But you don't empty your clip cocking it back?

25 A. No. No, sir.

## YUNIQUE WEATHERS - REDIRECT BY MR. KATA

1 Q. Because you fire at least five?

2 A. That's what they say, yes, sir.

3 Q. Maybe six?

4 A. That's what they say, yes, sir.

5 Q. Until that gun is empty, actually?

6 A. Yeah, that's what they say, yes, sir.

7 Q. Well, that's what the evidence is.

8 A. I can't say something I don't remember, sir, so if  
9 that's what they're telling me, yes, sir.

10 Q. That blackout portion for you is from the time you  
11 shot her in the leg to six minutes later?

12 A. Me seeing the police.

13 Q. You seeing the police?

14 A. Yes, sir.

15 MR. HOLFORD: I have no further questions.

16 MR. KATA: Just a few, Your Honor.

17 REDIRECT-EXAMINATION

18 BY MR. KATA:

19 Q. Ms. Weathers, when you came to Myrtle Beach did  
20 you plan on killing Ms. De'Erica?

21 A. No, sir.

22 Q. Okay. Did you plan on killing her when you were  
23 at the gas station?

24 A. No, sir. No, sir.

25 Q. Did you plan on it when you were halfway to the

YUNIQUE WEATHERS - REDIRECT BY MR. KATA

1 field?

2 A. No, sir.

3 Q. Did you plan on killing her when you were at the  
4 field?

5 A. No, sir. I never had a gun on me at any points in  
6 those times.

7 Q. Okay. Did you plan on killing her when you even  
8 entered the field?

9 A. No, sir.

10 Q. Okay. Did you snap out there in that field?

11 A. I did, sir.

12 Q. Okay. I mean, did you -- did everything just boil  
13 up?

14 A. Yes, sir.

15 Q. Okay. And you didn't present that evidence --  
16 you're not sitting here today saying you're a victim of any  
17 kind are you?

18 A. No, sir. No, sir.

19 Q. Do you regret what happened?

20 A. I do, sir.

21 Q. Are you ashamed of what happened?

22 A. I am, sir.

23 Q. Is this your t-shirt that you were wearing, marked  
24 as Defendant's Exhibit No. 1?

25 A. Yes, sir.



## YUNIQUE WEATHERS - REDIRECT BY MR. KATA

1 Q. Did the t-shirt rip itself?

2 A. No, sir.

3 Q. Who ripped the t-shirt?

4 A. Ms. Fisher.

5 Q. And you're telling the jury that your position  
6 about that happened is that when you were in that field you  
7 lost it?

8 A. Yes, sir.

9 Q. Everything that you had experienced in the past  
10 came into your mind; is that correct?

11 A. Yes, sir.

12 Q. And you were angry?

13 A. Yes, sir.

14 Q. And you did what you did, you're not denying that  
15 what happened?

16 A. No, I'm not denying it, sir.

17 Q. Okay.

18 MR. KATA: No more questions, Your Honor.

19 THE COURT: Okay. You can step down.

20 THE WITNESS: Oh, okay.

21 THE COURT: Anything else from the defense?

22 MR. KATA: The defense rests, Your Honor.

23 THE COURT: Anything to reply to?

24 MR. HOLFORD: Nothing, Your Honor.

25 THE COURT: All right.

1           Ladies and gentlemen, I'm going to take up brief  
2 matters of law. I'm going to send you to the jury room for  
3 a few minutes. While you're in the jury room I need you to  
4 select a foreperson. I don't know any of you and you've  
5 been together for a couple of days.. That foreperson has no  
6 greater vote than anybody else, they'll simply preside over  
7 the deliberation and sign the verdict form. And it needs to  
8 be someone from the original 12 not the alternates.

9           So if y'all will go back to the jury room and  
10 decide who you want to be the foreperson and let the Bailiff  
11 know and I'll get you back out, okay?

12           (WHEREUPON, the jury exited the courtroom at 11:00  
13 a.m.)

14           THE COURT: Okay. Are you all in a position to --  
15 we're going to argue and charge and send the case to the  
16 jury and bring them lunch in?

17           MR. HOLFORD: Yes, Your Honor.

18           MR. KATA: Yes, Your Honor.

19           THE COURT: Then we'll bring them back.

20           MR. KATA: If we could take 10 minutes?

21           THE COURT: We'll start back at a quarter after.  
22 Come back at a quarter after, we'll present closing  
23 arguments and I'll charge the jury and give them this case.

24           MR. KATA: Judge, I just renew my motion for a  
25 directed verdict at this time.

1 THE COURT: It is noted for the record and I'll  
2 respectfully deny your motion. Okay.

3 We'll take 15 minutes and I will, as far as the  
4 charge is concerned, I'm going to do my standard charge  
5 reasonable doubt and everything else. I'm going to charge  
6 murder, voluntary manslaughter, possession of a weapon  
7 during a violent crime.

8 The fact that you want me to charge the issue  
9 about the defendant giving a statement to the police, she  
10 has testified so you want that charge as well?

11 MR. KATA: Yes, Your Honor.

12 THE COURT: Okay. I'll charge expert witnesses,  
13 because we've had two experts. Okay.

14 I'll see y'all in 15 minutes.

15 (WHEREUPON, a break was held from 11:02 a.m. until  
16 11:17 p.m.)

17 THE BAILIFF: All rise.

18 THE COURT: Thank you. You can be seated.

19 Okay. You ready to go?

20 MR. KATA: The defense is ready.

21 MR. HOLFORD: Yes, Your Honor.

22 THE COURT: Okay. Bring the jury.

23 MR. HOLFORD: Your Honor, my understanding is the  
24 State will close, the Defense will close, and then the State  
25 will have the opportunity for reply?

1 MR. KATA: Correct.

2 THE COURT: That's my understanding as well.

3 MR. KATA: Your Honor, if I could go get my  
4 client's family?

5 THE COURT: What?

6 MR. KATA: We put my client's family in a waiting  
7 room down the hall.

8 THE COURT: Okay.

9 (WHEREUPON, the jury entered the courtroom at  
10 11:20 a.m.)

11 THE COURT: Okay. I understand y'all have  
12 selected a Foreperson. Is that you Mr. Dobis?

13 FOREPERSON: Yes, Your Honor, Dobis.

14 THE COURT: Dobis?

15 FOREPERSON: Dobis.

16 THE COURT: Okay. All right.

17 If y'all -- you have heard all that evidence that  
18 you're going to hear in this case. Now it's time for you to  
19 hear the closing arguments of the attorneys, I will charge  
20 you on the law, and give you this case to decide.

21 If you would pay close attention to the attorneys.

22 MR. HOLFORD: May it please the Court?

23 THE COURT: Yes, sir.

24 CLOSING ARGUMENT ON BEHALE OF THE STATE

25 MR. HOLFORD: Ladies and gentlemen, this is not a

1 voluntary manslaughter. This is a murder. This is a public  
2 execution. Typically, I stand before juries and say, Man,  
3 we just have to deal with the witnesses, we don't have  
4 pastors that saw it happen, but we did. A pastor witnessed  
5 an execution. Usually I have to say, We don't have it on  
6 video, rely upon the evidence, and that's why we go through  
7 the steps that we take painstakingly, although it seems like  
8 a waste of time. This Item No. 20 was collected from the  
9 scene and it's a shell casing and now it's SLED No. 12 and  
10 it was tested and it matches the gun.

11 Typically, we have to do all of that because we  
12 don't have the strength and the evidence that have in this  
13 case. You've seen it. You know what happened. And the  
14 defense wants you to believe that it was justified.  
15 Because, as she says, the car was coming back to her, that  
16 she just had enough, get away from me, and shot her.

