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SC Court of Appeals

STATE OF SOUTH CAROLINA

IN THE COURT OF APPEALS

Appeal from Beaufort County
Honorable R. Ferrell Cothran, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

TY LEIC DAE JHON CHANEYFIELD,

APPELLANT

APPELLATE CASE NO. 2023-001595

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VOLUME I OF II
PAGES 1-500

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED SEPTEMBER 25, 2023	1
DEFENSE’S MOTION TO CLARIFY TIMESTAMP ACCURACY ON SURVEILLANCE CAMERAS PURSUANT TO RULE 5, SCRCrimP	45
RESPONSE BY MR. STONE	46
COURT’S RULING THAT STATE DOES NOT HAVE TO PROVIDE EXACT TIME	52
DEFENSE’S MOTION TO EXCLUDE EVIDENCE OF PRIOR SHOOTING.....	60
RESPONSE BY MR. STONE	60
REBUTTAL BY MR. LEE	62
COURT DEFERS RULING ON MOTION TO EXCLUDE EVIDENCE OF PRIOR SHOOTING.....	65
DEFENSE’S MOTION TO REVEAL SCOPE AND EXTENT OF EXPERT TESTIMONY	70
RESPONSE BY MR. STONE	70
DEFENSE’S OBJECTION TO USE OF PREJUDICIAL LANGUAGE PURSUANT TO RULE 403, SCRE BY MR. LEE	81
COURT OVERRULES OBJECTION TO USE OF PREJUDICIAL LANGUAGE.....	88
DEFENSE’S MOTION TO SUPPRESS DEFENDANT’S STATEMENTS AND TO REVEAL THE DEAL BY MR. LEE.....	89
RESPONSE BY MR. STONE	90
REBUTTAL BY MR. LEE	94
COURT DENIES MOTION TO SUPPRESS DEFENDANT’S STATEMENT	98
DEFENSE’S CONTINUED MOTION TO REVEAL THE DEAL BY MR. LEE.....	99
RESPONSE BY MR. STONE	100

TRIAL TRANSCRIPT DATED SEPTEMBER 26, 2023	106
DEFENSE’S MOTION TO REVEAL PRIOR INSTANCES OF INFORMANT TESTIFYING FOR THE STATE BY MR. LEE.....	116
RESPONSE BY MR. STONE	117
DEFENSE’S OBJECTION TO INFORMANT’S WRITTEN NOTES BY MR. LEE	124
RESPONSE BY MR. STONE	127
REBUTTAL BY MR. LEE	129
COURT DEFERS RULING ON ADMISSIBILITY OF INFORMANT’S WRITTEN NOTES	136
OPENING STATEMENT BY MR. STONE	143
OPENING STATEMENT BY MR. LEE.....	147
TESTIMONY	
ALLYSON MOREIRA Direct Examination by Mr. Stone	153
JASON RODRIGUEZ Direct Examination by Mr. Stone	156
Cross-Examination by Mr. Lee.....	163
ANDREW DE LA CRUZE Direct Examination by Mr. Stone	164
JESSE CLEMENS Direct Examination by Mr. Stone	171
DEREK CHURCH Direct Examination by Mr. Stone	177
Cross-Examination by Mr. Lee.....	182
ZATCH POUCHPROM Direct Examination by Mr. Stone	183
Cross-Examination by Mr. Lee.....	198
COLLOQUY WITH JUROR #272	201
DEFENSE’S MOTION TO EXCUSE JUROR #272 BY MR. LEE	203

RESPONSE BY MR. STONE	206

COURT EXCUSES JUROR #272	209

TESTIMONY

KENNETH LABADIE	
Direct Examination by Mr. Stone	211

KYLAN SIMMONS	
Direct Examination by Mr. Stone	220
Cross-Examination by Mr. Lee.....	243

EDWIN GRAHAM	
Direct Examination by Mr. Stone	244

JALA QUICK	
Direct Examination by Mr. Stone	253

CHARLES KENNEDY	
Direct Examination by Mr. Stone	257

DWAYNE FROMAEN	
Direct Examination by Mr. Stone	260

JAYDEN VOID	
Direct Examination by Mr. Thornton	263

DEFENSE’S OBJECTION TO STATE’S EXHIBITS #40 (VIDEO DISK) AND STATE’S EXHIBITS #41—42 (STILL PHOTOS) UNDER RULE 403, SCRE BY MR. LEE	273

RESPONSE BY MR. THORNTON	275

COURT’S RULING FINDING STATE’S EXHIBITS #40 (VIDEO DISK) AND STATE’S EXHIBITS #41—42 (STILL PHOTOS) ADMISSIBLE.....	285

TESTIMONY

JAYDEN VOID	
Continued Direct Examination by Mr. Thornton.....	288
Cross-Examination by Mr. Lee.....	301

STACY VOID	
Direct Examination by Mr. Thornton	316

DEFENSE’S OBJECTION TO HEARSAY BY MR. LEE.....	332

RESPONSE BY MR. THORNTON	332

COURT OVERRULES OBJECTION TO HEARSAY	339

TESTIMONY

STACY VOID

Continued Direct Examination by Mr. Thornton.....	342

Cross-Examination by Mr. Lee.....	344

Redirect Examination by Mr. Thornton.....	363

Recross-Examination by Mr. Lee	364

TRIAL TRANSCRIPT DATED SEPTEMBER 27, 2023	367

STATE’S MOTION TO ADMIT WITNESS STACY VOID’S PRIOR STATEMENT INTO EVIDENCE UNDER RULE 801(D), SCRE BY MR. THORNTON	373

RESPONSE BY MR. LEE.....	376

COURT’S RULING FINDING WITNESS STACY VOID’S PRIOR STATEMENT ADMISSBILE	386

TESTIMONY

WALKER MICHAUD

Direct Examination by Mr. Thornton	389

MARK AMOS

Direct Examination by Mr. Stone	391

Cross-Examination by Mr. Lee.....	400

COURTNEY DANIELS

Direct Examination by Mr. Stone	403

DEREK NELSON

Direct Examination by Mr. Stone	406

Cross-Examination by Mr. Lee.....	412

DYLAN HIGHTOWER

Direct Examination by Mr. Stone	420

Cross-Examination by Mr. Lee.....	479

Redirect Examination by Mr. Stone.....	509

WALKER MICHAUD

Continued Direct Examination by Mr. Stone	512

Cross-Examination by Mr. Lee.....	515

HAROLD ROGERS	
Direct Examination by Mr. Stone	516
Cross-Examination by Mr. Lee.....	535
MICHAEL BAIER	
Direct Examination by Mr. Stone	557
STATE’S MOTION TO ADMIT EVIDENCE ABOUT WITNESS ROGERS’ CHARACTER UNDER RULE 608, SCRE BY MR. STONE.....	559
RESPONSE BY MR. LEE	560
REBUTTAL BY MR. STONE	563
TESTIMONY	
JACLYNN MCKAY	
Direct Examination by Mr. Stone	570
Cross-Examination by Mr. Lee.....	590
MEGAN FLETCHER	
Direct Examination by Mr. Stone	591
Cross-Examination by Mr. Lee.....	597
MICHELLE EICHENMILLER	
Direct Examination by Mr. Stone	598
Cross-Examination by Mr. Lee.....	611
Redirect Examination by Mr. Stone.....	612
Recross-Examination by Mr. Lee	613
TRIAL TRANSCRIPT DATED SEPTEMBER 28, 2023	617
TESTIMONY	
JOHN DONAHUE	
Direct Examination by Mr. Stone	622
Cross-Examination by Mr. Lee.....	632
Redirect Examination by Mr. Stone.....	634
Recross-Examination by Mr. Lee	634
DOCTOR WILLIAM BROMBERG	
Direct Examination by Mr. Stone	635
DOCTOR ERIN PRESNELL	
Direct Examination by Mr. Stone	653

STATE RESTS.....	660
DEFENSE’S MOTION TO RECALL WITNESS HIGHTOWER BY MR. LEE	661
RESPONSE BY MR. STONE	666
COURT DENIES MOTION TO RECALL WITNESS HIGHTOWER.....	672
DEFENSE RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MR. LEE ..	676
DEFENSE’S MOTION FOR A DIRECTED VERDICT BY MR. LEE	678
COURT DENIES MOTION FOR A DIRECTED VERDICT	680
TESTIMONY COLLOQUY WITH DEFENDANT	682

TESTIMONY

TY LEIC CHANEYFIELD	
Direct Examination by Mr. Lee	689
Cross-Examination by Mr. Stone.....	734
DEFENSE’S OBJECTION TO STATE’S EXHIBIT #105 BY MR. LEE.....	751
RESPONSE BY MR. STONE	753
COURT’S RULING FINDING STATE’S EXHIBIT #105 INADMISSIBLE	776

TESTIMONY

TY LEIC CHANEYFIELD (<i>IN-CAMERA</i>)	
<i>Voir Dire</i> Examination by Mr. Stone.....	789
DEFENSE’S OBJECTION TO CHARACTER EVIDENCE BY MR. LEE	792
RESPONSE BY MR. STONE	794
COURT SUSTAINS OBJECTION TO CHARACTER EVIDENCE	806

TESTIMONY

TY LEIC CHANEYFIELD	
Continued Cross-Examination by Mr. Stone	807
JASON WILSON	
Direct Examination by Mr. Lee	808

Cross-Examination by Mr. Stone.....	828
Redirect Examination by Mr. Lee.....	834
DEFENSE RESTS	835
DEFENSE’S RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MR. LEE	836
CLOSING ARGUMENT BY MR. STONE	838
CLOSING ARGUMENT BY MR. LEE.....	853
CLOSING ARGUMENT IN REPLY BY MR. STONE	878
CHARGE ON THE LAW	883
TRIAL TRANSCRIPT DATED SEPTMEBER 29, 2023	910
JURY QUESTION.....	914
RECHARGE ON THE LAW.....	915
VERDICT.....	921
JURY POLL	923
DEFENSE’S RENEWAL OF ALL PRIOR MOTIONS AND OBJECTIONS BY MR. LEE	927
DEFENSE’S MOTION FOR A NEW TRIAL BY MR. LEE	930
COURT DENIES MOTION FOR A NEW TRIAL.....	940
SENTENCING.....	955
COURT’S EXHIBIT #1 (RAP SHEET).....	959
INDICTMENTS	984
SENTENCE SHEET.....	998
CERTIFICATE OF COUNSEL	1012

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:
STATE’S EXHIBIT #40 (VIDEO DISK), STATE’S EXHIBITS #41–42 (STILL PHOTOS),
AND STATE’S EXHIBIT #102 (DVD VOID INTERVIEW).**

STATE OF SOUTH CAROLINA	IN GENERAL SESSIONS COURT
COUNTY OF BEAUFORT	FOR THE 14 TH JUDICIAL CIRCUIT
	2021-GS-07-00449
	2020-GS-07-02312

-----)	
State of South Carolina)	
)	
)	
Plaintiff,)	
vs.)	TRANSCRIPT OF JURY TRIAL
)	VOLUME I
Ty Leic Chaneyfield,)	(PAGES 1 - 105)
)	
----- <u>Defendant.</u>)	

September 25, 2023
Beaufort, South Carolina

B E F O R E:

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INDEX

PROCEEDINGS	4
JURY SELECTION	4
PROCEEDINGS CONCLUDED	104
CERTIFICATE OF REPORTER	105

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EXHIBIT LIST

(NONE OFFERED IN VOLUME I)

PROCEEDINGS*********MONDAY, SEPTEMBER 25, 2023****BEAUFORT, SOUTH CAROLINA**

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

********JURY SELECTION**

THE COURT: Good morning, Ladies and Gentlemen. As the Bailiff told you, my name is Ferrell Cothran, I'm from Manning, which is in the Third Judicial Circuit in Clarendon County. I've been assigned by the Chief Justice of the Circuit Court to hold court in Beaufort this week.

I'm glad to be here, and I can tell by the look on your faces that you're glad to be here too. I realize you didn't have a choice in it. We've taken you away from your work, your play, or home, or somewhere that you'd probably rather be, but I appreciate you being here. And we simply could not run the judicial system or justice in this state without citizens, such as you, willing to come in and make tough decisions.

I need to ask you a series of questions

1 first, to determine whether you're qualified, so
2 it is important that you answer these questions
3 truthfully, because if you don't, and you get
4 selected on the jury, and we find out later that
5 one of the jurors was not qualified, we've got
6 to try the whole case over.

7 So the worst thing that can happen to you
8 is that, so it's important that you answer my
9 questions truthfully.

10 Is any member of the jury panel not a
11 citizen of the United States of America? If so,
12 please stand. I've been asking that question
13 every Monday morning, 18 years, I finally had
14 somebody stand up that wasn't a citizen.

15 And how he got on the roles, and how he got
16 into Court, I don't know, but that was the only
17 time. Is any member not a resident of Beaufort
18 County? If so, please stand. Yes, sir.

19 PROSPECTIVE JUROR: I just recently moved
20 to Georgia like a month-and-a-half ago.

21 THE COURT: Moved to where?

22 PROSPECTIVE JUROR: Atlanta, Georgia.

23 THE COURT: And what was your name?

24 PROSPECTIVE JUROR: Jamal Lucas.

25 THE COURT: Do you know your number?

1 PROSPECTIVE JUROR: 207.

2 THE COURT: Okay. Thank you, sir, you're
3 excused.

4 PROSPECTIVE JUROR: Thank you. Have a good
5 day.

6 THE COURT: Thank you. Yes, ma'am?

7 PROSPECTIVE JUROR: 126, I'm a new resident
8 to Beaufort County applying for residence. I
9 have a registered car, and a home that I just
10 moved into.

11 THE COURT: So you're a resident?

12 PROSPECTIVE JUROR: Yes, sir.

13 THE COURT: If you live here, this is your
14 residence.

15 PROSPECTIVE JUROR: I just want to make
16 sure.

17 THE COURT: Thank you. Anyone else? Is
18 any member of the jury panel unable to read,
19 write -- yes, sir, I'm sorry.

20 BAILIFF: Stand up, sir, if you will.

21 THE COURT: Are you not a resident of
22 Beaufort?

23 PROSPECTIVE JUROR: I'm finding out I can't
24 hear enough to understand.

25 THE COURT: So I need to talk louder?

1 PROSPECTIVE JUROR: Well, everyone does I
2 believe.

3 THE COURT: Okay.

4 PROSPECTIVE JUROR: And I'm over 80, so I
5 guess --

6 THE COURT: You -- and I haven't gotten
7 there yet, but if you want to go home, you can.
8 I will get to it, but once you turn 65 --

9 PROSPECTIVE JUROR: I wanted to try, but
10 I'm not getting enough from you'all.

11 THE COURT: Well it's important that you're
12 going to be able to hear the attorneys and hear
13 the evidence, so if you don't think you can do
14 that, if you want to go, you can -- once you
15 reach 80-years-old, you ought to be able to do
16 what you want to.

17 THE COURT: Okay, is any member of the jury
18 panel unable to read, write, speak or understand
19 the English language? If so, please stand.
20 Yes, sir.

21 PROSPECTIVE JUROR: Yes, sir, my English is
22 not good, and I don't understand.

23 THE COURT: What is your number?

24 PROSPECTIVE JUROR: 340.

25 THE COURT: 340? It's important that you

1 be able to understand enough to hear the
2 evidence in this case, so I'm going to excuse
3 you, okay? You can go.

4 PROSPECTIVE JUROR: Thank you.

5 THE COURT: Yes, ma'am, you can get in
6 trouble, because you've been excused, you can
7 go. You can go and take your phone with you.

8 PROSPECTIVE JUROR: Thank you.

9 THE COURT: No problem. Yes, ma'am, you
10 can go.

11 CLERK: 340.

12 THE COURT: And I need somebody that can --

13 PROSPECTIVE JUROR: So sorry, sir.

14 THE COURT: No problem. You can listen to
15 the evidence in this case, and do you think
16 you'll be able to understand everything? What's
17 your number?

18 PROSPECTIVE JUROR: 284.

19 THE COURT: I couldn't hear.

20 COURT REPROTER: 284.

21 PROSPECTIVE JUROR: 284.

22 THE COURT: Okay. You can't hear?

23 PROSPECTIVE JUROR: No, sir.

24 THE COURT: Okay, you're excused, thank
25 you. And the only problem with that question

1 is, if you didn't understand any English, you
2 have no clue what I just asked you.

3 Any member of the jury panel have less than
4 a sixth-grade education, or its equivalence? If
5 so, please stand.

6 Any member of the jury panel, due to a
7 medical condition, unable to run an effective
8 jury service, and let me explain to you, we
9 usually start Court about 9:30 each morning, and
10 we'll go for an hour, hour and a half, I'll take
11 a break, we usually break for lunch at 12:00,
12 12:30 or 1:00, and come back an hour, hour and a
13 half, and work until 5:00 or 5:30.