17 Ladies and gentlemen, that is not allowed. That  
18 is not what the law of South Carolina permits. We, as  
19 citizens, are not allowed to shoot people to get them off of  
20 us, get them away from us. After she shoots her in the legs  
21 once, and she's down on the ground, she shoots again. There  
22 is no threat. I don't even believe that there was a threat  
23 to begin with.

24 The evidence in this case, there's no injuries  
25 here. There's no pulling of hair or headbutting. Is her

1 shirt ripped? Yes. When could that have happened? After  
2 the victim was shot, trying to get up, trying to stand on  
3 shattered bones. There's no other injuries. This is a  
4 cold, calculated execution without regard for who was  
5 around. People standing out here watching. A pastor  
6 intervening saying, Just separate, just leave it alone.

7 De'Erica didn't have a gun at any point during  
8 this. She didn't have a knife. She didn't have weapons.  
9 She was defenseless. And the defendant wants to get on the  
10 stand and make you believe that she was a victim. She had  
11 to shoot her because she got too upset. That is not what  
12 the law in South Carolina allows. You'll hear it from the  
13 Judge. You'll hear the difference between murder and  
14 voluntary manslaughter. This is not a voluntary  
15 manslaughter case.

16 The quintessential case that we often use as  
17 lawyers is: I go home, my wife is in bed with another man,  
18 I immediately, in a sudden heat of passion, do not have time  
19 to rationalize or think about what I'm doing and I  
20 immediately fire. That is an unjustified killing, but I am  
21 so provoked in that instance, without thinking, I commit an  
22 unlawful act. It's still a crime. It's not allowed.

23 That's not what we have in this case. What we  
24 have is a deliberate thought process. We have a retrieval  
25 of a firearm. We have a thinking about what we're going to

1 do. We have a shot to the lower extremities to wound, to  
2 injure. Now that De'Erica's down on the ground she's no  
3 longer a threat. The first shot, probably not fatal, could  
4 of easily walked away.

5 She told you she wanted the police called. Right  
6 as the police call is going off you can hear Andy Anderson  
7 saying, Don't shoot her again. Do you believe that she  
8 actually wanted the police there?

9 The victim in this case was the one who was trying  
10 to get her phone, about a song, that the defendant started  
11 the whole thing over. She played the song, not the victim,  
12 this is over a song. We don't get to execute people over  
13 songs. We don't get to execute people over slaps. We don't  
14 get to execute people over a phone. This is ridiculous.

15 She's saying she had to do it. She was so  
16 enraged. Look at her demeanor on the body camera at the gas  
17 station, how enraged does she look, how frustrated, how out  
18 of shape. No, she looks calm and cool, she's calculated,  
19 she knows exactly what she's going to do.

20 What did she do after shooting the victim five  
21 times? Empties the entire gun. This semi-automatic, with  
22 the slide locked back and the clip in, she fired it as many  
23 times as she possibly could. There's not another round left  
24 in that chamber. Every single shot was deliberate.

25 Now, she's going to try to tell you today she just

1 can't remember the second, third, fourth, fifth shots.  
2 Well, isn't that convenient. What else is she going to say?  
3 Because if she admits to you that she remembers the second,  
4 third, fourth, fifth shots, well, she's admitting to you  
5 that she just murdered somebody. So she can't do that, so  
6 she forgot that part. She forgets the part where she sends  
7 a text message to a friend who she callid for a ride, Don't  
8 come, I'm going to jail, I killed her.

9 Now, if you'll remember that was before she shot  
10 De'Erica in the head twice. Before. That was while  
11 De'Erica was shot in the leg, still on the ground, still  
12 pleading for her life, hands up, Don't shoot me. She sent  
13 her buddy, Don't worry about it, I killed her. That is  
14 rational thought. That is not the heat of passion. That is  
15 cold. That is calculated. That is a person who knew  
16 exactly what they were doing and did it.

17 Now, I'm sorry, that the week before Christmas you  
18 have to endure something like this. It's not lost on me  
19 that I see this stuff all the time, and that most people do  
20 not have to face this on a daily basis. But the victim in  
21 this case, the victim in this case, deserves justice.

22 What these photographs show, what the scene shows,  
23 you know, Item 6 is the victim's cellphone and Item 7 is the  
24 defendant's cellphone. I know I've gone back to that a  
25 couple of times, you're probably like, who cares. Well, at



1 the gas station just an hour before the defendant's trying  
2 to say, I don't have my cellphone, I've got hers, no, I  
3 don't have hers, yes, I have mine. She had both of the  
4 phones the whole time. She's trying to say that it's the  
5 victim's fault she had to shoot her. She knew exactly what  
6 she was doing, it was cold, it was calculated. She had the  
7 phones. She played the songs. She antagonized.

8 Right here you'll see, and there's a close up on  
9 State's 31, this is a pool of blood. And when you watch the  
10 video that Ken Baker took on the side of the road and gave  
11 it to police, that's how we know, that's how the crime scene  
12 matches up with what we've seen. That's how we know that  
13 De'Erica was shot in the legs first, is incapacitated, is  
14 sitting on the ground for a period of time, minutes, not  
15 able to move, squirming around. That's what this is, the  
16 disheveled mud and the pool of blood shows you. That's how  
17 you're able to know the things that the police are telling  
18 you are true. Because the crime scene matches up with what  
19 you see in the videos. Minutes, possibly seven, that is  
20 rational thought, that is not a heat of passion. That is  
21 not the heat of passion. That is cold and calculated  
22 thought.

23 A shot to the left leg. A shot to the right,  
24 there's another shot to the left leg while she's down,  
25 helpless, with people around and a pastor on the phone with

1 the police. It's when the defendant realizes that the  
2 police show up, but she remembers that part, she remembers  
3 the police showing up, because you'll remember when he gets  
4 out of his vehicle, there's a ditch and so he has to come  
5 around the vehicle, and they're off in the field, and as he  
6 comes around this way and the body is towards the people who  
7 are watching this execution calling the police all on the  
8 phone with 911.

9           You know who's not on the phone with 911? The  
10 defendant who had two phones. You know who's not on the  
11 phone with 911 as she's apparently being terrorized and  
12 chased down the street? The defendant with two phones. You  
13 know who doesn't want the police to show up? The defendant,  
14 because she's going to take care of it herself.

15           So when the police show up and he comes around his  
16 car, Bop! She just shot her in the head. That is murder.

17           As he gets around she remembered him coming  
18 around, she remembered him giving the commands, she doesn't  
19 remember the shot conveniently. Yunique, put the gun down,  
20 put the gun down. He drops his weapon in his advancing,  
21 another shot to the side of the head. Every single bullet  
22 that she had in that gun.

23           We have the 911 call, we have the two videos, they  
24 match up with the time that overlaps. And so we're able to  
25 see as the call is going on at what point are the videos

1 being filmed and the way we can do that is by knowing the  
2 time that's on the 911 starting at 1:22 and 19 seconds.

3 And Ken Baker tells you he takes his video at  
4 1:23, and her remembers it was 1:23 because it was January,  
5 23 -- it was 1/23 at 1:23. And the officer shouting,  
6 Yunique, put the gun down on this audio matches up with his  
7 video.

8 (The 911 audio is playing.)

9 MR. HOLFORD: This is about 1:25 p.m., a text from  
10 Yunique goes to Smitty, Don't come, I'm going to jail, I  
11 killed her.

12 (The 911 audio is playing.)

13 MR. HOLFORD: 1:28.

14 (The 911 audio is playing.)

15 MR. HOLFORD: Six and a half minutes, seven  
16 minutes. That's not a heat of passion. There's no legal  
17 provocation. This is a murder, a murder, a murder, and  
18 that's all it is.

19 THE COURT: Thank you.

20 MR. KATA: May it please the Court?

21 THE COURT: Yes, sir.

22 CLOSING ARGUMENT ON BEHALF OF THE DEFENDANT

23 MR. KATA: Anger, rage, sudden resentment, extreme  
24 exasperation, uncontrollable impulse to do violence. Those  
25 are all words that you will hear Judge Cothran talk about

1 when he charges the law of voluntary manslaughter. Rage,  
2 anger, sudden resentment, extreme exasperation,  
3 uncontrollable impulse to do violence.

4 Ladies and gentlemen, we are not here asking you  
5 to find Ms. Weathers not guilty. No one has asked that of  
6 you. We're not here making an argument that what she did  
7 was justified in any kind of way. If we were here to say  
8 that she was justified in what she was doing, we would be  
9 arguing that she acted in self defense. We've made no such  
10 argument about that.

11 What happened was awful and horrible and  
12 unfortunate. But what happened was that Ms. Weathers  
13 snapped, she lost it. She didn't preplan this. If this was  
14 preplanned why not shoot her down here and be done with it?  
15 Why not shoot her a quarter a mile down the road? Why wait  
16 all the way to a field? It doesn't sound like much of a  
17 plan. This wasn't planned. This was an emotional reaction  
18 to what Ms. Weathers had dealt with over time.

19 Yes, it may sound tiny or miniscule or silly  
20 throwing a cord out the window, to jamming the car into  
21 park, to say well, okay we've got an extreme situation over  
22 here over something that seemed very, very small. But this  
23 wasn't the first day. Today, that day, was just the tip of  
24 the iceberg of what Ms. Weathers had experienced. And small  
25 things over time push ordinary people to do things no one

1 would ever expect them to do. We've seen that all of our  
2 lives. When you see somebody that you're just shocked at  
3 what happened, and this is shocking, it absolutely is  
4 shocking, it's shocking to everybody. The video is  
5 shocking. What happened is shocking. But it wasn't  
6 preplanned and it's not malice, it's not with malice.

7           The State has the absolute burden to prove beyond  
8 a reasonable doubt that this crime was committed with malice  
9 aforethought, premeditated malice. You're going to hear the  
10 Judge charge that rage, anger, sudden resentment, and  
11 uncontrollable impulse to do violence are descriptors of the  
12 heat of passion, things that just happen, sudden resentment,  
13 sudden resentment that happened in that field. Yeah, it  
14 went extreme very fast, of course it did.

15           We're not asking you to let go, we're asking you  
16 to evaluate the situation, look at what happened. Yes, it's  
17 sudden resentment, that's why she did it. It all boiled  
18 over, it took -- it took an ordinary person and pushed them  
19 over the line and she did what she did, we're not asking you  
20 to vote not guilty, we're not asking you to vote that she  
21 acted in self defense or that this was justified, we're not  
22 we're asking you to find her guilty of voluntary  
23 manslaughter, an intentional killing in the heat of passion.

24           Now, the heat of passion isn't just reserved for a  
25 husband catching his wife cheating, it's one example, but

1 there's many examples, it's not limited to that situation.  
2 There's a heat of passion in this case: Anger, rage, sudden  
3 resentment, exasperation, uncontrollable impulse to do  
4 violence, is what happened in that field.

5 Now, you need a second thing, you need sufficient  
6 legal provocation, and that's where this is really coming  
7 down to, okay. Because the State has really come back to  
8 that. Because they -- for it to be murder there has to be  
9 no sufficient legal provocation. Okay, if there's heat of  
10 passion, it's sufficient legal provocation, that's voluntary  
11 manslaughter, those are you -- that's the option of murder,  
12 okay. So they have to draw back from there being a fight,  
13 they have to.

14 So let's look at some of the evidence that goes to  
15 that. First, let's look at the 911 calls, okay. Pastor  
16 Anderson he called 911 and he testified he said that they  
17 were in an argument, they were fighting, okay. We just  
18 listened to the 911 call and they asked him what are you  
19 seeing. And they even asked him, you know, Is this a play  
20 by play by what you're seeing on the phone? And he said,  
21 Yes, it is a play by play. Because anybody that calls 911  
22 is describing what happened in real time. If I'm on 911 and  
23 somebody walks through the door I'm going to describe what  
24 they look like and I'm going to say they're running through  
25 the door right now. I'm not going to have time to think

1 about it. I'm not going to have time to put it in the  
2 framework of, oh, where is this going to go down the road,  
3 you see what you saw. And he said twice, Two black females  
4 fighting. Two black females fighting. He didn't say two  
5 black females arguing. He didn't say two black females that  
6 are in disagreement, he said two black females that are  
7 fighting. It was what he was watching. It was what he was  
8 perceiving and he relayed that into 911.

9 Other people called 911. Shawn Door (ph), he  
10 didn't testify, he wasn't called as a witness, but he was  
11 interviewed by Investigator Skellett, he was at this  
12 address, somewhere, one of these houses, and he called in  
13 and indicated that there was a fight. That was the  
14 interview from their investigator, but he didn't get called  
15 as a witness. We didn't get to hear their tape, that's  
16 their burden, the total burden is on the State to prove that  
17 she murdered Ms. De'Erica. It rests solely with them 100  
18 percent. We didn't hear that tape, it didn't get entered  
19 into evidence. Shawn Door didn't get called to the stand.  
20 I'd ask them questions about the interview, fighting.

21 Barbara Odessa (ph), y'all won't remember her as a  
22 witness either, didn't testify. She called 911 described  
23 the same thing, that call is not in evidence.

24 Michael Patterson, was interviewed by Detective  
25 Skellett and described the situation where he was stopped at

1 the light, saw them fighting, indicated. So you've got all  
2 these things that may seem small but these people called it  
3 in from far away, 150 yards, over here from her car.  
4 Somebody was just sitting at the light. Even Officer Hamm,  
5 the first time that he found out about this, or realized  
6 that it was going, he called in over the radio and said I'm  
7 going to go respond to what appears to be two people  
8 fighting. He calls it in on the radio. That was what he  
9 perceived in the moment and memorialized it over the radio,  
10 not two people arguing, two people fighting, and he  
11 responded.

12 And it may still seem like each one of these  
13 little things is just tiny and doesn't make much of a  
14 difference, but it goes to sudden resentment, it goes to  
15 that boiling over from Ms. Weathers. It's provocation.  
16 It's what happened. It's what was in her mind and her  
17 emotion when she took it to the extreme and it is extreme  
18 and it's unfortunate and it was done in anger and it was  
19 done in rage and it was sudden -- sudden resentment towards  
20 Ms. De'Erica. Ms. Weathers was unable to control her  
21 emotions and her actions. And that's why we're asking you  
22 to vote for voluntary manslaughter. And I just want to  
23 emphasize we are not asking you to vote not guilty. We are  
24 not asking you to vote that she acted in self defense. We  
25 are asking you to convict her of voluntary manslaughter



1 because that's what happened. She lost it. She lost  
2 control of her actions and went to the extreme.

3 Not every killing is a murder, this one is not,  
4 it's voluntary manslaughter, and that's what we're asking  
5 you to return a verdict on.

6 Thank you.

7 MR. HOLFORD: May it please the Court?

8 THE COURT: Yes, sir.

9 REPLY CLOSING BY THE STATE

10 MR. HOLFORD: Malice can be in an instant. You'll  
11 hear the Judge say that. Malice is the ill will, that's the  
12 pulling of the trigger, it's malicious. It doesn't have to  
13 be premeditated, because, see, in South Carolina we don't  
14 have premeditated murder. We have murder and voluntary  
15 manslaughter. It doesn't have to be premeditated, you don't  
16 have to think about it for a long time, you don't have in  
17 wait. Malice can be formed in an instant.