14 If you have a condition that would prevent
15 you from doing that, and I don't know if you've
16 got cushions, you'll be sitting in these chairs
17 which are more comfortable than those pews, but
18 if you have a condition that keeps you from
19 doing that, I need to know about it now. Yes?

20 PROSPECTIVE JUROR: I'm scheduled for an
21 injection in my back on Wednesday, and it's
22 difficult to sit for long periods of time.

23 THE COURT: What's your number?

24 PROSPECTIVE JUROR: 150.

25 THE COURT: What if I transfer you, because

1 I can't guarantee you I can get you out of here
2 by Wednesday. What if I get them to transfer
3 you to another term, where you don't have that
4 issue?

5 PROSPECTIVE JUROR: Sure.

6 THE COURT: Okay. Then I'll have the Clerk
7 transfer you, Ms. Hay. I'm getting her to
8 transfer you. Yes, sir?

9 PROSPECTIVE JUROR: Yes, sir, I'm --

10 CLERK: November 13th.

11 PROSPECTIVE JUROR: Thank you.

12 CLERK: Uh-huh.

13 THE COURT: I'm sorry, yes, sir?

14 CLERK: Pardon me.

15 PROSPECTIVE JUROR: Yes, sir, 371. I was
16 in an accident, sir, and I'm going through a
17 spinal injection therapy right now, and I'm
18 actually scheduled tomorrow morning to go
19 through a third one. They're not sure it will
20 really solve the problem, but I have two disc
21 herniations in my back.

22 THE COURT: And how long are you through
23 these treatments? The next term is on November
24 13th.

25 Do you want me to transfer you to then?

1 PROSPECTIVE JUROR: Sure.

2 THE COURT: Okay.

3 PROSPECTIVE JUROR: That'll work.

4 THE COURT: What was your number, again,
5 sir?

6 PROSPECTIVE JUROR: 371.

7 THE COURT: Okay, I'll have the Clerk
8 transfer you to November 13th.

9 PROSPECTIVE JUROR: Okay.

10 THE COURT: Good luck. Anybody else?

11 Okay, you'all are a healthy bunch. I usually
12 have half of them stand up. Any member of the
13 jury panel been convicted or pled guilty in any
14 state or federal court for any time that you
15 could have received more than one year?

16 It doesn't mean you got more than one year,
17 but it carries more than one year, and your
18 civil rights have not been restored by amnesty
19 or pardon, I need you to stand up.

20 Any member of the jury panel a Clerk, a
21 Deputy Clerk of Court, a Constable, a Sheriff,
22 or other Division Law Enforcement Officer, a
23 Probate Judge, a County Commissioner, a
24 Magistrate or any other County Officer, or
25 anyone employed within the walls of any

1 courthouse? If that applies to you, please
2 stand. Has anybody served on jury duty during
3 this calendar year? Anybody serve on the Grand
4

5 THE COURT: And then the other one, if you
6 served on any jury this year, if you served on
7 the Grand Jury the last two calendar years, so I
8 assume we've covered that question. I don't
9 have anybody else on the Grand Jury. All right,
10 those are all the qualifying questions I had to
11 ask.

12 The next ones are personal to you, these
13 are exemptions. I can either excuse you
14 outright in some circumstances, or I can
15 transfer you to another term of Court. Is there
16 any member of the jury panel who is 65 years of
17 age or older, and would like to be excused? We
18 would like to have you, but once you reach 65
19 you shouldn't have some Judge telling you what
20 time you've got to get up in the morning.

21 So if you're 65 or older and would like to
22 go home, I can send you, but we'd love to have
23 you. Okay. Anybody served on a jury in the
24 last three calendar years? We only require you
25 to do this once every three years, so if you

1 want to stay, that's great, but if you want to
2 go, if you've done it in the last three years, I
3 can excuse you. Has anybody been on the Grand
4 Jury in the last five years? One lady had been,
5 and I assume nobody else? Any member of the
6 jury panel have the care and custody of a child
7 or children under the age of seven, you do not
8 work outside of the home, you stay at home and
9 take care of the children and would like to be
10 excused, or maybe you need a break for a week;
11 does that apply to anybody?

12 Anybody take care of a severely disabled
13 person, and you do not work outside of the home,
14 and you stay at home and take care of that
15 elderly person, or severely disabled person, and
16 would like to excused? Okay.

17 Anybody involved in the school system as a
18 teacher or student, and would like to exercise
19 your exemption as school personnel? I can't
20 excuse you outright, I can only transfer you to
21 a time that school is not in session, the
22 summer, or whatever. So either you can give up
23 a week of school, or give up a week of vacation,
24 which one do you want? Yes, sir.

25 PROSPECTIVE JUROR: 228, I'm a student.

1 COURT REPORTER: I'm sorry?

2 THE COURT: Do you want me to transfer you
3 to a time when school's not in session?

4 PROSPECTIVE JUROR: Yes, sir.

5 THE COURT: Okay, what's your number?

6 PROSPECTIVE JUROR: 228.

7 THE COURT: Okay, I'll have them transfer
8 you to the summer term.

9 CLERK: will be in June.

10 THE COURT: Anyone else? Any member of the
11 jury panel an employee with the Department of
12 Corrections and would like to exercise your
13 exemption? Okay.

14 This next question I'm going to ask you is
15 going to depend on how many of you stand up, as
16 to what I can help with. If one or two of you
17 stand up, I may can do something. If 50 of you
18 stand up, I can't. Is there any member of the
19 jury panel that we could not have picked the
20 worst week in your life to bring you, for
21 personal reasons or business reasons, and want
22 me to transfer you to another term?

23 If that applies to you, I may can help one
24 or two of you. I can say, if all of you stand
25 up, I can't help you. Okay. Yes, ma'am?

1 PROSPECTIVE JUROR: I take care of
2 children, and I didn't schedule -- I didn't let
3 the parents know that I had jury duty today.

4 THE COURT: Okay, do you want me to
5 transfer you to the November term?

6 PROSPECTIVE JUROR: That will be good.

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

8 PROSPECTIVE JUROR: 74.

9 THE COURT: 74?

10 PROSPECTIVE JUROR: 74.

11 THE COURT: Then I'll have them transfer
12 you to the November 13th term, where you'll have
13 a chance to let the parents know they've got to
14 work out something else that week, okay?

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Yes, ma'am?

17 PROSPECTIVE JUROR: I'm supposed to be in
18 West Virginia on Thursday.

19 THE COURT: And that is a problem.

20 PROSPECTIVE JUROR: Correct.

21 THE COURT: Do you want me to transfer you
22 to November 13th?

23 PROSPECTIVE JUROR: Yes.

24 THE COURT: You've been transferred twice
25 now.

1 PROSPECTIVE JUROR: But I had COVID the
2 first time, and I was out of town the second
3 time.

4 THE COURT: Well, the next term is November
5 the 13th. If I transfer you to then, you've got
6 to be here.

7 PROSPECTIVE JUROR: I mean I can. Whatever
8 you want me to do.

9 THE COURT: I can accommodate you, I just
10 can't do it, you know, November 13th is the next
11 term. I may not have you out of here by
12 Thursday, you know, so what you want me to do?

13 PROSPECTIVE JUROR: I'll hang on.

14 I mean, if I have to travel by myself, or
15 delay the trip, that's fine.

16 THE COURT: It may work out, and you may
17 not get selected.

18 PROSPECTIVE JUROR: Correct.

19 THE COURT: Yes?

20 PROSPECTIVE JUROR: My childcare will be
21 going out of town at the end of the week, so I
22 don't know --

23 THE COURT: What day of the week? What
24 day?

25 PROSPECTIVE JUROR: Thursday.

1 THE COURT: That may be a problem, I
2 don't --

3 PROSPECTIVE JUROR: If I'm transferred to
4 November is fine.

5 THE COURT: Okay.

6 CLERK: What's your number, ma'am?

7 THE COURT: What's your --

8 PROSPECTIVE JUROR: 87.

9 THE COURT: Okay, so you want to be
10 transferred to November 13th?

11 PROSPECTIVE JUROR: Yes.

12 THE COURT: Anybody?

13 All right, we'll take a ten-minute break,
14 or 15-minute break. We'll come back at 11
15 o'clock, okay?

16 BAILIFF: Do not leave the building.

17 (PROSPECTIVE jurors exit the courtroom.)

18 (RECESS)

19 (Jury enters the courtroom.)

20 BALIFF: All jurors present, Your Honor.

21 THE COURT: Thank you.

22 Solicitor, you may call your first witness.

23 MR. STONE: May it please the Court, Your
24 Honor? Indictment 2021-GS-07-449, charging the
25 Defendant, Ty Leic Chaneyfield with the offense

1 of murder, Indictment Number 2021-GS-07-448,
2 charging the Defendant, Ty Leic Chaneyfield with
3 attempted murder;

4 Indictment Number 2021-GS-07-447, charging
5 the Defendant, Ty Leic Duanne Chaneyfield, with
6 attempted murder;

7 Indictment Number 2021-GS-07-446, charging
8 the Defendant, Ty Leic Duanne Chaneyfield with
9 possession of a weapon during the commission of
10 a violent crime;

11 Indictment Number 2022-GS-07-1225, charging
12 Ty Leic Duanne Chaneyfield with mob violence,
13 serious bodily injury;

14 Indictment Number 2022-GS-07-1224, charging Ty
15 Leic Duanne Chaneyfield with mob violence,
16 injury, and 2022-GS-07-1223, charging Ty Leic
17 Duanne Chaneyfield with mob violence, death
18 ensuing.

19 THE COURT: Ladies and gentlemen of the
20 jury, we're about to begin the trial of the
21 State v. Ty Leic Chaneyfield.

22 Is there any member of the jury panel
23 connected by blood or marriage, or a close
24 personal friend of the Defendant in this case,
25 Chaneyfield? If so, please stand. Yes?

1 BAILIFF: Someone's standing, Your Honor.

2 PROSPECTIVE JUROR: Your Honor, I'm
3 connected to the Defendant, I'm connected to the
4 victim.

5 THE COURT: Okay, what's your name and
6 number?

7 PROSPECTIVE JUROR: Jason Matthew, 354.

8 THE COURT: 54?

9 CLERK: 354.

10 THE COURT: 354? And the fact that you
11 know the victim in this case and family, would
12 that affect your ability to be fair and
13 impartial?

14 PROSPECTIVE JUROR: Absolutely, Your Honor.

15 THE COURT: All right, I'm going to excuse
16 you from this case. Yes?

17 BAILIFF: Someone's standing, Your Honor.

18 PROSPECTIVE JUROR: 134, connected to the
19 victim.

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

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: 154?

24 PROSPECTIVE JUROR: 134.

25 THE COURT: Okay, I'm going to excuse you

1 for this case.

2 BAILIFF: Are you going to hold them for
3 now, Judge?

4 THE COURT: Well, I don't -- Solicitor, I
5 mean --

6 MR. STONE: May I approach, Your Honor --

7 THE COURT: Yes.

8 MR. STONE: -- for the schedule?

9 (Bench conference.)

10 THE COURT: He's only excused for this
11 case.

12 BAILIFF: Yes, sir.

13 THE COURT: So I need them on telephone
14 standby. So they need to understand they've got
15 to stay -- somehow we've got to get in touch
16 with them.

17 CLERK: Would you like for them to call the
18 jury line at 6 o'clock tonight?

19 THE COURT: That'll work. So if you'll
20 call back after 6 o'clock tonight, it'll tell
21 you whether you need to call back or report
22 back. Okay, now I have another land standing
23 up? Yes, ma'am.

24 PROSPECTIVE JUROR: I know the victim.

25 THE COURT: Would that affect your ability

1 to be fair and impartial?

2 PROSPECTIVE JUROR: Yes.

3 THE COURT: Okay, and I need you to do the
4 same thing, call back after 6 o'clock tonight.
5 Give me your number one more time.

6 PROSPECTIVE JUROR: 295.

7 THE COURT: Okay, thank you. Okay, I'm
8 going to read out a list of potential witnesses,
9 and I need to know whether you're connected by
10 blood or marriage, a close personal friend, or
11 social relationship with any of these potential
12 witnesses. Kylan Simmons, Edwin Graham Stacy
13 Void, Jayden Void, Shanya Void, Allyson Moreira,
14 did I get that right?

15 Jason Rodriguez, Andrew De La Cruze, Jesse
16 Clemens, William Pat Murphy, Dylan Hightower,
17 Michael Baier, Jeff Maxwell, Zatch Pouchprom,
18 Jala Quick, Ken Labadie, Derek Church, Andrew
19 Maisano, SLED Agent Mark Amos, Dwane Fromaen,
20 John Sundria, Charles Kennedy, Carrie Murphy
21 Elizabeth Stringer, Courtney Daniels, Harold
22 Rogers, Jack Jamison, Megan Fletcher, Andrena
23 Harrison, Dr. William Brombert, Dr. Erin
24 Presnell, Vicky Fields, Walter Harmon, Ryan
25 Fazekas, Derek Nelson, Walker Michaud, Frank

1 Lemus, Rob Edwards, Ceth Reynolds, John Donahue,
2 M.A. [REDACTED], Alex Wright, Yvette
3 Chaneyfield, Arthur Edwards, Houston
4 Chaneyfield, Jr., Derek Blackshare, Jaylen
5 Mitchell, Jason Wilson, Jimmie Green.

6 Anybody connected by blood or marriage,
7 close personal friends, a social relationship
8 with any of those potential witnesses? If so,
9 please stand. Yes, sir?

10 PROSPECTIVE JUROR: I know one of the
11 people through my work, my wife is also friends
12 with the victim's mother?

13 THE COURT: You're friends with the mother
14 of the victim?

15 PROSPECTIVE JUROR: My wife.

16 THE COURT: Okay. Would that affect your
17 ability to be fair and impartial?

18 PROSPECTIVE JUROR: It would, yes.

19 THE COURT: What's your number?

20 PROSPECTIVE JUROR: 56.

21 THE COURT: Okay, I'm gonna excuse you for
22 this case, if you'll call back after 6:00
23 tonight. Anyone else?

24 Any member of the jury panel, or a member
25 of your immediate family, a former or present

1 law enforcement employee? If so, please stand.

2 Yes, ma'am.

3 PROSPECTIVE JUROR: 134, my dad is a

4 retired police officer.

5 THE COURT: Okay, would that affect your

6 ability to be fair and impartial?

7 PROSPECTIVE JUROR: Yes, sir.

8 THE COURT: It would?

9 PROSPECTIVE JUROR: Yes.

10 THE COURT: Okay, I'll excuse you for this

11 case, and give you the same instruction, to call

12 back after 6 o'clock tonight. Yes?

13 PROSPECTIVE JUROR: I'm a Transportation

14 Security Officer for the TSA, and I work for

15 multiple members of law enforcement.

16 THE COURT: Would that affect your ability

17 to be fair and impartial?

18 PROSPECTIVE JUROR: Yes, sir.

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

20 PROSPECTIVE JUROR: 201.

21 THE COURT: Okay, if you'll call back after

22 6 o'clock tonight.

23 PROSPECTIVE JUROR: Yes, sir.

24 PROSPECTIVE JUROR: I worked for the

25 Beaufort County Sheriff's Office.

1 THE COURT: Okay. How long ago?

2 PROSPECTIVE JUROR: Eight or nine years
3 ago.

4 THE COURT: Would that affect your ability
5 to be fair and impartial?

6 PROSPECTIVE JUROR: No, sir.

7 THE COURT: Yes, ma'am.

8 COURT REPROTER: I'm sorry, can you repeat
9 that? Could you repeat it?

10 THE COURT: Talk a little louder.

11 PROSPECTIVE JUROR: 290. I was a police
12 officer in New Jersey, recently retired.

13 THE COURT: Would that affect your ability
14 to be fair and impartial in this case?

15 PROSPECTIVE JUROR: No, sir.

16 THE COURT: Thank you, ma'am. Yes, ma'am.

17 PROSPECTIVE JUROR: 351, I used to work for
18 the Sheriff's Office.

19 THE COURT: All right.

20 Would that affect your ability to be fair
21 and impartial?

22 PROSPECTIVE JUROR: Yes.

23 THE COURT: And what's your number?

24 PROSPECTIVE JUROR: 351.

25 THE COURT: Okay, if you'll call back after

1 6 o'clock. Anyone else? Any member of the jury
2 panel have a very close, personal friend that
3 works for law enforcement that would affect your
4 ability in this case? Any member of the jury
5 panel --

6 BAILIFF: One more, Your Honor.

7 PROSPECTIVE JUROR: I'm retired from the
8 Bluffton Police Department, but I did not serve
9 as an officer. I was part of the Department,
10 but I was not a police officer.

11 THE COURT: What your number?

12 PROSPECTIVE JUROR: 208.

13 THE COURT: Would that affect your ability
14 to be fair and impartial?

15 PROSPECTIVE JUROR: No.

16 THE COURT: Thank you, sir.

17 THE COURT: Okay, anyone related to, or
18 close personal friends with anyone employed
19 within the Fourteenth Circuit Solicitor's
20 Office? If so, please stand. Okay?