18 What's malicious here is that after she shot the  
19 victim in the legs three times and minutes and minutes and  
20 minutes pass. As soon as the police arrive, shot her right  
21 here, and as she's laying on the ground again right here.  
22 That is malice. That is murder. If what you watched is not  
23 a murder then murder does not exist in the South Carolina.

24 THE COURT: Everybody okay?

25 JURY CHARGE

1           Now that you've heard all the evidence in this  
2 case as well as the arguments of the State and Defendant I'm  
3 going to charge you on the law that you are to apply in this  
4 case.

5           Now, under our Constitution and Code of Laws you  
6 are the sole finders of the facts in this case. I am not  
7 allowed to have an opinion about the facts of the case, so  
8 if I've said anything or done anything in this trial that  
9 you think I have an opinion about the facts, you will  
10 disregard that, because you and only you will determine what  
11 the facts are in the case.

12           Now that same law that makes you exclusive judge  
13 of the facts makes me the exclusive judge of the law. So if  
14 you have an idea of what you think the law is or what the  
15 law should be and it differs from what I now tell you the  
16 law is you should, you are to disregard your ideas and  
17 accept the law exactly as I'm giving it to you.

18           Now, the fact that this defendant was arrested and  
19 charged and indicted in this case is not evidence in this  
20 case and it cannot be considered by you as evidence of guilt  
21 in this case. Nor does it create any presumption or  
22 inference of guilt. The indictment is simply a formal legal  
23 instrument which contains the charges against this defendant  
24 and serves as formal document to process this case through  
25 the court system.

1           The Defendant has pled not guilty to the  
2 indictment and that casts the burden to the State to prove  
3 each and every element of the indictment beyond a  
4 reasonable.

5           A person charged with committing a criminal  
6 offense in South Carolina is never required to prove himself  
7 or herself innocent. It's an important rule of law in this  
8 country that the defendant in a criminal trial will always  
9 be presumed innocent of the crime for which she is charged  
10 and indicted unless and until her guilt has been proven by  
11 evidence that satisfies you of that guilt beyond a  
12 reasonable doubt.

13           The presumption of innocence is not a mere legal  
14 theory, it is not just a legal phrase, it is a substantial  
15 Constitutional right to which every defendant is entitled.  
16 The presumption of innocence accompanies the defendant from  
17 the time she's charged throughout the trial and until you  
18 reach a verdict of guilt based on evidence that satisfies  
19 you of that guilt beyond a reasonable doubt.

20           Proof beyond a reasonable doubt is proof which  
21 makes an honest, sincere, conscientious juror in search of  
22 the truth to hesitate to act. Proof beyond a reasonable  
23 doubt must therefore be proof to such a convincing character  
24 that a reasonable person would not hesitate to rely and act  
25 upon it in the most important of his or her own affairs.

1           Reasonable doubt can also be described as proof  
2 that leaves you permanently convinced of the defendant's  
3 guilt. There are very few things that know with absolute  
4 certainty and in a criminal case the law does not require  
5 proof that overcomes every possible doubt. If based on your  
6 consideration of the evidence you are firmly convinced the  
7 defendant's guilt of the crime that she's charged you must  
8 find her guilty.

9           If, on the other hand you think there's a real  
10 possibility that she's not guilty, you must give her the  
11 benefit of that doubt and find her not guilty.

12           In determining the facts of the case you must  
13 necessarily pass upon the credibility which simply means  
14 believability of the witnesses and the value and weight to  
15 be given to their testimony. You alone must decide the  
16 force and effect and the truth of that testimony.

17           In making these decisions there are many things  
18 that you should and may take into consideration such as the  
19 appearance and the manner of the witness on the stand  
20 sometimes referred to as the demeanor of a witness. Was it  
21 forthright or hesitant? Was the witness's testimony  
22 consistent or did it contain discrepancies? What was the  
23 ability of the witness to know about the facts in which he  
24 or she testified? Did the witness have a cause or reason to  
25 be biased or prejudiced in favor of that testimony? Was the

1 testimony of a witness corroborated or made stronger by  
2 other evidence and testimony or was it made weaker in piece  
3 by such other evidence and testimony?

4           Now, the Rules of Evidence do not ordinarily  
5 permit a witness to testify to opinions or conclusions. An  
6 exception to this rule exists for witnesses, we call expert  
7 witnesses. A witness who by education and experience has  
8 become an expert in some art, science, profession, or  
9 calling, may state an opinion as to relevant and material  
10 matters in which the witness claims to be an expert and may  
11 also state a reason for that opinion.

12           You should consider an expert opinion received as  
13 evidence in this case like any other evidence. Give it the  
14 weight you think it deserves. If you decide the opinion of  
15 an expert is not based on sufficient education and  
16 experience or if you conclude that the reasons given in  
17 support of the opinion are not sound or that the opinion is  
18 outweighed by other evidence, you may disregard the opinion  
19 in its entirety. An expert's opinion is not to be given any  
20 greater weight than that of any other witness simply because  
21 that witness is an expert. And you are not required to  
22 accept the expert's opinion even though he has not been  
23 contradicted.

24           As jurors you have the right to believe a small  
25 portion of a witness's testimony and disregard the larger or

1 vice versa. You may believe the testimony of a single  
2 witness against that of many or that other way around.

3 Now, criminal intent is the necessary element of  
4 each crime. They must be proven by the State beyond a  
5 reasonable doubt. Criminal intent is always a matter that  
6 must be determined by the jury from the circumstances  
7 surrounding the situation. There's no way to prove intent  
8 to a mathematical certainty. There's no way medical science  
9 can dissect a person's brain and determine what he or she  
10 had in mind.

11 The law states that criminal intent may be  
12 inferred from the circumstances shown to have existed both  
13 before and after the fact. This is how you, the jury, make  
14 the determination of whether or not the element requiring  
15 intent was present. Criminal intent is a state of mind that  
16 operates jointly with an act or omission in the commission  
17 of a crime.

18 Criminal intent is a mental state of conscious  
19 wrongdoing so it is up to you the jury to determine intent  
20 based on the circumstances shown to have existed. And I  
21 tell you the State must prove criminal intent beyond a  
22 reasonable doubt just as the State must prove each element  
23 beyond a reasonable doubt.

24 Now, I have admitted into evidence in this case a  
25 statement that has allegedly been made by the defendant.

1 Before you can consider these statements in evidence for any  
2 purpose you must find the State has proven beyond a  
3 reasonable doubt the answer is "Yes" to both of the  
4 following questions.

5 One, The Defendant made the statement?

6 And Two, was the statement made voluntarily?

7 The word "voluntarily" simply mean, she freely --  
8 freely chose to make the statement and it was induced by  
9 pressure, force, or intimidation. If the statement was  
10 voluntarily given it may be used against her. If the  
11 statement was not voluntary it cannot be used against her.

12 In determining whether or not the statement of the  
13 defendant was voluntary you should consider all the facts  
14 and circumstances surrounding the statement including the  
15 defendant's age, maturity, or level education and  
16 intelligence, her physical and mental health, her background  
17 and environment, the nature of any questioning and any other  
18 evidence you believe bears on the voluntariness of the  
19 statement the defendant stated.

20 If the defendant was in custody at the time the  
21 statement was made, then you should also consider the place  
22 and length of her custody, and whether or not she was given  
23 or whether or not she understood her Constitutional Rights  
24 what are commonly referred to as Miranda Rights.

25 And these rights are: That she had a right to

1 remain silent and any statement she did make may be used  
2 against her in a court of law. She has a right to consult a  
3 lawyer before or doing any questioning. And if she could  
4 not afford a lawyer the court would appoint one to represent  
5 her without cost. That she had a right to exercise these  
6 rights at any time and terminate the questions or not answer  
7 any of the questions or make any statements. And I find as  
8 there's a matter of law in this case she was in fact in  
9 custody when she made one of those statements.

10 Now, there are two types of evidence that are  
11 generally presented during trial: Direct evidence and  
12 circumstantial evidence.

13 Direct evidence directly proves the existence of  
14 facts, it does not require deduction.

15 Circumstantial evidence is proof of a chain of  
16 facts that and circumstances indicating the existence of a  
17 fact.

18 Crimes may be proven by circumstantial evidence  
19 and the law makes no distinction between the weight and the  
20 value to be given to either direct or circumstantial  
21 evidence. However, to the extent the State relies on  
22 circumstantial evidenced all the circumstances must be  
23 consistent with each other and when taken together point  
24 convulsively to the guilt of the accused beyond a reasonable  
25 doubt. If these circumstances merely portray the



1 defendant's behavior as suspicious the proof has failed.

2           The State has the burden to prove the defendant's  
3 guilt beyond a reasonable doubt. This burden rests with the  
4 State regardless of whether the State relies on direct  
5 evidence circumstantial evidence or some combination of the  
6 two.

7           Now, the defendant is charged with murder. The  
8 State must prove beyond a reasonable doubt the defendant  
9 killed another person with malice aforethought. Malice is  
10 hatred, ill will, or hostility toward another person. It is  
11 the intentional doing of a wrongful act without just cause  
12 or excuse and with an intent on inflict an injury under  
13 circumstances that makes -- that makes -- under the  
14 circumstances that the law will infer an evil intent.

15           Malice aforethought therefore does not require  
16 that malice exists from any particular time before the act  
17 is committed. But malice must exist in the mind of the  
18 defendant just before and at the time the act is committed.  
19 Therefore, there must be a combination of the previous ill  
20 intent and the act. Malice aforethought may be expressed or  
21 inferred. These terms "expressed" and "inferred" do not  
22 mean different kinds of malice, but merely the manner in  
23 which the malice may be shown to have existed. That is  
24 either by direct evidence or by inference from the facts and  
25 circumstances which are proved.

1           Expressed malice is shown when a person speaks  
2 words which express hatred or ill will or when the person  
3 prepared beforehand to do an act which was later  
4 accomplished. For example, lying in wait for a person or  
5 any other act or preparation going to show that the deed was  
6 within the defendant's mind before -- in the defendant's  
7 mind would be expressed malice. Malice may be inferred of  
8 conduct showing a total disregard of human life.

9           Now, if you find that the State has failed to  
10 prove beyond a reasonable doubt the defendant committed  
11 murder, you may consider whether the State has proven beyond  
12 a reasonable doubt the defendant committed voluntary  
13 manslaughter. To prove voluntary manslaughter the State  
14 must prove beyond a reasonable doubt that the defendant took  
15 the life of another person in sudden heat of passion based  
16 on sufficient legal provocation.

17           Both heat of passion and sufficient legal  
18 provocation must be present at the time of the killing to  
19 constitute voluntary manslaughter. Sudden heat of passion  
20 may, for a time, affect a person's self control and  
21 temporarily disturb a person's reason. A sudden heat of  
22 passion must be the type that would make an ordinary person  
23 unable to coolly reflect on her actions and would produce an  
24 uncontrollable impulse to do violence.

25           Sufficient legal provocation must be the type that

1 would make a person of ordinary reason and caution become  
2 enraged and to loose control temporarily. The provocation  
3 needed for voluntary manslaughter must come from an act of  
4 or related to the victim. Words alone, however vulgar or  
5 insulting, are not enough to be legal provocation. Where  
6 death is caused by the use deadly force or a deadly weapon  
7 words must be accompanied by some overt, threatening act  
8 which could have produced the heat of passion.

9           The exercise of legal right, no matter how  
10 offensive it is to another, is never sufficient legal  
11 provocation of voluntary manslaughter. If the heat of  
12 passion had cooled or if there was enough time between the  
13 provocation, if any, and the killing for the passion of a  
14 reasonable person to cool, the killing would not be  
15 voluntary manslaughter. In deciding whether a reasonable  
16 person would have enough time to cool off you should  
17 consider all of the circumstances surrounding the killing.  
18 You may consider the nature of the provocation, if any, the  
19 defendant's mental and physical state, and the circumstances  
20 and the relationship between the parties.

21           The defendant is also charged with possession of a  
22 weapon during the commission of or attempted to commit a  
23 crime -- a violent crime. The State must prove beyond a  
24 reasonable doubt that the defendant was in possession of a  
25 firearm or visibly displayed what appeared to be a firearm

1 during the commission of a violent crime.

2 A firearm means any machinegun, automatic rifle,  
3 revolver, pistol, or any other weapon which will and is  
4 designed or may be readily converted into to expel a  
5 projectile. In order to find the defendant guilty of  
6 possession during the commission of a violent crime, you  
7 must first find the defendant guilty of either committing a  
8 violent crime or attempting to commit a violent crime. And  
9 I tell you that the crime of murder and the crime of  
10 voluntary manslaughter are violent crimes in South Carolina  
11 and the State must prove those elements beyond a reasonable  
12 doubt and that the weapon also further the advance on the  
13 commission of the crime.

14 Now, ladies and gentlemen, you are not parsons of  
15 evidence for the State of South Carolina or this defendant.  
16 You do not serve as jurors to award your friends or punish  
17 your enemies. Obviously, that system of justice would not  
18 be tolerated. You have been selected by both the State and  
19 this Defendant to be fair and impartial jurors. It is your  
20 duty to through your joint deliberations to determine the  
21 facts of this case, giving the defendant the benefit of  
22 every reasonable doubt with each and every issue, and to the  
23 facts you determine in this case, you are to apply the law  
24 that I've given you and reach a verdict in this case. When  
25 you've accomplished this you have satisfied your

1 responsibility to both the State and this Defendant.

2 Now, Mr. Foreman, I have had my law clerk draw up  
3 a verdict form in this case. It is simply the caption of  
4 the case, and these are the possible verdicts you'll receive  
5 in this case.

6 One, We the jury unanimously find the Defendant,  
7 Yunique Weathers, guilty of murder or not guilty of murder.

8 Two, We the jury unanimously find the Defendant,  
9 Yunique Weathers, guilty of voluntary manslaughter or not  
10 guilty of voluntary manslaughter.

11 Now, if you find the defendant guilty of murder  
12 then you would not consider manslaughter. If you didn't  
13 find that the State that has not proven beyond a reasonable  
14 doubt the defendant is guilty of murder, then you consider  
15 the lesser included offense of voluntary manslaughter.

16 If they have proven beyond a reasonable doubt  
17 she's guilty of voluntary manslaughter you would check  
18 guilty. If they failed to prove beyond a reasonable doubt  
19 she's guilty of voluntary manslaughter you would check not  
20 guilty of voluntary manslaughter.

21 Then, if you find her guilty of either two of them  
22 one before that, you can consider the third one which is  
23 possession of a weapon. If she's not guilty of murder or  
24 voluntary manslaughter she can't be guilty of possession of  
25 a weapon during the commission of a violent crime. But if

1 you find the State has proven either one of those to your  
2 satisfaction beyond a reasonable doubt you consider whether  
3 they have proven guilty of a possession of a weapon, and you  
4 can check her guilty or not guilty based on what you find  
5 the State has proved to you.

6 When you have reached the verdict in this case  
7 just sign your name and date it and knock on the door and  
8 we'll get you out and receive the verdict.

9 Now, this verdict must be unanimous. All 12 of  
10 you must agree on this verdict before you can wright it  
11 down. If you have any questions during your deliberation,  
12 you have to write that question down on a piece of paper and  
13 give it to the bailiff, they will bring it out to me and  
14 I'll bring you out and try to answer that question.