21 PROSPECTIVE JUROR: My daughter's employed
22 by the Fourteenth Circuit. She's a Victim
23 Advocate for Jasper County.

24 THE COURT: Okay, for this County?

25 PROSPECTIVE JUROR: Jasper.

1 THE COURT: Oh, I'm sorry.

2 PROSPECTIVE JUROR: Yes, sir.

3 THE COURT: Would that affect your ability
4 to be fair and impartial?

5 PROSPECTIVE JUROR: No, sir.

6 THE COURT: And for the record, give me
7 your number again.

8 PROSPECTIVE JUROR: 336.

9 THE COURT: okay, yes, ma'am?

10 PROSPECTIVE JUROR: 327. I am friends with
11 the Solicitor and his wife.

12 THE COURT: Would that affect your ability
13 to be fair and impartial?

14 PROSPECTIVE JUROR: No, sir.

15 Okay, all right. Any member of the jury
16 panel related to, close personal friends, or
17 ever have been represented by Scott W. Lee? If
18 so, please stand. Yes, sir?

19 PROSPECTIVE JUROR: Number 27, I was
20 represented Scott Lee.

21 THE COURT: The fact that he's an attorney
22 in this case, would that affect your ability to
23 be fair and impartial?

24 PROSPECTIVE JUROR: I will be fair and
25 impartial.

1 THE COURT: Okay. What was your number?

2 PROSPECTIVE JUROR: 27.

3 THE COURT: 2 --

4 PROSPECTIVE JUROR: 27.

5 THE COURT: Okay, thank you. Yes, sir.

6 PROSPECTIVE JUROR: Your Honor, he was
7 friends with my dad.

8 THE COURT: Would that affect your ability
9 to be fair and impartial?

10 PROSPECTIVE JUROR: No.

11 THE COURT: What was your number again?

12 PROSPECTIVE JUROR: 17.

13 THE COURT: Okay, thank you, sir.

14 PROSPECTIVE JUROR: 180. I know Mr. Lee;
15 our kids play baseball together.

16 THE COURT: Would that affect your ability
17 to be fair and impartial?

18 PROSPECTIVE JUROR: No.

19 THE COURT: Okay, any member of the jury
20 panel, or a member of your immediate family, a
21 former or present member of any crime watch
22 association, such as of the Low County Child
23 Abuse Prevention Association, etc.

24 Mothers Against Drunk Driving, or any
25 other victim advocate organization? Anybody a

1 member or financial contributor to any of those
2 organizations? If so, please stand. All right,
3 any member of the jury panel, or a member of
4 your immediate family ever attended Bluffton
5 High School? If so, please stand.

6 PROSPECTIVE JUROR: 260. My children go to
7 Bluffton High School.

8 THE COURT: Okay. I'm not really sure what
9 Bluffton High School has got to do with this,
10 they just gave me these questions. I assume the
11 fact that you'all had some connection with
12 Bluffton High School, would that affect your
13 ability to be fair and impartial?

14 PROSPECTIVE JUROR: I don't believe so.

15 THE COURT: Do you know anything about this
16 case?

17 PROSPECTIVE JUROR: If it's what I think it
18 is, I heard about it.

19 THE COURT: Okay, well, maybe I should have
20 asked that question up front.

21 Is there any member of the jury panel who
22 knows about this case, knows any of the facts,
23 have read anything, you've seen any -- read news
24 articles, social media or anything about this
25 case? Okay. And those members of the jury that

1 went to Bluffton High School -- let me go back,
2 I messed up. That's for you, could you be fair
3 and impartial?

4 PROSPECTIVE JUROR: I believe I can, yes.

5 THE COURT: And your number was what?

6 PROSPECTIVE JUROR: 260.

7 THE COURT: Okay. All right.

8 Okay. Yes, ma'am?

9 PROSPECTIVE JUROR: 157. I have read
10 something or heard something about it.

11 THE COURT: Okay, and the fact that you
12 have read something or heard something about it,
13 could you listen to the evidence in this case,
14 and decide this case based on that evidence?

15 PROSPECTIVE JUROR: Yes.

16 THE COURT: You could be fair and
17 impartial?

18 PROSPECTIVE JUROR: Yes.

19 THE COURT: Okay, thank you. Yes, sir?

20 PROSPECTIVE JUROR: 171, I've read about
21 the case online.

22 THE COURT: Okay, and same question I just
23 asked her, could you be fair and impartial?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Okay, so you're 174?

1 PROSPECTIVE JUROR: 171.

2 THE COURT: Oh, I'm sorry. All right, then
3 I will excuse you for this case, and ask you to
4 call back tonight. Yes, sir?

5 PROSPECTIVE JUROR: Number 4, also read
6 about the case.

7 THE COURT: The fact that you have read
8 something about this case, would that affect
9 your ability to be fair and impartial?

10 PROSPECTIVE JUROR: No.

11 THE COURT: You could or couldn't be fair?

12 PROSPECTIVE JUROR: Could not.

13 THE COURT: Okay, I'll excuse you, and ask
14 you to call back tonight.

15 CLERK: What's his number?

16 THE COURT: Number 4.

17 PROSPECTIVE JUROR: Four.

18 THE COURT: Okay. Anybody else, as far as
19 the Bluffton High School issue? All right.

20 PROSPECTIVE JUROR: 293. My daughter
21 attended.

22 THE COURT: Okay. Would that affect your
23 ability to be fair and impartial?

24 PROSPECTIVE JUROR: No, sir.

25 THE COURT: Okay, all right. And I guess I

1 need to go back to the other one.

2 MR. LEE: Your Honor, may we approach
3 quickly?

4 (Bench conference.)

5 THE COURT: Ladies and gentlemen, I'll tell
6 you a little about this. This event occurred on
7 March the 5th, 2021 on Bluffton Parkway. It was
8 a shooting into a car driven by J. D. Fields,
9 with passengers, E. J. Graham, and Collin
10 Simmons, they were students at Bluffton High
11 School.

12 That's why I asked you about your knowledge
13 of the case, okay?

14 Now, is any member of the jury panel, or a
15 member of your family, or close personal friend
16 ever been affected by gun violence? If so,
17 please stand. Yes, if you would.

18 Yes, sir?

19 PROSPECTIVE JUROR: A person I know was
20 shot in another state.

21 THE COURT: Okay. And the fact that you
22 had this prior experience, would that affect
23 your ability to be fair and impartial in this
24 case?

25 PROSPECTIVE JUROR: No.

1 THE COURT: What was your number again?

2 PROSPECTIVE JUROR: 64.

3 THE COURT: Okay, thank you. Yes, sir?

4 PROSPECTIVE JUROR: Juror number 537. My
5 brother was shot and killed.

6 THE COURT: So you feel that you couldn't
7 be fair and impartial to both sides?

8 PROSPECTIVE JUROR: No, sir.

9 THE COURT: What's your number?

10 PROSPECTIVE JUROR: 537.

11 THE COURT: All right, I will excuse you,
12 and ask you to call back tonight.

13 BAILIFF: Someone's standing, Your Honor.

14 THE COURT: Yes, sir.

15 PROSPECTIVE JUROR: I was a victim of an
16 armed robbery.

17 THE COURT: What's your number?

18 PROSPECTIVE JUROR: 142.

19 THE COURT: Would that affect your ability
20 to be fair --

21 PROSPECTIVE JUROR: Yes, it would.

22 THE COURT: Okay, call back tonight,
23 please, sir. Okay. Any of you, or a member of
24 your immediate family, read about, heard about,
25 participated in any of the rallies, fundraisers,

1 memorials, or other events put on by the family.

2 Okay. Any of you, or any member of your
3 immediate family read about, heard about any of
4 the press conferences that the Solicitor's
5 Office or law enforcement put on connected to
6 this case?

7 If so, please stand. All right, is any
8 member of the jury panel, or any member of your
9 immediate family follow the Fourteenth Circuit
10 Solicitor's Office, or the Bluffton Police
11 Department on Facebook, Twitter, or any other
12 social media?

13 If so, please stand. Yes, ma'am?

14 PROSPECTIVE JUROR: I'm 336, my daughter
15 works for the Fourteenth Circuit.

16 THE COURT: You told me.

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: Will it affect your ability to
19 be fair and impartial?

20 PROSPECTIVE JUROR: No.

21 THE COURT: Yes, ma'am, the same thing you
22 told me before, you think you can be fair and
23 impartial?

24 PROSPECTIVE JUROR: Yes.

25 THE COURT: Yes, ma'am. Would that affect

1 your ability to be fair and impartial?

2 PROSPECTIVE JUROR: No.

3 THE COURT: Do you know anything about this
4 case that would affect your ability to be fair
5 and impartial?

6 PROSPECTIVE JUROR: No.

7 THE COURT: And your number again was?

8 PROSPECTIVE JUROR: 157.

9 Thank you. Any member of the jury panel,
10 or your immediate family ever contributed to
11 Solicitor Deputy Stone's election campaign? If
12 so, please stand.

13 Thank you. Any member of the jury panel,
14 or member of your immediate family ever been a
15 victim of a crime that's been prosecuted by the
16 Court concerning the Solicitor's Office? If so,
17 please stand.

18 Any member of the jury panel served on the
19 Grand Jury that heard this case? If so, please
20 stand. Any member of the jury panel formed or
21 expressed an opinion about any of the issues of
22 the matters involved in this case? If so,
23 please stand.

24 Any member of the jury panel who, due to
25 your religious or moral position or beliefs that

1 you cannot sit in judgment in this case? If so,
2 please stand. Any member of the jury panel
3 aware of any bias or prejudice for the State of
4 South Carolina, or this Defendant? If so,
5 please stand.

6 Any member of the jury panel no any reason
7 whatsoever they can't be a fair and impartial
8 juror in this case? If so, please stand. Any
9 further questions from the State?

10 MR. STONE: No, sir, not from the State.

11 THE COURT: From the defense?

12 MR. LEE: No, sir. I would ask to approach
13 the Court about excusing two jurors for cause.

14 THE COURT: All right, okay.

15 (Bench conference.)

16 BAILIFF: Juror 208, Your Honor.

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

18 PROSPECTIVE JUROR: You bet.

19 THE COURT: If you'll return to your seat
20 and let me talk to these lawyers.

21 PROSPECTIVE JUROR: Back to my seat?

22 THE COURT: Yes, sir.

23 BAILIFF: Come this way, sir.

24 (Bench conference.)

25 THE COURT: Now, let me explain to you

1 what's happening, and what's gonna happen next.
2 Your names are going to be scrambled in the
3 computer, and then they're gonna be called out,
4 and you'll come forward. The Clerk will explain
5 it to you, and we'll go through this process.
6 When I first started this job, we used to
7 scramble these names and a blind person picked
8 them. Now we have a blind computer that picks
9 them. Now, sometimes computers tend to do us
10 good.

11 If you'll be patient, they'll call you.

12 Do you want to have them come forward
13 there?

14 CLERK: It's up to you, Your Honor.

15 BAILIFF: Stand in place then.

16 THE COURT: Okay. You can just stand in
17 place then. Each courthouse is different, so
18 when they call your names, if you'll just stand
19 up, they'll tell you what to do, okay?

20 CLERK: Juror number 99.

21 What say the State?

22 MR. STONE: Please excuse the juror from
23 this case.

24 BAILIFF: You can sit down, sir.

25 CLERK: Juror number 180. What say the

1 State?

2 MR. STONE: Please present the juror.

3 CLERK: What say the defense?

4 MR. LEE: Please seat the juror.

5 BAILIFF: Come forward, please sir.

6 CLERK: Juror number 27. What say the

7 State?

8 MR. STONE: Please present the juror.

9 CLERK: What say the defense?

10 MR. LEE: Please seat the juror.

11 BAILIFF: Come forward, please, sir.

12 CLERK: Juror number 130. What say the

13 State?

14 MR. STONE: Please present the juror.

15 CLERK: What say the defense?

16 MR. LEE: Please seat the juror.

17 BAILIFF: Come forward, please, ma'am.

18 CLERK: Juror number 5. What say the

19 State?

20 MR. STONE: Please present the juror.

21 CLERK: What say the defense?

22 MR. LEE: Please seat the juror.

23 BAILIFF: Come forward, please, ma'am.

24 CLERK: Juror number 272. What say the

25 State?

1 MR. STONE: Please present the juror.

2 CLERK: What say the defense?

3 MR. LEE: Please seat the juror.

4 BAILIFF: Come forward, please, ma'am.

5 CLERK: Juror number 203. What say the

6 State?

7 MR. STONE: Please present the juror.

8 CLERK: What say the defense?

9 MR. LEE: Please seat the juror.

10 BAILIFF: Come forward, please, ma'am.

11 CLERK: Juror number 71. What say the

12 State?

13 MR. STONE: Please present the juror.

14 CLERK: What say the defense?

15 MR. LEE: Please seat the juror.

16 BAILIFF: Come forward, please, sir.

17 CLERK: Juror number 333. What say the

18 State?

19 MR. STONE: Please present the juror.

20 CLERK: What say the defense?

21 BAILIFF: Come forward, please, sir.

22 CLERK: Juror number 2011. What say the

23 State?

24 MR. STONE: Please present the juror.

25 CLERK: What say the defense?

1 MR. LEE: Please seat the juror.

2 BAILIFF: Come forward, please, ma'am.

3 CLERK: Juror 224. What say the State?

4 MR. STONE: Please seat the juror.

5 CLERK: What say the defense?

6 MR. LEE: Please seat the juror.

7 BAILIFF: Come forward, please.

8 CLERK: Juror 154. What say the State?

9 MR. STONE: Please present the juror.

10 CLERK: What say the defense?

11 MR. LEE: Please seat the juror.

12 BAILIFF: Come forward, please, sir.

13 CLERK: Juror 209. What say the State?

14 MR. STONE: Please present the juror.

15 CLERK: What say the defense?

16 MR. LEE: Please excuse the juror.

17 BAILIFF: You can sit down.

18 CLERK: Juror 252. What say the State?

19 MR. STONE: Please present the juror.

20 CLERK: What say the defense?

21 MR. LEE: Please seat the juror.

22 BAILIFF: Come forward, please, sir.

23 CLERK: Selecting alternate number one.

24 267. What say the State?

25 MR. STONE: Please present the juror.

1 MR. LEE: Please seat the juror.

2 BAILIFF: Come forward, please, sir.

3 CLERK: Selecting for alternate number two.

4 286. What say the State?

5 MR. STONE: Please present the juror.

6 CLERK: What say the defense?

7 MR. LEE: Please present the juror.

8 BAILIFF: Come forward, please, ma'am.

9 CLERK: Alternate number three. 307. What
10 say the State?

11 MR. STONE: Please present the juror.

12 CLERK: What says the defense?

13 MR. LEE: Please seat the juror.

14 BAILIFF: Come forward, please, sir.

15 THE COURT: Are there any matters regarding
16 the selection of the jury from the State?

17 MR. STONE: No, sir.

18 THE COURT: From the defense?

19 MR. LEE: None from the defense.

20 THE COURT: All right, what do you want me
21 to do with the panel, Solicitor?

22 MR. STONE: I was thinking about swearing
23 them in and then start tomorrow morning.

24 THE COURT: This one?

25 MR. STONE: Just get them to call back.

1 THE COURT: And start the trial tomorrow?

2 MR. STONE: Yes, sir.

3 THE COURT: Ladies and gentlemen who were
4 not selected to serve on this case, I need you
5 to call the Clerk's Office back after 6 o'clock
6 tonight.

7 When you call, you will get a recording.
8 You won't get to talk to a live person, so you
9 can't argue with a live person. It's going to
10 tell you whether or not you need to call back to
11 report for the rest of the week.

12 Thank you, and I hope you have a nice day.

13 BAILIFF: Your badge as you pass out of the
14 courtroom.

15 (Jury exits the courtroom.)

16 THE COURT: Okay, ladies and gentlemen,
17 I've got to take up some matters of law that
18 need to be addressed today. So instead of you
19 sitting around all day, I'm going to send you
20 home, and ask you to be back at 9:30 in the
21 morning. Now, it's important that every evening
22 if you have an emergency tonight, you need to
23 call the Clerk's Office, 911, or tell us,
24 because if you'all don't show up in the morning,
25 I can't get started unless all of you show up.

1 If you haven't called, I'm gonna send the
2 Sheriff looking for you, and so it's important
3 for you to either be here, or if you do have an
4 emergency, you need to call.

5 I had this happen one time before in
6 another County, we were supposed to start back
7 at 2 o'clock, and one of my jurors didn't come
8 back, and we waited, and we waited and, finally,
9 at 4 o'clock we were all sitting there, I sent
10 the Sheriff to find her. He brought her in
11 right before 5:00, and I said, "Ma'am, did you
12 have an emergency over lunch?" She said, "Oh,
13 no, my stories come on at 2:00, I don't miss my
14 stories for anybody." Stories are not an
15 emergency, okay? You've got to come short of a
16 real emergency.