15 Having said that, I cannot answer question of  
16 facts, I can't reopen this case and put any more evidence  
17 it. So the only questions I can really answer is a matter  
18 of law. If you have a question about the law that I've  
19 charged you I can bring you back out and recharge you and  
20 answer that question. If you have a factual question, I  
21 can't answer that.

22 Now, if for some reason during your deliberations  
23 one of the jurors needs to be excused that needs to go to  
24 the restroom or anything else, you've got to stop your  
25 deliberation because you can only talk about it when all 12

1 of you are present.

2 And I've got to talk to the attorneys to be sure  
3 I've covered everything. If i've left something out or  
4 missed something, I'll bring you back out and charge you  
5 further on the law. If I've covered everything then the  
6 Bailiff will bring you this verdict form along with the  
7 evidence in this case and that will be your indication to  
8 begin your deliberations.

9 I think the Clerk's got you lunch coming. So  
10 sometime you'll get lunch, it usually takes them about an  
11 hour, but I think it's headed this way. So when you get --  
12 when you reach a verdict if you'll simply knock on the door  
13 and tell the Bailiff and I'll bring you back out and receive  
14 it. I'll send you to the room, don't start yet until I send  
15 you this, or I may bring you back out and charge you  
16 further, okay. And I need my two alternates to stay with  
17 me, everybody else can go to the room.

18 (WHEREUPON, the jury exited the courtroom at 12:15  
19 p.m.)

20 THE COURT: All right. Any exceptions or  
21 deletions on behalf of the State?

22 MR. HOLFORD: No, Your Honor.

23 THE COURT: From the Defense?

24 MR. KATA: No, Your Honor.

25 THE COURT: Okay. Gentlemen, if you all get the

1 evidence together. Let me ask you this, some of this  
2 evidence is in electronic form, does the jury have a way to  
3 play that in the jury room?

4 MR. HOLFORD: We have a computer that is a court  
5 computer. It will have it's own log in and password, it's  
6 wiped of anything, it has no internet connection and it's  
7 typically what we send back to the jury.

8 THE COURT: Okay. So if you all will get that  
9 together.

10 Now, you all have sat here all week and I only  
11 needed you if somebody got sick or I lost somebody, and I  
12 almost did, but -- so I don't need you now, you're free to  
13 go. I've been telling you, you couldn't talk about this  
14 case, now you can talk about it to anybody you want to. You  
15 can go home or you can stay here and see what happens, it's  
16 up to you, okay. I appreciate your service. The Clerk is  
17 going to send you a huge check. You won't be able to get  
18 far on it, be if we paid you what you're really worth you  
19 couldn't pay your property taxes, and I don't get to set  
20 that amount, but anyway. And each county is a little  
21 different, but I think y'all give them \$15 a day? You get  
22 \$15 a day, my county gives them \$10, that won't get you gas  
23 to get here, but anyway.

24 Thank you all. And, like I say, you're free to go  
25 or you can stay, whatever you want to do, okay. You can



1 either sit out in the audience or you can go home or do  
2 whatever. Thank you.

3 (WHEREUPON, a pause in the proceedings from 12:18  
4 p.m. until 1:37 p.m.)

5 THE BAILIFF: All rise.

6 THE COURT: Thank you. You can be seated.

7 I understand we have a verdict. Bring the jury  
8 in.

9 (WHEREUPON, the jury entered the courtroom at 1:38  
10 p.m.)

11 THE COURT: Mr. Foreman, I understand you've  
12 reached a verdict?

13 THE FOREMAN: Yes, Your Honor.

14 THE COURT: Is it unanimous?

15 THE FOREMAN: Yes, Your Honor.

16 THE COURT: Okay. You can pass it up.

17 Verdict

18 THE CLERK: Indictment No. 2022-GS-26-02081, State  
19 of South Carolina, County of Horry, versus Yunique Demesa  
20 Weathers, we the jury unanimously find the Defendant,  
21 Yunique Weathers, guilty of murder. We the jury unanimously  
22 find the Defendant, Yunique Weathers, guilty of possession  
23 of a weapon during the commission of a violent crime.

24 Signed by Foreperson, Dale Dobis, dated December 20, 2023.

25 Ladies and gentlemen of the jury, if this is your

1 verdict so signify by raising your right hand.

2 THE COURT: Anything before I dismiss the jury on  
3 behalf of the State?

4 MR. HOLFORD: No, Your Honor.

5 THE COURT: On behalf of the Defense?

6 MR. KATA: I will ask that they be polled  
7 individually.

8 THE COURT: Okay. Madam Clerk, would you poll the  
9 jury?

10 THE CLERK: Please stand when I call your number.  
11 I will ask you two questions, after you answer them, you may  
12 be seated.

13 Juror No. 87, is this your verdict?

14 JUROR: Yes.

15 THE CLERK: Is this still your verdict?

16 JUROR: Yes.

17 THE CLERK: Juror No. 294, is this your verdict?

18 JUROR: Yes.

19 THE CLERK: Is it still your verdict?

20 JUROR: Yes.

21 THE CLERK: Juror No. 353, is this your verdict?

22 JUROR: Yes.

23 THE CLERK: Is it still your verdict?

24 JUROR: Yes.

25 THE CLERK: Juror No. 64, is this your verdict?

1 JUROR: Yes.  
2 THE CLERK: Is it still your verdict?  
3 JUROR: Yes.  
4 THE CLERK: Juror No. 368, is this your verdict?  
5 JUROR: Yes.  
6 THE CLERK: Is it still your verdict?  
7 JUROR: Yes.  
8 THE CLERK: Juror No. 149, is this your verdict?  
9 JUROR: Yes.  
10 THE CLERK: Is it still your verdict?  
11 JUROR: Yes.  
12 THE CLERK: Juror No. 21, is this your verdict?  
13 JUROR: Yes.  
14 THE CLERK: Is it still your verdict?  
15 JUROR: Yes.  
16 THE CLERK: Juror No. 53, is this your verdict?  
17 JUROR: Yes.  
18 THE CLERK: Is it still your verdict?  
19 JUROR: Yes.  
20 THE CLERK: Juror No. 282, is this your verdict?  
21 JUROR: Yes.  
22 THE CLERK: Is it still your verdict?  
23 JUROR: Yes.  
24 THE CLERK: Juror No. 206, is this your verdict?  
25 JUROR: Yes.

1 THE CLERK: Is it still your verdict?

2 JUROR: Yes.

3 THE CLERK: Juror No. 350, is this your verdict?

4 JUROR: Yes.

5 THE CLERK: Is it still your verdict?

6 JUROR: Yes.

7 THE CLERK: Juror No. 244, is this your verdict?

8 JUROR: Yes.

9 THE CLERK: Is it still your verdict?

10 JUROR: Yes.

11 THE CLERK: Thank you.

12 THE COURT: Okay. Thank you.

13 Ladies and gentlemen, I want to thank you for your  
14 service this week. You have paid close attention throughout  
15 this trial and I appreciate your service here so do the  
16 citizens of Horry County.

17 Now, you're free to go, you can stay if you want  
18 to. Now, I will pass sentence on the defendant in this  
19 case. If you want to stay and watch you're welcome to, if  
20 you want to go you're welcome to leave as well.

21 I've been telling you, you can't talk about this,  
22 now you can talk about it to anybody you want. You don't  
23 have to, but you're free to discuss it with anybody you want  
24 to. So if you want to stay, you can stay, and if you want  
25 to leave, you can leave now, okay? Okay.

1           Solicitor, are you ready?

2           MR. HOLFORD: One moment, Your Honor.

3           Your Honor, Indictment 2022-GS-26-02081, is for  
4 murder. As Your Honor is well aware that carries 30 years  
5 up to life, it's day for day, it's violent, most serious.

6           The accompanying charge, I have the sentence  
7 sheet having been convicted -- the accompanying charge,  
8 possession of a weapon during a violent crime, carries up to  
9 five years unless given life on the murder.

10          Your Honor, I've been doing this in this county  
11 for over 10 years now. This is one of the most heinous  
12 executions I've ever witnessed. For it to go on that long  
13 without remorse, shooting the victim in the way she did,  
14 you've sat through this trial and seen the evidence, and  
15 then to shoot her in the head twice, quite frankly, I've  
16 never seen something that grotesque.

17          Your Honor, if there's a case for life and the  
18 conviction of murder this is it.

19          The family would like to speak. I'll also say  
20 that during that time, during the incident, after the  
21 incident, up until today, there's been zero remorse or  
22 regret or emotion for the loss of life that was suffered,  
23 she was 21-years old, on behalf of the defendant.

24          There's certainly emotion and loss of life on  
25 behalf of the family that sits behind me. As the Court will

1 allow, the father, Derrick Fisher, and the mother, Machebu  
2 Williams, would like to address the Court. De'Erica Fisher  
3 had a six-year-old at the time, they can speak better to the  
4 impact that it's had on their family than I can.

5 THE COURT: Okay. I'll be glad to hear from them.

6 MR. FISHER: My name is Derrick Fisher and my  
7 daughter is De'Erica Fisher. The last time I saw my  
8 daughter she was walking to her car to see her. I kissed  
9 her on the forehead. The next time I was supposed to see  
10 her she was supposed to cook me some fish. We had  
11 conversation for what we were going to do for that year.

12 This is like the worst -- well, the worst things  
13 that's ever happened to me already in my life. And not the  
14 worst -- I don't nothing you can do to her that will  
15 actually make me feel better or make me feel, you know,  
16 we've got a granddaughter and my granddaughter had trusted  
17 her, she believed in her, and she took all of that away  
18 without remorse or emotion.

19 Hearing her testify I was hoping she would give me  
20 a reason why she did it and I have no reason and it just  
21 seems like we're still left empty without any kind of a  
22 reason why and I hope and I pray and I believe that, you  
23 know, you'll see that this person out has no remorse, no  
24 care, no -- I don't know. I was looking at her just to try  
25 to find a reason of why and I see none, you know. So I just

1 leave it up to you, Your Honor, I totally leave it up to you  
2 know, but I want to thank you all of you.

3 MS. WILLIAMS: My name Machebu Williams and I'm  
4 De'Erica Fisher's mother. Your Honor, I can tell you I've  
5 lost a father, I've lost siblings, but this has been the  
6 worst nightmare of my life is losing my daughter. Ain't no  
7 picture, no video, makes me happy about it, you know. Life  
8 does go on and we're trying to the best of our ability to  
9 move forward.

10 We don't get the chance to have any holidays, any  
11 birthdays, my grandbaby, I can't even explain it to her, I  
12 don't talk to her about it. There's nothing that I can say  
13 or feel that there's nothing that I can say to make her  
14 understand so we don't even discuss it with her. But the  
15 one thing is that she's been robbed out of is her mom, her  
16 first everything with her, school, fears, her  
17 accomplishments, things that make her happy, our family.

18 We suffer today without her. She is very, very  
19 loveable, very loveable. She made us laugh. And she's also  
20 comforting, we miss her dearly. And as her father said,  
21 there is nothing that can ever take the place, there's  
22 nothing that could put a bandaid on it to make this thing go  
23 away. It's like every day you relive it, you relive, you  
24 relive it, it doesn't matter what you see. I look at my  
25 grandbaby and I see her, I look at her daddy and I see her,

1 I see her siblings and I see her, and it's just a single  
2 nightmare.

3 We thank everybody that's been involved in coming  
4 to these decisions. And I really don't want to say anything  
5 else at this point. Thank you.

6 THE COURT: Yes, ma'am.

7 Anything else from the State?

8 MR. HOLFORD: No, Your Honor.

9 MR. KATA: Your Honor, if it pleases the Court?

10 THE COURT: Yes, sir.

11 MR. KATA: Your Honor, we're standing here at  
12 sentencing. Your Honor, Ms. Weathers, she's 24-years old.  
13 This was tragic, there's no doubt about it. Prior to this  
14 nobody really knew who she was, she had never been in  
15 trouble before. She was serving our country in the Army,  
16 and that was the way she lived her life.

17 Your Honor, all we can do today is ask for as much  
18 mercy as the Court can give.

19 Beg the Court's indulgence, Your Honor, I believe  
20 her mother has decided to speak.

21 THE COURT: Okay.

22 MRS. WEATHERS: Your Honor, this has been the  
23 worst two years of my life. I feel for her family, I feel  
24 my daughter, because I didn't expect none of this. I did  
25 never know none of these things was going on in her life or



1 nothing. And these are two black young women, could have  
2 did anything with their life, I didn't expect none of this  
3 to happen. And for my daughter to be charged with this is a  
4 lot on me, because I have had the worst time of my life. I  
5 thought of her as trying to help other people, I can't even  
6 help my own child from what she's going through and it's  
7 just a lot. I didn't want this to happen. I'm sorry to the  
8 mother and the father over there that it did happen because  
9 these are two black women and all of this could have been  
10 avoided. I'm looking at all this stuff that happened,  
11 everything could be been avoided, the fights, the arguments,  
12 everything. I just wish that this would have been apart.

13 My child loves like the older two -- I never knew  
14 your child, but my loves so hard with everything and she  
15 always gives me the chance after chance and this happens. I  
16 don't even know what else to say, but for my child to be so  
17 young and facing this, this is a nightmare to me. It's like  
18 I'm in a movie or a dream. I just want to wake up and this  
19 is reality now because of the actions that was taken. I  
20 just don't even know what else to do or what else to say.  
21 But this has broken my heart on both sides. I'm not angry  
22 with nobody. I can give this to God, I'm not trying to  
23 manipulate the situation, it's two children. I'm losing my  
24 child as well. It's just -- she's only 24, she's not grown  
25 or nothing.

1           So to try to get my child with the respect you  
2 give it, I can't even accept it, because both lives are  
3 taken, no one's understanding that, both lives are taken at  
4 this point. When this could have been all the situation  
5 lead to -- somebody could have stopped this from the  
6 beginning, through all the years of the pain or whatever,  
7 they might have loved each other or what they may come, but  
8 that's not love at all, because they have more problems,  
9 probably family problems that no one's talking about, that's  
10 why they just connected so much and went back and forth to  
11 each other, and now this. And this is unbelievable with  
12 both situations and that's what we need to look at, both  
13 situations, both our kids are gone.

14           And like I say I still give honor to God and I'm  
15 praying for the family over there because I have God in my  
16 heart and I know what happened with my daughter shouldn't  
17 have happened at all. You mentioned she's showing no  
18 emotion, everybody don't show emotion they still be hurting,  
19 too. She did love this girl to death. She loved her so  
20 much, I never had seen her. She was away with her all the  
21 time. I never even met the girl, all I know is she was with  
22 her, she loved her and her child, that's why she came back  
23 to the house, because she loved her.

24           This wasn't set out for to kill no one. This  
25 isn't -- I don't even know what to call it because I don't

1 know the laws like that. But this is she was set out to do  
2 wouldn't have been done, but she loved her too much, so she  
3 kept going back. So that's mental that you love someone  
4 that much that you would keep thinking they will change.