17 Now, I'll remind you everything that you've
18 learned about this case you need to leave in
19 this Court, so I don't want you to talk to
20 anybody, I don't want you to do research, I
21 don't want you to Google anything. Everything
22 you learn about it will come from in here, okay?

23 So don't do any research, and don't talk to
24 anybody. And don't even talk to your family
25 about what case you're on here. When this case

1 is over with, I'll let you talk to anybody you
2 want to, but until we get it done, you need to -
3 - everything you know you've got to leave in
4 this courtroom, I don't want you talking to
5 anybody, not even among yourselves, okay?

6 I'll see you at 9:30 in the morning. You
7 have a great day, thank you.

8 BAILIFF: Follow me, please.

9 (Jury exits the courtroom.)

10 THE COURT: Okay, anything you'all want to
11 do now? What time do you want to be back?

12 MR. THORNTON: 1:30.

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

14 MR. LEE: thank you, sir.

15 (LUNCH BREAK)

16 BAILIFF: All rise, the Court's back in
17 session.

18 THE COURT: Be seated.

19 MR. STONE: May it please the Court?

20 THE COURT: Yes, sir.

21 MR. STONE: When we broke, we went through
22 and I've shown, I believe, the defense all of my
23 photographs. We've got the exhibits marked. We
24 have some charges, they just came in. I don't
25 think he's had an opportunity to take a look at

1 those.

2 So I have got a stack of motions that he
3 made, that I think that covers the photographs
4 motion, which is one of those motions, and I've
5 shown all of those now to the defense. We don't
6 have any objection, he moved to prevent
7 spectators from displaying items of support, we
8 have no objection to that; and, in fact, have so
9 asked the family not to do that. I don't know,
10 we had some issue whether or not some of the
11 defense supports were wearing things. I don't
12 believe that's the case, we're looking into
13 that, but if it becomes relevant, we'll bring
14 that to your attention, but right now we have no
15 objection to that.

16 He's got an objection motion to determine
17 admissibility of prior bad acts. We do not
18 intend, at this point, to bring in any prior bad
19 act, so I don't believe that's relevant.
20 Admissibility of statements to law enforcement,
21 he did not make any statements to law
22 enforcement, so we have no objection to that as
23 well. We have a motion to determine
24 admissibility of prior convictions, he has a
25 prior juvenile defense, but it appears in our

1 records, as of right now, and I want to go back
2 and check this to make sure that it was
3 diverted. And if it was diverted, I don't
4 believe that's admissible. If it's different
5 than that, I will bring that to Mr. Lee and your
6 attention.

7 THE COURT: Okay.

8 MR. STONE: Motion to clarify timestamp
9 accuracy on videos. We have a number of videos
10 in this case, and they're all surveillance
11 cameras from various businesses throughout the
12 Bluffton area. Each one of these we will have
13 the person who has knowledge of the video
14 testifying, and they will testify as to the
15 accuracy or not. Some of them are exactly
16 accurate. Some of them are off by 18 minutes.

17 One of them is off by two minutes. We'll
18 have the witnesses testify to that, and put that
19 in. I could tell, and I think I've already told
20 the defense attorney which ones those are. I
21 don't know that there necessarily needs to be a
22 formal motion, or a response to that, other than
23 we plan on clarifying the timestamp, when we put
24 the evidence in.

25 THE COURT: Okay.

1 MR. LEE: Yeah, I've been told I think 19
2 minutes and 54 seconds is how much the edited
3 videos are, and I'm not exactly sure which is
4 the two minutes that he's referring to, but --

5 MR. STONE: The two minutes, there's what I
6 keep calling a Ring camera, it's not a Ring
7 camera, it's actually a camera, and a Reo-link
8 camera, but it's a door -- it's one of those
9 door cameras that actually picked up the
10 shooting from quite a distance away, so it's the
11 sound itself of the actual shooting in the case.

12 The owner of that camera says that that's
13 off about two minutes, and that's the best we
14 could get on that. We also have a 911 call that
15 come in after that, and we also see the
16 Defendants in this case before that, so it's a
17 pretty tight window, but it's gonna be off,
18 according to the owner of that camera, about two
19 minutes.

20 He doesn't know, his will say it's a couple
21 minutes either way, but we know it's not
22 previous to that. The recording records at
23 11:22:54. We see the shooters at 11:22. We
24 know that's not right, so it's not two minutes
25 earlier, so we're thinking it's two minutes

1 after that, that -- when the gunshots were
2 reported.

3 THE COURT: Okay.

4 MR. LEE: Yeah, at some point I'd like for
5 them to be able to specify exactly what real-
6 time they say that the gunshots were heard.

7 THE COURT: Can you do that sir?

8 MR. LEE: We can do it as best we can. I
9 mean I can have the -- he's going to testify
10 that it's about two minutes off. We know when
11 the 911 call came in exactly. We know when the
12 shooters were at the Parker's at Wendy's
13 exactly. We know that is correct.

14 The only one that is -- that we just don't
15 have an exact time is the actual gunshots.
16 However, they're speaking for themselves, so the
17 gunshot we know that they took place. We know
18 that they took place in this window about three
19 or four minutes, and to be able to say exactly,
20 he's not gonna be able to say that, and I don't
21 think, quite frankly, that takes away anything
22 from its evidentiary usefulness.

23 It's not going to be exactly, it's just
24 not, and there's nothing we can do about that.

25 MR. LEE: I would just like to know what

1 time they're alleging that the shots took place.
2 I mean, it may not be important to them, but it
3 could be important to us in a timeline that we
4 have.

5 So I'd prefer not to wait until the witness
6 testifies to find out that information.

7 THE COURT: Okay, well, let me -- the one
8 in dispute right now is two minutes. Is it
9 timestamped on the video? So if the jury --

10 MR. STONE: Yes, sir.

11 THE COURT: -- looks at that video, they
12 see a time?

13 MR. STONE: Yeah, but it's wrong, but
14 it's --

15 THE COURT: It is?

16 MR. STONE: Yes.

17 MR. LEE: Yes.

18 THE COURT: So you're going to clarify for
19 the jury that that is not the correct time?

20 MR. STONE: Yes, sir, absolutely.

21 THE COURT: So it's going to be two minutes
22 either way.

23 MR. LEE: What I'm saying is, I mean that
24 could be a total of four minutes, depending on
25 which way it went, and I'm asking for some

1 clarification, as to exactly what time the State
2 is taking the position that the shots occurred,
3 so that I can do my own timeline and figure that
4 out, rather than have to wait until the witness
5 testifies.

6 MR. STONE: Well, and I appreciate that,
7 but I can't make it up when I don't have it.
8 And here's the situation, we have -- we know
9 exactly what time the 911 call comes in, so we
10 know that took place after the shots.

11 We know that the shooter's car was at a
12 particular Wendy's at a particular time, and
13 that being 11:22. So we know, for a fact, that
14 it's not 11:22, and we know, for a fact, that
15 it's not 11:28, I think there's a 911 call
16 coming in.

17 I have to get that exactly right, I've got
18 that. I'm sorry, the death's tighter than that.
19 The 911 call comes in at 11:26.

20 THE COURT: Okay.

21 MR. STONE: We have the shooters at a
22 Wendy's in Parker's on the corner of 170 and 270
23 and May River Road at 11:22:52, and we know that
24 is exact. I'm sorry, I said 22, I apologize,
25 that -- it's 11:22:54 exactly. It's 11:22:54,

1 and that's prior to it.

2 The Reolink camera is stamped at 11:22:52,
3 we know that's not correct, because that's the
4 same time when we see the shooters at a totally
5 different location; but we know that that
6 happens prior to the 911 call, which is 11:26.

7 So we're, basically -- it's got to be two
8 minutes after the 11:22:52, which would make it,
9 basically, 11:25, but, again, it's not going to
10 come out to be exact, and that works with the
11 911, which comes at 11:26.

12 THE COURT: Okay.

13 MR. STONE: So that's as close as I can get
14 without -- I can't make up the facts and promise
15 you that we're gonna have an exact time, because
16 we don't have it.

17 MR. LEE: So, again, the timeline may be
18 close enough for him, but I'm telling you that
19 it could be important to the defense.

20 THE COURT: And I understand that, but that
21 doesn't necessarily meet the admissibility of
22 it, meaning if they cover everything else and it
23 comes in, and they're saying it happened
24 somewhere between 11:22 and 11:24, and they try
25 to narrow it down, I mean I don't know that I

1 can make them narrow down any more than they've
2 got a fact to prove it. Now, you're making
3 disclosure now, but if they get somebody on the
4 stand who says it happened exactly at this time,
5 he's saying he doesn't know exactly. Nobody can
6 say that. He thinks the door cam owner's going
7 to say it's about two minutes off.

8 MR. LEE: Where did they get that from?

9 THE COURT: I don't know, I assume
10 somebody's going to testify to that. They've
11 got to get it in somehow.

12 MR. LEE: I understand, but I absolutely
13 think that I'm entitled by Brady and everything
14 else to be presented relevant evidence,
15 particularly, what might be somewhat
16 exculpatory.

17 THE COURT: I understand. So you take the
18 position that they have got to test everything
19 to prove the exact timeline?

20 MR. LEE: I think I'm entitled to that, to
21 see whether it could be something that would
22 assist in our defense, and I think our ability
23 to present a full and fair defense is
24 jeopardized, if they just say, "Well, that's
25 close enough," because the timeline is important

1 on this case.

2 THE COURT: They've got the burden of
3 proof. You can always say that they didn't give
4 you a timeline. Now, if it's -- if they know
5 the time, and they don't give it to you
6 correctly, clearly, that's an issue.

7 MR. LEE: I don't understand why they can't
8 give the exact time by doing exactly what I
9 said, which is the Ring doorbell, or whatever it
10 is, and you get a known standard, which is, you
11 know, at 12 o'clock, and during the day, if you
12 walk in front of the doorbell and you're like
13 that, and then you go and pull the tape, and you
14 see what timestamp is on the tape.

15 If it says 11:58, it's two minutes. If it
16 says 12 o'clock, it's right on, and so 12:03 is
17 wrong. I don't have the ability to go get that
18 doorbell cam footage. They do, and they've had
19 two and a half years to do that, and I just, you
20 know --

21 THE COURT: I understand. In fact, you're
22 gonna check it now doesn't necessarily mean
23 that's what it was two years ago. I understand
24 what you're telling me, I just don't know that
25 that they have to prove it to the exact

1 timeline, unless they had it, or they could, and
2 they didn't give it to you, and it was a huge
3 issue in this case. The two minutes is a huge
4 issue. I don't, you know, I don't know anything
5 about the case, except for the little bit I
6 learned this morning. And if two minutes
7 becomes a huge issue, then we can revisit it
8 again.

9 MR. LEE: I just think under all the case
10 law of the due process, if they either have it,
11 or have the ability to get it, it is their
12 responsibility to turn it over. And I think
13 that them choosing to not take the extra steps
14 to be more specific about it I think is
15 problematic, and I don't think that's a reason
16 why they should be able to say, well, we just
17 don't know.

18 I mean, they came up with the two minutes
19 somehow, right?

20 THE COURT: Well, I --

21 MR. LEE: There's no way you can come up
22 with the answer of two minutes.

23 THE COURT: And I assume they're gonna have
24 some owner, or somebody's gonna testify that
25 it's two minutes off.

1 MR. LEE: And I assume they've talked to
2 that person before they put them as a witness on
3 the case, and I would assume that they certainly
4 go through the person's testimony prior to
5 calling the witness and be able to get that
6 answer.

7 So me getting the answer during the trial,
8 I want it ahead of time. If they know what the
9 guy's gonna testify to tomorrow, I'm just asking
10 them to tell me today.

11 THE COURT: I understand that, but under
12 Rule 5, that's exculpatory, they don't have to
13 tell you what the witness is going to say.
14 Until the witness gets on the stand, if the
15 witness has given a written statement, they
16 don't have to give it to you until the witness
17 testifies unless it's exculpatory. And I can't
18 tell on its face --

19 MR. LEE: Well, I can just tell you that we
20 believe that it is exculpatory, and it's
21 relevant to our defense.

22 THE COURT: Okay.

23 MR. LEE: And they know why.

24 THE COURT: Okay. Well, if it's
25 exculpatory, it's a whole different ballgame

1 under Rule 5. They don't have to tell you what
2 the witness is gonna say, unless I've totally
3 misinterpreted Rule 5.

4 Now, they have provided a list of all their
5 witnesses, but they're not required to. And
6 until the witness takes the stand -- it usually
7 frustrates the Judge, and we have to stop the
8 trial. The defense lawyer agrees with it prior
9 to cross-examination, and I understand that,
10 but --

11 MR. LEE: Well, I mean if you won't require
12 them to do it now, then I'll have to make an
13 appropriate objection, I guess, when it's time.

14 THE COURT: Well, you've got to tell me
15 more than how you know it's exculpatory,
16 because, normally, two minutes in a scenario
17 where 11:22:54, and the 911 call came in at
18 11:26, so that's, basically, a three minute,
19 six-second window, and then the door cam's
20 11:22, but it's basically two minutes off, so it
21 happened earlier.

22 MR. STONE: It's a longer timeline than
23 what you're setting forth. I mean there's video
24 of the car that's involved in the shooting going
25 way, way back, a lot earlier than any of the

1 shooting happened, or the Wendy's happened, or
2 anything like that. And in looking at all the
3 times, I can just tell you that we believe that
4 that exact time of the shooting is important in
5 the grand scheme of things, to look at the
6 entire timeline, not just the time between the
7 shots and the 911 call, or, you know, the
8 limited timeline period.

9 THE COURT: Okay. So now I'm in a position
10 that they can't present it, or they can present
11 it. I don't have enough facts that shows it's
12 exculpatory enough to exclude it. If he's
13 telling me he doesn't know the exact time, and
14 that he can get it within two minutes, then, you
15 know, many times in a case the State can't prove
16 every issue. That something that you can argue
17 with reasonable doubt or whatever.

18 Now, if they have information that is
19 exculpatory that they're gonna put in, and you
20 can prove it's exculpatory, I don't know how to
21 rule.

22 On its face appear to be exculpatory, but,
23 shoot, if some of the witnesses says your client
24 wasn't there, and he was with them, or whatever,
25 that's a different ballgame.

1 MR. LEE: I guess the question is, what is
2 the harm in the grand scheme of things on a
3 murder charge, requiring them to tell me a day
4 early how they -- exactly what the time is on
5 the video.

6 THE COURT: And I don't know the answer,
7 and I didn't think he refused to do that.

8 MR. STONE: The time on the exact video is
9 11:22:54. Now, that's all I had to say from
10 this -- from Rule 5, and everything else, that's
11 what I needed to say.

12 What I did instead was, I also told him,
13 now, the owner of the camera says that that's
14 off by two -- at least two minutes, and he
15 didn't give me an exact time, which is the
16 reason I can't answer his question, which I, by
17 the way, had no duty to even tell him that
18 information beforehand. So I will tell you
19 this, Judge, I got the 911 call by Dispatch was
20 11:28, so it does lengthen it that much; but
21 here's the point, if the 911 call -- that's when
22 the person who is sitting in the car that has
23 been shot up calls 911, and says, "We've just
24 run off the side of the road," he didn't even
25 know he'd been shot, quite frankly.

1 So I don't -- I'm trying to figure out how
2 the difference between -- let's say the Ring
3 camera is two minutes off, it's 11:24:54, three
4 minutes and -- four minutes and six seconds
5 difference, how that's exculpatory. I would
6 love to be able to get it exactly right. I'd
7 love to have a video camera that showed me the
8 shooting, but I hardly ever get that.

9 What I've done is, been able to pull
10 together a good bit -- a pretty tight timeline
11 aside from that. I don't know how there's any
12 type of exculpatory information there, but even
13 if there is, I've now given him everything I
14 have, and everything I know. And I'm gonna have
15 a witness that's gonna testify pretty much
16 exactly like I said, which I didn't have to do
17 before I did it. So I don't know what else
18 there is for the State to do to, you know, to
19 make this any cleaner.

20 THE COURT: Okay. Do you want to respond
21 to that?

22 MR. LEE: No, sir. I mean, you know,
23 there's things that -- he's saying he doesn't
24 have to do something, he may not have to do
25 something, but he certainly has to produce --

1 MR. STONE: That's not what I said. What I
2 said was, there's a minimum amount of stuff I
3 had to do, and I didn't do it. I did more than
4 I was expected to do, and I clarified everything
5 that I could, and I told him all of that, which
6 is more than I have to do, because I think he's
7 right, I am a minister of justice, I'm not
8 trying to hide anything from him.

9 That doesn't mean I can make up the facts,
10 and that doesn't mean I'm going to make up the
11 facts, so I can't sit here and say an exact
12 time, as much as I would love to.

13 MR. LEE: I wasn't making any personal
14 statement about you, Mr. Stone. I guess the
15 quick answer would be they don't know the exact
16 time, and if that's the answer, then that's the
17 answer.

18 THE COURT: I understand that, and you can
19 argue that to the jury. It's not like they have
20 some piece of evidence that you think is
21 exculpatory, where defense wanted the gun,
22 because it was a situation where you had
23 stripling in everything, and had an independent
24 person test the gun to see if it follows what
25 SLED said.

1 I've allowed that to happen, when you've
2 got to test a gun to see if it's exculpatory,
3 but I don't need to wait, I can test this thing
4 two or three years later, it is what it is, and
5 he told me he can't prove the exact time to the
6 second. He's got a window he's got to put it
7 in, and if you can get your client outside that
8 window, you may be able to do that.

9 MR. LEE: Let's see what the witness says.

10 THE COURT: Okay, anything else?

11 MR. STONE: He has a motion to exclude
12 evidence concerning a January the 1st, 2021 home
13 shooting, and this is the shooting, and he can
14 correct me if I'm wrong about this, but I
15 believe this is the one involving a co-
16 defendant's home. The shooting that's taking
17 place here is in retaliation for two previous
18 shootings, and I would tell the Court that's at
19 least, there were a number of shootings, but
20 that's two. The witnesses will testify that the
21 night that this happened, Green, Chaneyfield and
22 Mr. M.A. [REDACTED], who's the third person in
23 the car, were looking for two other people named
24 Memphis Daniels and Julio Hoover, in retaliation
25 for Memphis Daniels' and Julio Hoover shooting

1 at Jimmie Green's house, and then another one of
2 his friend's house. So there is -- the
3 retaliation is the whole point behind Green,
4 Chaneyfield and Anderson going out looking for
5 them, so that's what the testimony will be. I
6 do not plan on calling Officers to talk about
7 the actual shooting.

8 I don't plan on offering -- we actually
9 have -- there are a number of shootings, and we
10 actually have some videos of some of those other
11 shootings, but we don't plan on putting any of
12 that in; however, the testimony from the
13 witnesses will be that this shooting was in
14 retaliation for that.

15 The other thing that the Court needs to
16 understand is, that the three people that were
17 shot were not the right people. They were
18 looking for these other two, but that
19 retaliation is kind of the whole reason that
20 they were out there. So we plan on putting
21 testimony into that. We don't plan on putting
22 up Police Officers to talk specific about the
23 actual shooting itself, other than the witnesses
24 who say that's why they were out there, that's
25 what they were doing. Okay, so I don't know if

1 that solves the motion or not, but that's what
2 our intent is.

3 MR. LEE: Your Honor, the shooting that I'm
4 talking about happened January 1st of 2021. The
5 shooting in Hardeeville was at Jimmie Green's
6 home, where his parents live, and it was over
7 two months before this happened. So my position
8 is that the Solicitor, essentially, is trying to
9 use that as some type of motive, he calls it
10 retaliation. He's trying to show that there's
11 some type of motive for Jimmie Green, because it
12 was his house.

13 That Jimmie Green had this motive two
14 months and four days later to carry out a
15 shooting of someone he thought was in the car.
16 So the issue that you have, I believe, Your
17 Honor, is I don't see in any way how that would
18 be a part of res gestae of this crime. I
19 realize that the Solicitor wants that to be and
20 wants to explain all this stuff to the jury, but
21 the temple of proximity is more than two months
22 earlier, number one, and number two, it only
23 goes to the retaliation for Jimmie Green, who is
24 a co-defendant. There's nothing to connect Ty
25 Leic Chaney Leic to that shooting at Jimmie

1 Green's parents' house at all.

2 And so what they're trying to do is use a
3 two-month-old plus motive of a co-defendant
4 who's already pled guilty into Chaneyfield to
5 use that as kind of a back door motive for the
6 whole thing. We've got to worry about what --
7 if motive is even important or admissible, it's
8 got to be motive that Ty Leic Chaneyfield had,
9 not that Jimmie Green had. And the fact that
10 somebody that you know, or somebody you're
11 hanging around with some of your friends has a
12 motive or wants to retaliate is not necessarily
13 allowing to impute that to this case.

14 So that's my objection, and that's the
15 issue I have with this being introduced by the
16 Solicitor, it is retaliation, retaliation,
17 retaliation. Apparently, the beef was between
18 Jimmie Green and a guy named Memphis Daniels,
19 and a guy name Julio Hoover. And so the problem
20 is it gets so far out there, that I just don't
21 think -- certainly, it isn't res gestae of the
22 crime.

23 I mean it -- yeah, it may have something to
24 do with it, maybe, but the prejudice that it
25 presents to us is, that he didn't have a dog in

1 the fight. It wasn't his house, it wasn't his
2 parents' house, it didn't happen the night
3 before. He wasn't there when it happened. This
4 is all about the co-defendant, Mr. Green, who's
5 already pled, nothing to do with Ty Leic
6 Chaneyfield. And they're trying to impute an
7 old event, saying that it would provide the
8 motive and retaliation, and the reason for
9 Jimmie Green having ill-feelings towards Memphis
10 Daniels.

11 And I just think that it's too far out
12 there, and I think it has any probative value,
13 as to this case at all. And the prejudicial
14 effect against Ty Leic Chaneyfield is extensive,
15 and so for that reason I think that the mention
16 of that is appropriate in Ty Leic Chaneyfield's
17 case. If they're being tried together, yeah,
18 but they aren't. And so we're here to talk
19 about Ty Leic Chaneyfield, and if they're gonna
20 try to use some type of motive or retaliation
21 against him, I think they need to, number one,
22 tie it to Ty Leic Chaneyfield, which they can't,
23 and, number two, show something a little closer.
24 You know, there wasn't enough time for anybody
25 to cool off, or reflect on things.

1 In two months and four days I think the
2 temple of proximity is way too far for them to
3 be able to even bring that into this trial.

4 THE COURT: Okay, and, normally, when I
5 have that scenario come up with police and
6 develop this motive, and then they decided the
7 motive, why did he do this, is they go back and
8 prove the prior shooting and gang member, all
9 right, and it's all their theory.

10 And I'll agree with you, I probably would
11 not let that in during that period of time,
12 because they'd come up with a theory. And
13 they're trying to tie a prior shooting, because
14 they think it's still recent, but I don't know
15 what evidence will be in this case. That's a
16 different scenario than a witness who comes
17 forward, who knows the parties, and has heard
18 conversations that they are looking for these
19 people who shot, and your client's there, and I
20 don't know -- but that's a different scenario
21 when the police come up with a theory.

22 So what I'm telling you, I've got to hear
23 it before I can determine whether it is
24 admissible. The State doesn't have to prove
25 motive, they just got to have to prove that it

1 was a murder, it wasn't an accident, it wasn't
2 suicide, and they've got to prove who did it.
3 The motive is not something they have to prove.
4 Now, many times they take the position they need
5 to, because the jury may wonder that. That was
6 -- but --

7 MR. LEE: It certainly is not an element of
8 the crime, it's gratuitous for them to even
9 prove motive quite frankly, and what it does,
10 quite frankly, is, you know, put something else
11 out there that, you know --

12 THE COURT: Okay.

13 MR. LEE: So -- and the thing about whether
14 people are saying it on the street or whatever,
15 I mean the issue you have with that is, okay,
16 well, so the witnesses are saying that they
17 heard, or they believe that there was a beef
18 between Jimmie Green and the intended target. I
19 mean we don't know where that comes from. That
20 can come from hearsay, so --

21 THE COURT: I know if it's hearsay, it
22 won't come in. I mean I understand that --

23 MR. LEE: But I think -- I'm not sure the
24 difference between whether law enforcement's
25 come up with that is a reason of whether that's

1 what people are saying. I think the way law
2 enforcement comes up with those types of things
3 is talking to witnesses, who may have heard
4 something on the street, or heard it from
5 somebody's aunt, or something like that, so
6 that's my position on that.

7 THE COURT: And I understand that it's
8 rumors on the street, and they can't tie it
9 back, if it's hearsay, it doesn't come in,
10 unless it's not being used to prove the truth of
11 the matter --

12 MR. LEE: Okay.

13 THE COURT: -- ballgame. Because I had a
14 case not long ago about a prosecutor, and the
15 witness said that she had called her a fat
16 thief, and they objected. And I said, "Is it
17 being argued to prove the truth of the matter,
18 sir?" "No, sir." It came in, it wasn't
19 hearsay. And so I mean I don't know until it
20 comes up, and I understand that's a potential
21 problem.

22 MR. LEE: Yes, sir.

23 THE COURT: It may or may not come in, and
24 because of the number of these now, when we get
25 to that point I've got two seasoned lawyers who

1 know the rules, which makes it easier on me, and
2 I think the Solicitor has that knowledge.

3 MR. LEE: He does.

4 THE COURT: He just keeps me in check. If
5 you object, I will --

6 MR. LEE: And I know you just rolled in
7 from Manning, and you didn't know anything about
8 this until we dumped it on your lap.

9 THE COURT: I completely understand that.

10 MR. LEE: What I'm trying to do is, to
11 avoid the possibility of having a bigger problem
12 later on, by trying to address it right now, and
13 I understand what you're saying, but, you know,
14 it's my position that the Solicitor's going to
15 offer a legal admissibility theory for getting
16 in a separate event from over two months before.

17 So I don't know if your -- I'm not exactly
18 sure what his position is, other than he wants
19 it in, and I'm not exactly sure what your ruling
20 is as far as whether that is a valid reason for
21 the admissibility of the January 1st incident.

22 THE COURT: And I don't know anything about
23 this case. It may be a scenario, if he offers
24 witnesses who was in the presence of your client
25 and Mr. Green, and this conversation came up,

1 and that they made statements that they were
2 going to get these people, and in the process of
3 two months looking for them, it may come in.
4 If, you know, it's just street talk and social
5 media talk, it may not come in. I don't --
6 you'all know the facts a lot better than I do.

7 MR. LEE: It's hard to put the toothpaste
8 back in the tube, but I understand your position
9 to be able to rule, and if we need to develop
10 the testimony, Mr. Stone, we can --

11 THE COURT: Whether we need to do something
12 outside of the presence of the jury, whatever
13 you'all want to do.

14 MR. STONE: And I will you, Your Honor,
15 just that I've always tried to make it a
16 practice not to interrupt when it's going the
17 way I think it should go, but it's exactly what
18 you're talking about.

19 It's not hearsay, it's not street rumors,
20 it's, literally -- number once, it's
21 conversation at an arcade prior to the shooting,
22 in which Green, Chaneyfield and Anderson are
23 together with witnesses, who will testify that
24 they were looking for these people who shot up
25 their house. They didn't date it. They didn't

1 say when it happened. So there's one.

2 The next time is when actually these people
3 they were talking to called this car back, and
4 said, "The guys you're looking for concerning
5 that shooting are over here," which is why they
6 went there. Then Chaneyfield is actually in the
7 Detention Center talking about this case to
8 another inmate, who then Ty Leic Chaneyfield is
9 the one who actually says, among these others,
10 "That this was in retaliation for a shooting."

11 So these are the direct testimony, it's not
12 gonna be me putting up social media accounts, or
13 anything like that. So I would not even seek to
14 do that.

15 THE COURT: Okay, thank you. All right,
16 anything else?

17 MR. STONE: He has a motion to the scope
18 and extent of expert testimony. Dylan Hightower
19 is with my office, he is going to testify, and
20 the Supreme Court made it actually pretty easy
21 for us in this context last month. And so I'll
22 hand you up -- and I believe that Mr. Lee has a
23 copy of these cases, but I've got an extra copy
24 for him. You've already got it with you?

25 The case, Your Honor, is State v. Wallace.

1 Have you got a copy? I've got a copy for you
2 and for your Law Clerk. And, technically, it is
3 not final yet, but it was, as of August the
4 30th, 2023, it was filed, Justice Few issued the
5 opinion. And I will tell you that Mr. Hightower
6 will be testifying exactly the same as was
7 offered, and, of course, we'll need to go
8 through that, as far as his expertise prior to
9 this testimony, and we plan on doing that.

10 We don't plan on just jumping straight to
11 the Supreme Court, but the Court analyzed it
12 under the concept of, you know, will the
13 evidence assist the trier of fact, whether or
14 not the expert is qualified in any underlying
15 science. The Supreme Court noted that point
16 number one and point three were really not even
17 at issue, it was the second, as to whether or
18 not Dylan Hightower is qualified in this. It is
19 -- really, he's going to testify in three
20 different areas, one is telephone numbers to
21 cell phone accounts, that which I don't believe
22 is particularly complex. Cell phone records
23 indicating who's making what calls on those
24 numbers.

25 And then the third, which is actually the

1 more complex and the issue that was at-hand in
2 State v. Wallace is, what is called Cell Site
3 Location Information, or SCLI, and that's
4 basically taking the cell towers that are
5 hitting with these phones hitting off of them,
6 the various sectors that are hit off of those
7 cell towers, and then being able to plot where
8 the phone was along that whole rotation. So he
9 is already qualified, that's exactly what he's
10 gonna testify to in this case.

11 I've turned over all those records. The
12 only thing that I have not shown Mr. Lee is
13 something I've got in digital format, which is
14 basically a demonstrative of taking the cell
15 tower information, and dropping it over Google
16 Earth, which is -- in order to show exactly
17 where this location took place. Other than
18 that, his testimony is exactly as it was in
19 State v. Wallce, and that's what he would be
20 offered to testify to. I recognize though I
21 still need to get him qualified as an expert. I
22 don't mean to make light of this motion in that
23 context. We will qualify him under those
24 concepts, but that's what we have.

25 THE COURT: Okay.

1 MR. LEE: I will defer to Mr. Hightower,
2 and we don't intend to challenge his expertise,
3 particularly, after the case. What I'm going to
4 hone in on is what his ultimate testimony is
5 going to be, as far -- with regard to possible
6 triangulation, or giving an opinion as to a
7 location of a cell phone, and that's what I'm
8 trying to -- that's all that is intended by that
9 motion was to see what the ultimate opinion or
10 testimony was going to be of Mr. Hightower, as
11 it relates to the location or triangulation of
12 cell phones.

13 That's why I said the scope and extent of
14 his testimony, and that's why it's titled that
15 way, and that's what I'm looking for is, to know
16 what his final verdict on it is going to be, as
17 far as where he's going to testify that Ty Leic
18 Chaneyfield's phone was that day.

19 THE COURT: Okay. Was the phone recovered
20 in GPS? Was GPS an issue in this one, or simply
21 triangulation?

22 MR. LEE: We actually voluntarily turned
23 the phone over to them, but there were the cell
24 records, etcetera. Mr. Hightower had already
25 gotten those early on, right?

1 MR. STONE: That's correct.

2 MR. LEE: So they got a search warrant,
3 they did it the right way, they got a search
4 warrant for it. So, again, I'm trying to
5 clarify and understand exactly what his ultimate
6 opinion or testimony is going to be regarding
7 the location of certain phones at certain times.

8 THE COURT: And now my question, I'm
9 certainly not an expert in cell phones, or
10 anything dealing with a computer, but in the
11 cases I've tried triangulation itself. But
12 after getting the GPS off the phone, and get an
13 exact location, so that's what I was trying to
14 find out, whether or not they had an exact GPS
15 location?

16 MR. LEE: There were no location services
17 turned on, okay?

18 MR. STONE: That's correct.

19 MR. LEE: Okay, I believe his testimony's
20 going to say, hey, there's these towers, they
21 have these 120-degree sectors, I'm trying to
22 figure out what his testimony is going to be, as
23 far as here's the tower, this is what it means,
24 that that phone is in that vector at that time.

25 THE COURT: Okay. Do you want to respond

1 to that?

2 MR. LEE: Is it two miles away? Is it five
3 miles away? Is there no way to know? I just
4 want to know what his testimony is.

5 MR. STONE: Well, Mr. Hightower's here,
6 he's going to basically say it's within two or
7 three miles of the towers, I have been able to
8 put an exact distance on it. Of course, the
9 other difference there is, two, is there another
10 tower that's closer?

11 It's going to hit off the closest tower.
12 And so there are a number of towers at various
13 spots throughout this entire process, because,
14 obviously, this was not only a drive-by
15 shooting, which two vehicles were driving at the
16 same time, but they were all in different
17 positions throughout the night, starting
18 somewhere around 9 o'clock, and then ending up
19 somewhere around midnight, 2:00 or 3:00 in the
20 morning, depending on how far you want to trace,
21 and if the cell towers hit those things.

22 So I think that's -- it's not going to be -
23 - unfortunately, we don't have the GPS status,
24 so we're not going to be able to get it to that.

25 THE COURT: Okay.

1 MR. LEE: And one other question, I know I
2 asked Mr. Stone this, I think he got the answer.
3 The only other question, and I'll be done with
4 this motion is, the maps that they gave me
5 showing the vectors, some of them had maybe a
6 quarter-inch line going off some of them, or
7 longer. And I'm asking whether there's any
8 significance to the length of the line for the
9 120 degrees, or whether it was just -- if this
10 was out in the country, it's just gonna show
11 longer lines, just for making the map easier to
12 understand.

13 MR. STONE: Yeah, and that's what I'll
14 refer to, and that's what I told Mr. Lee, and I
15 believe that's still correct. Mr. Hightower's
16 here and he can tell me. The only real
17 significance is basically what Mr. Lee just
18 said, Judge.

19 If it is out in the country, and there's
20 not another tower right near it, then they will
21 extend that out, because that tower would likely
22 cover that area, because there's no other tower
23 in there. It does not have any effect, as far
24 as signal strength or anything, but you have two
25 towers in an urban area right next to each

1 other. The lines are gonna be smaller just
2 because, if not, then each tower would overlap
3 the other tower on the map. So if that's
4 helpful, I believe that's correct.

5 THE COURT: All right, okay, thank you for
6 the clarification.

7 MR. STONE: One other thing, and Mr. Lee
8 did not make a motion for sequestration, and I
9 think I'm going to. Because my understanding is
10 the Defendant is, at least at this stage, I know
11 they're not required to, is going to be offering
12 an alibi, which is going to be where was he
13 during the time of the shooting?

14 If they have witnesses, and they have
15 notified me of those witnesses already that are
16 going to say he was somewhere else. I think
17 that is particularly important that they're not
18 listening to all of the testimony, nor are they
19 being informed of the testimony once we
20 establish the timeline.

21 So for that I think it'd probably be best,
22 from our standpoint, if all the witnesses are
23 sequestered.

24 THE COURT: Okay.

25 MR. LEE: Your Honor --

1 MR. STONE: And that includes ours as well,
2 Judge.

3 THE COURT: Okay.

4 MR. LEE: Well, the first thing I'm gonna
5 say is, we filed a notice of alibi in an
6 abundance of caution. We do not have a witness
7 or witnesses who are going to say that Ty Leic
8 was with so and so at the drive-in movie
9 watching Star Wars at 11:28 on March 5th. We
10 don't have that.

11 The -- so I don't think it's even a true
12 alibi, to tell you the truth. It relates to his
13 whereabouts that night, but not at the exact
14 time of the shooting, and the time of the 911
15 call, so I don't think it's a true alibi, number
16 one.

17 Number two, the only witnesses that we've
18 listed as alibi witnesses, again, out of an
19 abundance of caution, were M.A. [REDACTED], who
20 is -- lives over in Hardeeville, Alexis Wright,
21 who now lives in Savannah, and Jimmie Green, who
22 is his co-defendant.

23 Jimmie Green is sequestered by the State of
24 South Carolina for the next 40 years, so we
25 don't have to worry about him. I have no issue

1 with Alexis Wright or M.A. [REDACTED] being
2 sequestered. Quite frankly, they're making it
3 very difficult to track them down, so I don't
4 expect them to be sitting in the audience
5 watching anything; but, you know, if you were to
6 sequester, we certainly would consent, as to
7 potential quasi alibi witnesses, but I don't
8 know if the other ones are really --

9 MR. STONE: I'll change it. Quite frankly,
10 as long as Alexis Wright or M.A. [REDACTED],
11 this is the alibi, and I'll hand that up to you,
12 but -- and let me just go ahead and give you
13 that.

14 If they're not going to testify that Mr.
15 Chaneyfield -- they know where he was during the
16 shooting, or he appeared at my doorstep, and
17 I'm, you know, 100 miles away two minutes later,
18 then that's fine, I don't need to sequester him
19 at all. Perhaps I misunderstood his alibi.

20 So that's -- if that's not what they're
21 going to testify to, then --

22 THE COURT: Okay.

23 MR. STONE: I just was concerned that was
24 going to be the witness, oh, well, I know for a
25 fact he wasn't there, because he was at my

1 house, or I saw him totally, you know, outside
2 of the realm of that during the time of the
3 shooting. If that's -- if Mr. Lee says that's
4 not what they're testifying to, fine.

5 THE COURT: Okay. And if that changes
6 during the trial, will you'all let me know?

7 MR. STONE: Yes, sir.

8 THE COURT: All right, okay.

9 MR. STONE: I hope that won't change during
10 the trial, Judge, that would put me in a little
11 bit of a disadvantage.

12 THE COURT: Understand, understood.

13 MR. STONE: The other comment -- we do have
14 this, I don't -- I received this motion earlier,
15 again, I told Mr. Lee that I was going out of my
16 way not to reference gangs.

17 So I am not going to use the term gangs.
18 However, the witnesses say that the people
19 you're looking for are, you know, over here, and
20 the witnesses refer to them as the ops, which
21 from what I understand means opposition, it's
22 just what they call them. I don't think that
23 references gangs. I don't think that would be
24 applicable.

25 Again, I'm not planning on saying that Mr.

1 Chaneyfield was part of a gang. I'm not saying
2 he wasn't, but I'm not going to put that in.
3 And there's some thought that Mr. Chaneyfield
4 was part of a gang. I'm not saying he wasn't,
5 but I'm not going to put that in. And there's
6 some thought that that may be a factor in the
7 Detention Center, and I'm gonna tell my witness
8 to make sure they do not refer to that when they
9 testify.

10 But as far as the ops, that's just kind of
11 what they call them. I don't know that that's
12 the same thing. I don't foresee that as the
13 same thing as gang. It is your opposition, it's
14 people you're looking for, they're the ones
15 shooting up your house, you're shooting up
16 their, you know, whatever.

17 So that's the only thing I would say about
18 that particular motion.

19 THE COURT: Okay.

20 MR. LEE: Nobody uses the word ops when
21 they talk about people they don't like, like
22 their enemies and stuff. That is a gang-related
23 term in my opinion, and I think the connotation
24 that comes with it suggests impermissibly some
25 type of gang association, or something like

1 that. I don't know why it's so important for
2 him to use the word ops, when you can use other
3 words to describe -- I mean if he wants to say
4 ops, they can say, "That's the guy that shot up
5 my mom's house." I just think the work ops just
6 carry some baggage with it, that it kind of
7 suggests to the jury that this isn't the normal
8 way people talk on the street.

9 Anybody can -- I've never used the term ops
10 in my entire life, but I think the connotation
11 could reasonably be meaning gangs, and I just
12 think that the possibility of that being
13 prejudicial, clearly, I think the gang stuff
14 would be admissible, as long as there's evidence
15 of that, other than one of the -- I think his
16 name was Shanya Void in one of her statements
17 talk about a suggestion that Jimmie Green might
18 be somehow associated with the Bloods, and that
19 Memphis Daniels was somehow associated with MOA,
20 which is a pseudo-gang I guess.

21 I don't know if there's any need to use it,
22 particularly, the possibility it may signify
23 something to the jury that it may be kind of out
24 of bonds.

25 THE COURT: Again, he says he's not going

1 to refer to gangs. You know, I don't know what
2 the evidence -- whether the witnesses are
3 talking on jail calls and they use the word ops.
4 I won't necessarily salute that, because that's
5 what they said, but having him put a witness up
6 on the stand and say, you know, ops is a gang,
7 and he says he's not gonna do that.

8 MR. STONE: It refers to opposition.

9 THE COURT: I mean I understand that, and
10 maybe you have it right explaining that ops
11 means opposition, is that, you know, what's what
12 we do in here. You're in opposition with the
13 Solicitor.

14 MR. LEE: Well, he's not my ops. I mean --

15 THE COURT: I mean I don't know -- he says
16 he's not gonna use the word gang. I don't know
17 if -- I understand your concern, but as long as
18 it's not been brought up. And if you ask him
19 what it means, and they say, "Well, it's a
20 gang," then we need to know it upfront. They
21 said that's opposition. You can cover that on
22 cross-examination. I mean I don't know how
23 important that word is in this whole trial, what
24 the issue is, but I don't --

25 MR. LEE: If it is not important and it

1 doesn't make a difference, and it has a
2 possibility of having a prejudicial effect, that
3 suggests it has no probative value, it's just
4 repeating a word somebody used, but there's zero
5 probative value, certainly, under 403, there's
6 no reason to have it admitted. There's no
7 benefit or probative value at all, zero, of
8 using the word ops.

9 And there certainly is a possibility
10 however slight that it's prejudicial to my
11 client, if somebody on the jury knows what that
12 means, and knows the general consensus of what
13 that means. And if it has zero probative value,
14 they only need to have a little teeny bit of
15 prejudicial effect that substantially outweighs
16 zero. So I --

17 THE COURT: I understand what you're
18 saying, but I don't know what -- you know, if
19 it's a scenario that your client's involved with
20 it and it's tape-recorded, and that's how it's
21 presented, that's one thing. If it's just
22 bringing it up --

23 MR. LEE: But Jimmie Green, again,
24 everything's getting tied back to him because of
25 Jimmie Green. If Jimmie Green had some kind of

1 gang affiliation, and they're using the word
2 ops, and the problem is, it all reflects back on
3 my client.

4 THE COURT: So is Jimmie Green going to
5 testify?

6 MR. LEE: Not as my witness.

7 THE COURT: Well, I assume, Solicitor,
8 probably not.

9 MR. STONE: I will say the witness is not
10 going to refer to -- none of our witnesses are
11 going to refer to gangs, they're not going to
12 say ops meaning gangs, they can say ops meaning
13 opposition, because that's what they said. And
14 they said when -- that was what they said when
15 they were interviewed by the law enforcement
16 right initially, that's what they're going to
17 testify to.

18 And, again, I think, quite frankly, this
19 group qualifies under the State statute as a
20 gang. I think it probably could be, but, again,
21 I understand the concern of the prejudicial
22 effect against this Defendant and all the other
23 Defendants for using the term, gang, and I'm not
24 gonna do that; but I think ops is just the word
25 -- and she's not -- none of these witnesses are

1 going to say ops means gang, or ops is a gang,
2 because I don't think that's even the case,
3 so --

4 MR. LEE: Opposition indicates about a
5 group, a group of people, the opposition.

6 MR. STONE: And they're looking for two
7 people.

8 THE COURT: And --

9 MR. STONE: They're looking for those
10 people.

11 THE COURT: Okay.

12 MR. LEE: It's one group looking for
13 another group, I just think that -- and just
14 because a witness uses a word doesn't
15 automatically make it admissible in Court.

16 THE COURT: I understand, You know, I
17 understand your argument that it's a gang
18 connection, and I can -- it's kind of hard for
19 me to do this in the back-end.

20 If I rule and it's coming down the pipe,
21 you'll object, and I may stop it, based on where
22 it's going; but if it has -- I assume the
23 Solicitor's not going to do it, unless it has
24 some probative value.

25 MR. LEE: Well, maybe he can tell us the

1 probative value.

2 THE COURT: Okay.

3 MR. LEE: It describes the people they're
4 looking for, but there's hundreds of ways to do
5 that, other than using a word that has a gang
6 connotation to it.

7 THE COURT: And I didn't take it -- I know
8 you did, but I --

9 MR. LEE: Well, I've seen what else this
10 witness has said, as far as Jimmie Green might
11 be in the Bloods, or MOA, which is Money Over
12 Anything. I mean --

13 THE COURT: Well, I mean to say Jimmie
14 Green is in the Bloods, and somehow this is a
15 gang. Of course, if it was gang-related, they
16 can bring it in. I mean --

17 MR. LEE: Which there's no evidence that
18 there was, but I'm trying not to throw in a word
19 that's gang-related to that.

20 THE COURT: I understand that, and you
21 object, I ruled. I don't know if Jimmie Green
22 is going to get on the stand and say he was a
23 member of the Bloods, you know? I understand
24 your connotation --

25 MR. LEE: Well, the important involvement

1 is looking as a gang member, but the problem as
2 you've seen from some of our motions is the
3 accumulative effect on all of this, and it is
4 Jimmie Green's retaliation, Jimmie Green's
5 motivation, Jimmie Green's in a gang, Jimmie
6 Green's the one that has ops.

7 And the more that you keep letting in, and
8 the more that keeps happening, the more he's
9 defending himself against his case -- proving
10 his case against Jimmie Green, as the one who
11 brought these pieces together. So it's just
12 another piece --

13 THE COURT: I understand that.

14 MR. LEE: Yes, sir.

15 THE COURT: And you made me aware, and I
16 will --

17 MR. LEE: Okay.

18 THE COURT: If you object, at least I'll
19 now what you're objecting about, okay?

20 MR. LEE: Yes, sir.

21 MR. STONE: So no gangs, but ops are okay
22 right now as a ruling?

23 THE COURT: Right now based on what they
24 said, you know, if it's being said a hundred
25 times this is a gang, then we're gonna have a

1 bench conference to straighten all that out, you
2 know.

3 MR. STONE: The only other thing we have,
4 he's got a motion to terminate admissibility of
5 statements that his client made to law
6 enforcement. I don't know of any. I don't --
7 like I said, I've not proposed anything on any
8 of that, I don't think that's necessary.

9 MR. LEE: The only way that's admissible,
10 Your Honor, is if the word they use as snitch,
11 if the informant at the jail is -- they are
12 going to call, I imagine, someone to testify as
13 to my client. If he is a State actor, the
14 admissibility question may arise.

15 And I have filed a motion to reveal the
16 deal, asking exactly what guarantees, everything
17 that they've given to any witnesses who have
18 testified on behalf of the State, what kind of
19 deal they're getting, but I've also discussed
20 with Mr. Stone -- I put in my motion, I'm also
21 asking for some type of description of how this
22 Harold Rogers came about -- came to them.

23 Was he recruited? Was he placed in the
24 cell? Did he just come out of his -- was he
25 doing his civic duty? Is he trying to get a

1 deal? Because this guy went to great lengths to
2 question Jimmie Green at least, he even wrote in
3 the questions in this letter to Jimmie Green,
4 says, number one, you know, here's the answer.
5 Number two, here's the answer. Number three,
6 here's the answer.

7 So I would ask that we not jump so quick
8 over saying there's no statements, we don't need
9 to worry about it, without first finding out
10 exactly the back story and some history about
11 Harold Rogers, who is the jailhouse informant
12 that they intend to call.

13 Because I may be able to make argument,
14 he's acting in his capacity as a State agent,
15 and there may be some trigger towards a
16 requirement to determine the admissibility of
17 any statements allegedly made by my client to
18 Mr. Rogers.

19 THE COURT: Okay. Mr. Stone?

20 MR. STONE: Thank you, Judge. Your Honor,
21 what I would say is, just as an initial matter
22 to answer, he initially did tell me he was going
23 to pose that question, so -- and I have, again,
24 Mr. Hightower with our offices here, and correct
25 me if I get anything wrong, but, basically,

1 another inmate at the Detention Center contacted
2 -- and I believe it's Seth Reynolds with
3 Beaufort County, and indicated that, "Hey,
4 there's a guy in here that may have information
5 on that Bluffton shooting." And this was, as
6 Mr. Lee brought up earlier, this is a case that
7 several people obviously knew about, people knew
8 what the Bluffton shooting was.

9 So I believe it was Mr. Reynolds who got in
10 touch with our office, and said, "Hey, you know,
11 this inmate, Harold Rogers, may have information
12 on the Bluffton shooting."

13 At that point, Mr. Hightower and I believe
14 Mr. Thornton went to the Detention Center, and
15 talked to Mr. Rogers, and asked him if he had
16 any information, or if they had been told he had
17 information? And he gave them some information
18 at that time. Any time they met with Mr. Rogers
19 at the end of it what they said, and they talked
20 to me, obviously, before they went to talk to
21 him, was that if anything else comes up, if you
22 hear anything else that you want us to know,
23 you're welcome to get in touch with us. In
24 other words, they didn't send him out to do
25 anything specific.

1 So that's kind of the tenant of how it came
2 to be, or how the information came to pass. I
3 will tell the Court that based on Illinois v.
4 Perkins, I don't know that it would matter, even
5 if he was a government agent. Our position
6 would be -- the State's position is he was not,
7 Judge, because he came to us with the
8 information. We didn't send him in. I know Mr.
9 Lee asked me, basically, to make sure he wasn't
10 a plant, or planted in there, and none of that
11 had occurred.

12 He already had some information before we
13 knew anything about Mr. Rogers. Judge, Illinois
14 v. Perkins, again, Judge, I want to state it's
15 the State's position he is not a government
16 agent; however, even if he was a government
17 agent, and, you know, if we're talking about it
18 does something to trigger Miranda, Illinois v.
19 Perkins makes it very clear, Judge, that it does
20 not. The whole reason the Court goes through a
21 pretty lengthy -- this is the Supreme Court of
22 the United States case, Judge, that is 496US292.
23 Basically, what they talk about is, the entire
24 reason for Miranda and its progeny, when someone
25 is in a custodial interrogation, is the coercive

1 nature, but it's not just of being in custody.
2 Clearly, his client is in the Detention Center,
3 it's also the fact that a government actor is
4 talking to you, and that, therefore, you may be
5 coerced by that government actor.

6 And if you don't know that the person, in
7 this case, in Perkins it was an undercover cop,
8 if you don't know that the person is a
9 government actor, Miranda's not even required
10 under Illinois v. Perkins. So, you know, if the
11 whole reason for Miranda is progeny is that you
12 are potentially being coerced because it is a
13 government actor. I will tell you the one thing
14 that Illinois v. Perkins does mention, and says,
15 well, this might have been a Sixth Amendment
16 right to counsel issue, or possibly could have
17 been, but I will tell the Court that since 2009
18 Montaho v. Louisiana ended that issue, as to the
19 Sixth Amendment right to counsel. And Montaho,
20 basically, goes back to the premise that you --
21 what you have to deal with is the Fifth
22 Amendment right.

23 In other words, was Miranda required? Was
24 it applied, etcetera? So the State's position,
25 a) is he already had some information before we

1 even knew about him, so he certainly wasn't a
2 plant. He was never directed to go talk to
3 anybody, or go try to get X, Y or Z. He is not
4 a government agent; however, even if he was,
5 under Illinois v. Perkins, and then Montaho v.
6 Louisiana, no Jackson v. Denno would even have
7 been required. Thank you.

8 THE COURT: Okay.

9 MR. LEE: Your Honor, again, a lot of this
10 stuff I'm hearing, as far as the scenario, for
11 the first time, nothing's been provided today on
12 this, but the issue, based on what he just said
13 is, I think that we would be entitled to know
14 exactly what Mr. Rogers go on his own, before he
15 even talked to law enforcement, and then what he
16 gathered from that point forward. Because once
17 law enforcement goes and talked to him at the
18 jail, saying, hey, you've got something for us
19 And if you get some more, let us know.

20 Law enforcement at that point has
21 interaction with him, and they know that he's
22 represented. They know that Mr. Chaneyfield is
23 represented. And to do in and around the Sixth
24 Amendment is inappropriate.

25 So I don't know how much information -- I

1 don't even know what the guy's gonna say that
2 Chaneyfield said, because there's been nothing
3 provided, as far as what my client allegedly
4 said to this Rogers guy. I was told that it was
5 consistent with what Jimmie Green wrote out,
6 that -- I have not been provided any -- I don't
7 think he gave any kind of statement on this
8 thing, and I guess, again, I'll have to wait
9 until the guy gets on the stand, but the issue
10 that's a little bit different in this is, that
11 when law enforcement goes to someone knowing
12 that the person being talked to is represented,
13 that's what the problem is.

14 And I don't know how much information was
15 gathered after the first meeting with Walter
16 and Investigator Hightower. Perhaps the State
17 could enlighten me as to how much he had
18 initially, and how much he got after that,
19 because it was -- I have a little -- I have a
20 problem with the State, through an investigator,
21 knowing that someone is represented, and
22 allowing someone to, essentially, gather
23 evidence -- attempt to gather a confession from
24 someone who is represented.

25 You know, I think that the guy came to them

1 and said, hey, here it is, but I think that's
2 the issue, and it may involve simply -- maybe
3 the first part of what he got is okay, but maybe
4 the second part is not, but it's just
5 fundamentally problematic, that the State,
6 through the investigators, knew, and I don't
7 know what they promised him. That's part of
8 what I'm asking for in this motion. I don't
9 know what they promised him.

10 I don't know why the guy was doing it. I
11 don't know what spurred him to continue to do
12 it, or anything like that, so, again, until we
13 know these things, I'm having a difficult time
14 kind of saying, well, some of this should be
15 admitted, some of it shouldn't. I don't even
16 know what they're planning to say, so, again, I
17 know they don't have to tell me until the guy
18 testifies, but it would certainly help in that
19 regard.

20 THE COURT: Do you have any case law on
21 this issue? And the reason I ask --

22 MR. LEE: I don't have it on this issue,
23 because, again, I think the issue is the State
24 stepping in -- because, again, I didn't come
25 prepared to argue this today. I had no idea

1 that this is the way things went down at all.
2 So I mean I certainly could look, but that's
3 just off the top of my head, to say that's what
4 seemed a little fishy to me, and questionable as
5 to the, you know, why it needs to be addressed.

6 THE COURT: But in many cases a witness may
7 come forward, and the police will tell them
8 something --

9 MR. LEE: Uh-huh.

10 THE COURT: So the fact that they're
11 incarcerated in the jail, and you think that
12 changes that? I mean I know no Sixth Amendment
13 right that a witness has, because he's
14 represented not to talk to them. Unlike law
15 enforcement, once he revokes his, you know,
16 rights, they can't come talk to him, unless he
17 decides, but is there anything that prohibits
18 the witness from doing it?

19 MR. LEE: Well, again, I didn't know this
20 was the way that it all went down until --

21 THE COURT: I understand.

22 MR. LEE: -- yes.

23 THE COURT: I understand at least your
24 theory, I just don't know of any case law --

25 MR. LEE: Well, put it this way --

1 THE COURT: Having said -- I mean that's
2 totally different, and it may change everything,
3 but based on what I've heard here today, he's
4 just a normal witness.

5 Many times law enforcement will go to a
6 wife and have the conversation, and she comes
7 back later, you know, I was going through my
8 husband's safe or drawer and this is what I
9 found. The fact that he --

10 MR. LEE: I think we'd all agree that if
11 Investigator Snider and Investigator Hightower
12 went to the jail on whatever day it was, and I
13 don't even know when it was, and wanted to talk
14 to Mr. Chaneyfield, they clearly knew he was
15 represented. They couldn't just talk to him,
16 and so the question is unless --

17 THE COURT: If it was pre-indictment it
18 changes. Once he's indicted, because the
19 critical stage in South Carolina is indictment.
20 So once he's indicted, it's clear they can't
21 talk to him, pre-indictment.

22 And I understand, and at least my ruling at
23 this point, if the trial unfolds that he's
24 represented to me, then I think -- I don't know
25 of any theory under the law that I can keep that

1 out.

2 MR. LEE: And so I guess we need to find
3 out when -- what day this was offered, what was
4 said to him, to induce him to apparently
5 continue to try to seek information from my
6 client.

7 THE COURT: Okay, and I understand that,
8 and if there was a deal -- at this point, he
9 told me he's not an agent of the State, that he
10 was an inmate, and they said, "If you find
11 anything else, call us." I don't think that
12 makes him an agent of the State, versus them
13 cutting a deal with him, "And we'll cut ten
14 years off of your sentence, if you'll go in
15 there and get us a confession," that's
16 different.

17 MR. LEE: I don't know what they -- if they
18 said that to him or anything.

19 THE COURT: I don't know that either, I'm
20 just going by what I've got in front of me. If
21 that comes out, then that may change. You know,
22 I don't know what -- and then many times, you
23 know, if Mr. Rogers had been in trouble in the
24 past, he may assume the more he helps the State,
25 the better off he's gonna be in the long run,

1 and I understand that, but that doesn't
2 necessarily make him an agent.

3 MR. LEE: Well, then I guess we can kind of
4 segway into the reveal the deal motion that I
5 made for actually Mr. Rogers to Mr. Void and the
6 two Mrs. Voids -- at least the three people that
7 I know of that have been charged, Voids and Mr.
8 Rogers, my understanding is going to testify,
9 and any other witnesses they plan to call that
10 they have offered any type of deal, the
11 combination, promises, sentence reduction,
12 charge reduction, promises, if any, whatever the
13 case may be, I would ask that they divulge those
14 right now.

15 THE COURT: Okay.

16 MR. STONE: As of right now, Judge, the
17 only two that there have been any such
18 statements to, Harold Rogers and Mr. Void --
19 Jayden Void have both been told that the Judge
20 will basically know what their cooperation is,
21 the fact that they cooperated, in case they are
22 obviously sentenced in front of you, or that
23 they would plead guilty in front of you, Judge,
24 you already know that, but that they would get
25 consideration for their cooperation, and that

1 they would get consideration for their
2 cooperation, and that we would make sure that
3 the Judge knew that they cooperated and
4 testified truthfully.

5 THE COURT: Okay.

6 MR. STONE: And Jayden Void's lawyer is in
7 the courtroom, and I believe Mr. Lee has already
8 talked to him, but that's basically been what
9 the conversation with both of them. There is no
10 discussion or negotiation at all with Sheniah
11 Void at this point. And the State has not
12 charged her with anything, so --

13 THE COURT: Okay.

14 MR. LEE: And to put it on the record that
15 there have been no discussions with any of the
16 three from the Solicitor's Office, as far as any
17 type of sentence reduction that will result from
18 -- or charge reduction rather that will result
19 from them testifying; is that correct?

20 MR. STONE: No, sir, there's -- Mr. Rogers
21 has a, I believe, a pending armed robbery,
22 there's been no discussion of a sentence
23 reduction, and Mr. Void has been charged in this
24 case, and his lawyer, again, sitting right in
25 the room, and we have not offered any charge

1 reduction for him either.

2 THE COURT: Okay.

3 MR. LEE: Your Honor, my understanding is
4 under the serious and most serious statute in
5 the State of South Carolina that Mr. Rogers has
6 a prior armed robbery, and there is no way for
7 them to do anything with the sentence, if he's
8 convicted of another armed robbery, because he
9 faced automatic life without parole. They have
10 no say so in that, as far as what the sentence
11 is. What they can do is reduce the charge, so
12 he's not an automatic two strikes.

13 So I'd like to know if that was an
14 incentive to Mr. Rogers at all, as far as the
15 automatic life without parole that he is facing
16 for a second armed robbery.

17 THE COURT: But don't they have to notice
18 him to trigger that?

19 MR. STONE: I haven't, to my knowledge,
20 there's been no discussions with him on that one
21 way or the other, but I believe Your Honor is
22 right, I think I have to do 30 days -- it's
23 either 30 days or ten days prior.

24 THE COURT: Ten --

25 MR. STONE: Ten days prior.

1 THE COURT: Prior to trial.

2 MR. STONE: Correct.

3 THE COURT: Correct, yeah.

4 MR. STONE: Yes, sir.

5 THE COURT: Okay.

6 MR. STONE: Your Honor, can I have the
7 Court's indulgence for just a moment?

8 THE COURT: Sure.

9 MR. STONE: No, sir, Your Honor, the State
10 is not aware of any other motions. I believe
11 that covers all of Mr. Lee's motions, and we
12 have no further motions at this time.

13 THE COURT: All right.

14 MR. LEE: And I don't think there's
15 anything else.

16 MR. STONE: And I'm just going to continue
17 marking these exhibits to get these in order for
18 the Court Reporter --

19 THE COURT: Okay.

20 MR. STONE: -- so it will be smooth, and if
21 there's any other issue, we can take that up
22 quickly.

23 THE COURT: All right, if you think of
24 anything else, let me know. I just don't want
25 to leave the jury back there two or three hours

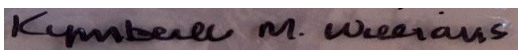
11	END OF VOLUME I

CERTIFICATE OF REPORTER

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 25th Day of September 2023.

I do further certify that I am not related, of counsel, or interest to any party hereto.

This, the 17th day of March 2024.



Kymberlee M. Williams, CSR/RPR

IN GENERAL SESSIONS COURT
FOR THE 14TH JUDICIAL CIRCUIT
2021-GS-07-00449
2020-GS-07-02312

-----)
State of South Carolina)
)
)
Plaintiff,)
vs.)
)
Ty Leic Chaneyfield,)
)
Defendant.)

TRANSCRIPT OF JURY TRIAL
VOLUME II
(PAGES 106 - 366)

September 26, 2023
Beaufort, South Carolina

B E F O R E:

The Honorable R. Ferrell Cothran, Judge Presiding

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INDEX

PROCEEDINGS	112
OPENING STATEMENT BY MR. STONE	143
OPENING STATEMENT BY MR. LEE	147
WITNESS: ALLYSON MOREIRA	
Direct Examination (S)	153
WITNESS: JASON RODRIGUEZ	
Direct Examination (S)	156
Cross-Examination	163
WITNESS: ANDREW DE LA CRUZE	
Direct Examination (S)	164
WITNESS: JESSE CLEMENS	
Direct Examination (S)	171
WITNESS: DEREK CHURCH	
Direct Examination (S)	177
Cross-Examination	182
WITNESS: ZATCH POUCHPROM	
Direct Examination (S)	183
Cross-Examination	198
WITNESS: KENNETH LABADIE	
Direct Examination (S)	211

INDEX - CONTINUED

WITNESS:	KYLAN SIMMONS	
	Direct Examination (S)	220
	Cross-Examination	243
WITNESS:	EDWIN GRAHAM	
	Direct Examination (S)	244
WITNESS:	JALA QUICK	
	Direct Examination (S)	253
WITNESS:	CHARLES KENNEDY	
	Direct Examination (S)	257
WITNESS:	JAYDEN VOID	
	Direct Examination (T)	263
	Cross-Examination	301
WITNESS:	STACY VOID	
	Direct Examination (T)	316
	Cross-Examination	343
	Redirect Examination (T)	363
	Recross-Examination	364
PROCEEDINGS CONTINUED		365
CERTIFICATE OF REPORTER		366

EXHIBIT LIST

ITEM NUMBER	DESCRIPTION	PAGE
C-1	Rap Sheet	136
C-2	Rule 5	136
S-4	Photo	160
S-5	Photo	160
S-6	Photo	160
S-7	Reolink Footage	180
S-8A	Photo	189
S-8B	Photo	189
S-9	Shell casing	190
S-10	Shell casing	190
S-14A	Photo	192
S-14B	Photo	192
S-15	Shell casing	192
S-16	Photo	192
S-17A	Photo	192
S-17B	Photo	192
S-18	Cartridge	192
S-19	Shell casing	192
S-20A	Shell casing	192
S-20B	Shell casing	192
S-21	Shell casing	192
S-22	Shell casing	192
S-23A	Shell casing	192
S-23B	Shell casing	192
S-24	Shell casing	192
S-25	Shell casing	192
S-26A	Shell casing	192
S-26B	Shell casing	192
S-27	Shell casing	192

EXHIBIT LIST - CONTINUED

ITEM NUMBER	DESCRIPTION	PAGE
S-28	Shell casing	192
S-29	Photo	192
S-30	Shell casing	192
S-31	Photo	192
S-32	Shell casing	192
S-33	Shell casing	192
S-34	Parker's footage	215
S-35	Photo	255
S-36	Photo	229
S-37	Photo	255
S-38	Photo	255
S-39	Aerial photo	213
S-40	Video disk	288
S-41	Still Photo	288
S-42	Still Photo	288
S-44	Flash Drive	262
S-45	Flash Drive	260
S-94	Photo	250

PROCEEDINGS********TUESDAY, SEPTEMBER 26, 2023****BEAUFORT, SOUTH CAROLINA**

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

THE COURT: Thank you, you can be seated.

Okay, any other matters we need to deal with before the jury comes in?

MR. STONE: Not from the State, Your Honor.

MR. LEE: A couple things, Your Honor,

I just want to put it on the record first.

One is yesterday we spoke with the Solicitor, and they were going to make an effort to clarify and let me know exactly what we believe Harold Rogers' prior record.

He's the snitch that is expected to testify. I think we all agree that the rap sheet is a mess to read, but I certainly think that we're entitled to clarification as to exactly what his prior record is, so that we can determine what would be admissible for impeachment purposes, etcetera. So I would like an update on the status of his NCIC.

THE COURT: Okay.

1 MR. STONE: Judge, I spoke with Mr. Lee
2 about this this morning. It is an extremely
3 confusing record, and we're going to speak --
4 I'm gonna speak with his attorney, Mr. Rogers'
5 attorney today, and see if the two of them can
6 get together.

7 Mr. Rogers would not testify today, he
8 would be tomorrow, so before -- in the morning
9 I'll have that squared away, and I believe we'll
10 all probably be able to agree on it. It's just
11 confusing the way it's written, so it's all out-
12 of-state stuff, and we'll get it figured out,
13 and I should have that certainly before the
14 morning, and hopefully before the end of today.
15 I just -- I'm gonna need time to talk to his
16 attorney, and he's gonna need time to talk to
17 him, but Mr. Lee will certainly have it prior to
18 his cross-examination.

19 THE COURT: Okay.

20 MR. LEE: With all due respect to that
21 response, I don't want to know what Harold
22 Rogers' prior record is, or what his lawyer says
23 his prior record is, I want to know what his
24 prior record is, and I think the Solicitor's
25 Office has the resources to be able to make

1 whatever phone calls, to do whatever they need
2 to do, to figure that out. I'm not trusting
3 Harold Rogers to tell me what his record is, or
4 his lawyer for that matter, so I would ask that
5 they do a little more than talk to him or his
6 lawyer and ask him what his prior record is.
7 It's because it's very important in this case,
8 because he arguably is the lynch pin of the
9 State's case again.

10 THE COURT: All right.

11 MR. STONE: We'll be happy to make all the
12 inquiries that we can, Judge. Again, there's
13 just -- there were things on there, it's just
14 trying to figure out. There's probation
15 violations involved, and it's just frankly
16 trying to figure out when and what happened, so
17 we will do everything we can to get with the
18 out-of-state folks and try to get that
19 detracted.

20 THE COURT: Okay, so when you say you're
21 gonna do that, basically, you're gonna have his
22 NCIC?

23 MR. STONE: We've already got his NCIC and
24 turned that over, Judge, it's just the format of
25 it, because it's an out-of-state conviction from

1 many years ago, it's confusing to try to
2 determine when he was released from what. We're
3 gonna try to also get in touch with the Maryland
4 Department of Corrections and see if we can get
5 that part figured out.

6 MR. LEE: Your Honor, they produced his
7 NCIC last Wednesday, the 19th, last Tuesday,
8 even though this case is very old. So, again,
9 if it gets to the point where I don't think we
10 can properly cross-examine and impeach him, you
11 know, perhaps a motion to exclude his testimony.
12 I guess we'll leave that for tomorrow or later
13 on.

14 THE COURT: Okay, but it's ultimately
15 decision as to what his record is, isn't it?

16 MR. LEE: Yes.

17 THE COURT: And, ultimately, I'll look at
18 his NCIC to determine what's impeachable and
19 what's not --

20 MR. LEE: Yes, sir.

21 THE COURT: -- and what you can bring out.

22 MR. STONE: I'll be happy to forward you up
23 a copy here in the next couple of minutes,
24 Judge, I've just got to get one for you.

25 THE COURT: Okay. Yes?

1 MR. LEE: Judge, I was provided a copy of
2 some notes that Mr. Rogers drafted, I guess in
3 his jail cell, that appears to be his
4 recollection, or his version of conversations
5 that he claims to have had with my client.

6 My understanding from looking at it is that
7 he claims he talked to my client, went back to
8 his cell and wrote down his thoughts on what was
9 discussed.

10 Also in those letters that were his
11 thoughts, also provided to me yesterday, was
12 some thoughts that Mr. Rogers had about another
13 case. And it is apparent that he has done this
14 before or the Solicitor's Office on at least one
15 occasion, and it's State v. Kenneth Chisholm,
16 which was a double-murder case over in Colleton
17 County where he apparently befriended an inmate,
18 got him to spill his guts, got him to confess,
19 and then produced the information to the
20 Solicitor's Office.

21 I spoke with Mr. Thornton this morning,
22 it's my understanding that they ultimately did
23 not use his information, but I certainly think
24 that under Giglio and that line of cases, that
25 we are entitled to know when they used Mr.

1 Rogers before, when he has produced confessions,
2 for lack of a better word to them, how many
3 times that's happened, whether the information
4 would be credible or not. And my understanding
5 is, it wasn't just that case.

6 My understanding is, he's done this before.
7 And I certainly think, for the purposes of this
8 case, it goes to the heart of the matter, and
9 that we're entitled to have the State reveal
10 prior instances, where Mr. Rogers has provided
11 testimony on behalf of the State that was
12 reportedly a confession or statement by someone
13 who was awaiting trial for the Solicitor's
14 Office.

15 And I realize that their information might
16 only be as to cases they've handled, but I would
17 like them to divulge at this time and produce
18 any information they have regarding Mr. Rogers'
19 prior attempts to curry favor with the
20 Solicitor's Office by acting as a jailhouse
21 snitch.

22 THE COURT: Do you want to respond?

23 MR. STONE: Judge, I can tell you that
24 we've never called him as a witness before. In
25 meetings with Mr. Hightower of our office, this

1 is all happening at the same time. He's
2 providing information in more than one case. We
3 have never called him as a witness, or used that
4 information, other than in this case. I'm happy
5 -- I have no problem, I can -- probably the
6 easiest thing to do is, for today's purposes,
7 would be to make Mr. Hightower available to talk
8 to Mr. Lee, and can give him some of the idea,
9 but I can tell you we've never used him as a
10 witness in any case, other than what we plan on
11 doing today. I will also hand Your Honor --

12 THE COURT: Is he going to be a witness
13 today?

14 MR. STONE: I'm sorry, not today.

15 THE COURT: Oh.

16 MR. STONE: In this case, Judge.

17 THE COURT: Okay.

18 MR. STONE: I don't expect him to testify.
19 He will not testify before tomorrow.

20 THE COURT: Okay.

21 MR. STONE: Your Honor, I'm gonna hand you
22 up, and if we need to mark it a Court's exhibit,
23 we can, but this is Harold Rogers' rap sheet.

24 THE COURT: All right.

25 MR. STONE: It's his NCIC report. I've

1 shown it to Mr. Lee, it's the same copy Mr. Lee
2 has.

3 THE COURT: Okay.

4 MR. LEE: The copy that I received was
5 dated 9/19/2023, and apparently that copy is
6 dated at the bottom, I think if you look, Judge,
7 it's April 20th or April 22, June 23.

8 THE COURT: Okay.

9 MR. LEE: So while they provided the NCIC
10 report, I don't think I've ever gotten that. I
11 didn't even get one until I specifically asked
12 for it last week.

13 So I assume that that's the same one that I
14 have, but I have not, in fact, received that
15 document that you're holding in your hand.

16 MR. STONE: He's been in custody at that
17 time, Judge. The NCIC should not have changed
18 during that timeframe.

19 THE COURT: Okay.

20 MR. LEE: Well, Judge, getting back to what
21 he was saying, "That we've never called him as a
22 witness," that begs the question, as to how many
23 times has Mr. Rogers tried to get -- be used as
24 a snitch? I don't know why they didn't use him.
25 I want to know the amount of times that he has

1 offered evidence to the State, in an attempt to
2 help them, and in an attempt to help himself.
3 So the fact that they decided not to call him
4 for whatever reason, may beg the question that I
5 want answered too, but I'd like to know every
6 instance in which Harold Rogers, the same Harold
7 Rogers, has produced successfully or
8 unsuccessfully, testifying or not, and produced
9 information to the Solicitor's Office.

10 I think it shows a prior relationship
11 between them, and I think that it's important as
12 to judging the credibility and the motivation of
13 Harold Rogers in doing what he was doing. So I
14 guess I can talk to Mr. Hightower, but I'd like
15 something on the record, where they say, "This
16 is when he's worked for us, this is when he has
17 produced information, this is what happened, he
18 was called, he wasn't called, et cetera."

19 THE COURT: Okay.

20 MR. LEE: And I don't think it's a
21 difficult task on behalf of the State.

22 THE COURT: What is everyone's position on
23 that?

24 MR. STONE: Judge, I'll be happy to put
25 something on the record. I can't do it right

1 this minute because I don't have a list of
2 every, you know, the times that Mr. Hightower
3 met with him, but I can certainly get that to
4 the Court and Mr. Lee before Mr. Rogers
5 testifies.

6 MR. LEE: Judge, we're on the second day of
7 trial. I have filed a Rule 5 and Brady and
8 everything else in March of 2021, and so this --
9 he can talk to people, "I'll check on it," it's
10 getting a little bit old quite frankly to have
11 all this stuff that they should have already
12 turned over, and I have to wait on it, and I
13 have to talk to somebody, and we have to wait
14 for a break, so, you know, that's my frustration
15 is, everything's changed right now, after two-
16 and-a-half years of this case going.

17 THE COURT: I understand, you know, I guess
18 you've got to know you don't know what you don't
19 know. After you have a chance to talk to him, I
20 don't know whether any of the information is
21 going to be Brady material or not. I don't
22 think it's Rule 5 material.

23 MR. LEE: But certainly under Giglio, as
24 far as snitches for hire, they're using a
25 snitch.

1 THE COURT: I understand.

2 MR. LEE: It's unreadable, even without --

3 THE COURT: Well, I -- they didn't make the
4 criminal record, it came that way. I mean
5 that's something that they found not under their
6 control.

7 MR. LEE: They're the State, they have the
8 burden of producing evidence, and make sure Mr.
9 Chaneyfield gets a fair trial. If they need to
10 call somebody from the detention center. It's
11 two-and-a-half years old, they've had that thing
12 since April of 2022 at the latest.

13 They need to figure it out, Judge, not me,
14 and not you. They need to figure it out and
15 produce it to me in a timely fashion, and they
16 haven't done that.

17 THE COURT: And I understand your position,
18 and I guess sometime today they will get you
19 what information that they think that you're
20 entitled to ask him for, and we can deal with it
21 later today or tomorrow.

22 Once you get the information, if it doesn't
23 satisfy, the whole key is giving you adequate
24 information to cross-examine one of their
25 witnesses, and to potentially impeach, and

1 that's what you're looking for.

2 MR. LEE: Right.

3 THE COURT: So between the time he gets on
4 the stand and they haven't given you that
5 information that you think you're entitled to,
6 we're gonna have to argue and put it on the
7 record, and I'll have to --

8 MR. LEE: And I would ask that not only did
9 they provide what they think I'm entitled to, I
10 would ask they produce everything. They didn't
11 produce any camera for you to review it, until
12 you decide whether or not I'm entitled to it.

13 I would ask that, rather than put it on
14 their discretion what they turn over and what
15 they choose not to.

16 THE COURT: Your Honor's fine with that, I
17 don't have an issue with that.

18 MR. STONE: Well, Judge, I don't have a
19 problem with letting you take a look at whatever
20 we have. I mean the problem I've got, just if I
21 can back up for a second, not to belabor this,
22 is Mr. Lee says, "Well, they didn't give me this
23 rap sheet until just the other," I'm not
24 required to give him a rap sheet until we get
25 ready to go to Court.

1 As Your Honor pointed out yesterday under
2 Rule 5, I'm not required to even give him
3 statements, or any other information. And I
4 would take some umbrage to the accusation that
5 these notes and stuff were just produced
6 yesterday. We produced all of not only the
7 notes, but the letters to Mr. Green, to Mr. Lee
8 several months ago, and I understand they're
9 hard to reach, so I did a completely new copy
10 last night, but we are not hiding anything from
11 Mr. Lee that we're required to turn over, and
12 we're not waiting until the last minute on this
13 stuff.

14 So I'm already, you know, I've already told
15 him we had to use him as a witness. I'm happy
16 to give it to you, Your Honor, and let you
17 review anything, and I'll have that to you
18 before you leave today.

19 THE COURT: Okay. All right, anything else
20 before I bring the jury in?

21 MR. LEE: Yes, sir. From my understanding,
22 Mr. Stone has informed me that he is intending
23 to introduce written notes made by Harold Rogers
24 after, according to Mr. Rogers, his conversation
25 with my client that he is wanting to introduce

1 the actual physical written notes, which were
2 supposedly Harold Rogers' recollections of
3 conversations he had with my client. So I think
4 for a variety of reasons those physical notes,
5 and there's a lot of them.

6 THE COURT: Okay.

7 MR. LEE: This isn't written by my client,
8 this is Mr. Rogers' recollection at some point
9 later on, or maybe it was right after, maybe it
10 was a day, I don't know. I have no way of
11 knowing. If he wants -- my stance is, if he
12 wants to introduce the actual thoughts and
13 interpretations and summaries that Mr. Rogers
14 wrote of his conversation with Ty Leic
15 Chaneyfield, clearly, that's inappropriate, it's
16 inadmissible hearsay, it is -- it would amount
17 to bolstering of its witness. He can get on the
18 stand and testify to whatever he wants to. And,
19 you know, if he says my client said something to
20 him, hearsay exception, I have no issue with
21 that; but I don't think it's appropriate for
22 them to introduce the written summary of what
23 Mr. Rogers recollects his conversations to be.

24 Those notes that Mr. Rogers wrote have not
25 been reviewed by my client, adopted as the truth

1 by my client. It's Mr. Rogers writing it down.
2 Just because he rights it down doesn't give it
3 anymore credibility, and doesn't allow them to
4 use it, "Well, he said it, we really know he
5 said it, because he wrote it down right after
6 that."

7 So I certainly think it is inadmissible
8 hearsay for them to introduce that statement.
9 It's improper bolstering. It would amount to
10 them trying to get in a prior inconsistent
11 statement, which is not admissible under the
12 hearsay rule, unless the --

13 THE COURT: Yes.

14 MR. LEE: Unless there is a motive to
15 misrepresent that it occurs after the actual
16 statement.

17 It allows -- and talks about how a
18 statement is not hearsay under subsection B, it
19 says, "Not hearsay when it's consistent when the
20 declarant's testimony is offered to rebut and
21 express against the declarant a recent
22 fabrication or improper influence or motive,
23 provided, how the statement must have been made
24 before the alleged fabrication, or the alleged
25 improper influence or motive arose."

1 So that's when something comes along
2 afterwards, to say, hey, you're lying about
3 this, or, you know, this happens, you broke up
4 with your girlfriend, now all of a sudden you
5 want to go back and say it. So you can only use
6 it in limited circumstances, and it's to rebut a
7 recent, and subsequent to the statement, charge
8 of fabrication.

9 We submit that everything -- that it's a
10 lie from the beginning. So they are not
11 entitled to say it's a hearsay exception, and
12 that allows them to somehow bootstrap a written
13 summary of the conversation, and actually
14 introduce the actual documents, which is what my
15 objection is, is them actually introducing and
16 publishing these handwritten notes that Mr.
17 Rogers made after this conversation with Mr.
18 Chaneyfield, according to Mr. Rogers.

19 So I was surprised to hear they were
20 attempting to introduce the documents, and
21 that's why I'm making that motion to exclude it,
22 to nip it in the bud, Your Honor.

23 THE COURT: Solicitor.

24 MR. STONE: Immediately after is exactly
25 when he took those notes. Harold Rogers was

1 literally talking to the Defendant. The
2 Defendant would say something, and immediately
3 after he got through, whether they were sitting
4 together, or they were at the phones, or
5 whatever, even at one point they had adjoining
6 cells, or, you know, they were shared in close
7 proximity.

8 He would literally write the notes right
9 after he got the information, which is why the
10 rules that Mr. Lee's talking about aren't what
11 we're arguing. The rule is 803, subsection 1,
12 it's present sense impression. It's considering
13 explaining of an event right immediately after
14 it happens, which is exactly what Harold Rogers
15 was doing right after he would talk to both
16 Green and to Chaneyfield, but Green is not
17 relevant in this concept.

18 I totally agree with Mr. Lee, that if we
19 get into a fact, where he's cross-examining him,
20 and then there's a question of whether or not
21 these were meant -- I agree with all that.
22 That's not what we're trying to do. We're using
23 those notes, because they're present sense
24 impression under 803, subsection 1.

25 And I think they are relevant, I think

1 they're clearly relevant, and I think they are
2 admissible, and that's the reason why is,
3 because those notes are taken immediately after
4 the event. And remember this is the breakup of
5 the old res gestae subsection. It's no longer a
6 subsection, it's no longer separated, it's now
7 separated into two sections.

8 So this is clearly 803.1, which is the
9 statement describing and explaining the event
10 immediately. 0It says even while perceiving
11 the event or immediately thereafter, and he's
12 going to testify that he took -- that he wrote
13 these things down right after they happened.

14 MR. LEE: He can talk about his impression
15 of what he saw, but he can't just go and put in
16 what he claims that my client said. I mean the
17 best evidence of that is get him up on the
18 stand, and let him testify to that. The
19 exception 303 that's for the entire substance of
20 the statement. That does not satisfy the
21 problem of introducing the writing at all.

22 So he's trying to bolster the testimony to
23 say it's more believable, because he wrote it
24 out. Just because you write something down
25 doesn't mean that it's true. If you --

1 THE COURT: Might as well.

2 MR. LEE: That's why if somebody runs you
3 over and you see a license plate and you write
4 it down on your hand, that's what that is meant
5 for. This doesn't mean that you can get around
6 and introduce documents or otherwise. It's like
7 a 302 that they do a memorandum interview they
8 do with the Feds. Just because the agent wrote
9 down what his notes were about what the
10 Defendant said, a 302 isn't admissible in
11 evidence, ask Judge Norton, he does it all the
12 time, so that is similar to this.

13 This is somebody writing down something as
14 it's happening, and the actual substance of it,
15 just like a police report, is not admissible
16 into evidence, the actual documents, and that's
17 what the problem that we have with the
18 introduction of doing it that way.

19 THE COURT: Okay and let me be sure I
20 understand your objection.

21 MR. LEE: Okay.

22 THE COURT: You're not objecting to him
23 testifying, you're just objecting to the notes
24 themselves?

25 MR. LEE: He can say whatever he wants to

1 about what my client says.

2 THE COURT: So the Solicitor says present
3 sense impressions, it's not hearsay. You're
4 just talking that he can, obviously, use the
5 notes on the stand, you just can't put the notes
6 -- the notes itself is what you're objecting to?

7 MR. LEE: Yes, sir.

8 MR. STONE: And under 801, a statement is
9 either an oral or written assertion.

10 MR. LEE: But a declarant is -- you're
11 talking about an out-of-state statement, you're
12 talking about something, he's writing it.

13 MR. STONE: Let's go back to his example,
14 it's a perfect example. So there's someone
15 following a drunk driver down the road, and they
16 notice the license plate. They write -- they
17 pull over to the side, and they write that note
18 down, because they