5 I just love my daughter and I'm going always be  
6 here for you, always, to the end of time because I know what  
7 kind of person, because you love so hard, you have no  
8 emotions because you keep everything in, you're a good  
9 person, too. As well as Ms. Fisher, y'all just had problems  
10 and it isn't even about y'all, it's about our -- it's about  
11 our families don't know how to act towards their kids, so  
12 they don't know how to love and this is what happens. So  
13 they went to each other and don't even know how to make it  
14 right. She had problems with her family, you have problems  
15 with your family, so y'all think it's good, that's love,  
16 that's not love, so we end up here.

17 GRANDMOTHER: I'm Yunique's grandmother, and I  
18 apologize to the family for their loss. Yunique is a really  
19 good person. She's fun and she -- this don't even seem  
20 right, but God only knows, God is the only one to make it  
21 right. But father in heaven please help us all. I love you  
22 Yunique.

23 DEFENDANT: I love you too.

24 GRANDMOTHER: Don't ever forget that and I'll  
25 always be here. And Lord, we need to all try to create

1 stuff out and stick together, when you see a problem try and  
2 fix it, not get away from it. That goes for somebody that's  
3 seeing you in the street and you have confrontation,  
4 somebody need to try to help and fix it. The world wouldn't  
5 be like this if and we would all join together. It's not  
6 about color, it's about love, that's what God wants. He  
7 wants you to fight for each other, like soldiers in the army  
8 of the Lord. We need to love on each other, not be angry  
9 and hate each other. This is not right, this is not how God  
10 wanted it. When he come back ain't nobody going to be  
11 ready. It's going to be a messed up thing, you're going to  
12 let the antichrist take over. This is not how it's supposed  
13 to be. This is supposed to be like power of the Lord, not  
14 the power of the devil.

15 THE COURT: Anything else?

16 MR. KATA: Your Honor, there is 153 days of  
17 credit.

18 SENTENCE

19 THE COURT: These are a horrendous set of facts in  
20 this case and the fact -- I don't know why Ms. Weathers did  
21 what she did to someone that she seemed to have a possible  
22 relationship with. And whatever pushed her to shoot her,  
23 especially the first two times, my biggest concern is that  
24 timeframe between the time she's on the ground shot in both  
25 legs and she ends up executing her is a horrible set of

1 facts.

2 For the crime of murder, the sentence of the Court  
3 is you're committed to the State Department of Corrections  
4 for term of your natural life. The possession of a weapon  
5 is five years, it can run concurrent.

6 Thank you.

7 (WHEREUPON, the trial concluded at 2:00 p.m. on  
8 Wednesday, December 20, 2023.)

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CERTIFICATE OF REPORTER

State of South Carolina                    )

County of Horry                            )

I, Cynthia D. Weaver, Official Court Reporter for the State of South Carolina, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the Court of General Sessions for Horry County, South Carolina, on the 19 and 20th days of December, 2023.

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

June 13, 2024

*Cynthia D Weaver*

Cynthia D. Weaver,  
Official Court Reporter  
State of South Carolina

**WITNESSES**

Adam R Skellett Horry County Police Department

*Foote*

DOCKET NO. 2022GS2602081

The State of South Carolina

County of Horry

Joshua D. Holford

22H00451

HORRY COUNTY

2022 SEP -7 P 3:53

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE RECEIVED FROM  
GRAND JURY

COURT OF GENERAL SESSIONS

SEPTEMBER 2022 TERM

ARREST WARRANT NUMBER

2022A2610200185

CDR: 0116 16-03-0010, 0020

DOA: 1/24/2022

THE STATE

vs.

Yunique Demesa Weathers  
R / F

Fayetteville, NC 28304

DOB: 1999

SSN: [REDACTED]

ATTORNEY: Justin Kata

Indictment for

MURDER

Jimmy A. Richardson, II, Solicitor

ACTION OF GRAND JURY

**TRUE BILL**

*Randy Kund*

Foreperson of Grand Jury SEP 07 2022

Date:

VERDICT

Foreperson of Petit Jury

Date:

**ORIGINAL**

STATE OF SOUTH CAROLINA     )  
                                          )  
COUNTY OF HORRY             )

## INDICTMENT

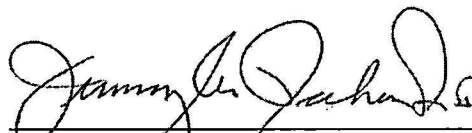
At a Court of General Sessions, convened on September 7, 2022, the Grand Jurors of Horry County present upon their oath:

**MURDER**

CDR: 0116 16-03-0010,0020

That Yunique Demesa Weathers did, in Horry County, on or about January 23, 2022, willfully, feloniously, and intentionally kill the victim, De'Erica Fisher, with malice aforethought, either express or implied, by means of gunshot wounds, and the victim did die as a proximate result thereof on or about January 23, 2022, in Horry County, in violation of Section 16-03-0010, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR



DOCKET NO. 2022GS2602082

The State of South Carolina

County of Horry

Joshua D. Holford 22H00451

HORRY COUNTY

2022 SEP -7 P 3:53

COURT OF GENERAL SESSIONS

SEPTEMBER 2022 TERM

RENEE N. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE RECEIVED FROM  
GRAND JURY

THE STATE

vs.

Yunique Demesa Weathers

R/E

Columbia, SC 29209-3886

DOB: 1999-

SSN:

ATTORNEY: Justin Kata

Indictment for

POSSESSION OF A WEAPON DURING  
THE COMMISSION OF A VIOLENT  
CRIME

Jimmy A. Richardson, II, Solicitor

ORIGINAL

WITNESSES

Adam R Skellett Horry County Police Department

*Forte*

ARREST WARRANT NUMBER

2022A2610200186

CDR: 0549 16-23-0490

DOA: 1/24/2022

ACTION OF GRAND JURY

TRUE BILL

*Randy K. Wood*

Foreperson of Grand Jury SEP 07 2022

Date:

VERDICT

Foreperson of Petit Jury

Date:

STATE OF SOUTH CAROLINA     )  
                                          )  
COUNTY OF HORRY             )

## INDICTMENT

At a Court of General Sessions, convened on September 7, 2022, the Grand Jurors of Horry County present upon their oath:

**POSSESSION OF A WEAPON DURING THE  
COMMISSION OF A VIOLENT CRIME**

CDR: 0549 16-23-0490

That Yunique Demesa Weathers did, in Horry County, on or about January 23, 2022, possess a firearm, during the commission of a violent crime, in violation of Section 16-23-0490, S. C. Code of Laws, 1976, as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



JIMMY A. RICHARDSON, II  
FIFTEENTH CIRCUIT SOLICITOR

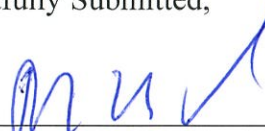
Dec 04 2024

CERTIFICATE OF COUNSEL FOR APPELLANT

SC Court of Appeals

Counsel for appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,



---

Robert M. Dudek  
Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 2nd day of December, 2024.

**RECEIVED**

**Dec 04 2024**

**SC Court of Appeals**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

---

Appeal from Horry County

Honorable R. Ferrell Cothran, Circuit Court Judge

---

THE STATE,

RESPONDENT,

V.

YUNIQUE DEMESA WEATHERS,

APPELLANT

APPELLATE CASE NO. 2023-002002

---

CERTIFICATE OF SERVICE

---

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above-referenced case has been served upon Melody J. Brown, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); and on Yunique Demesa Weathers, #392891, at Graham Correctional Institution, 4450 Broad River Road, Columbia, SC 29210, this 2nd day of December, 2024.

  
\_\_\_\_\_  
Robert M. Dudek  
Chief Appellate Defender

South Carolina Commission on Indigent Defense  
Division of Appellate Defense  
PO Box 11589  
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT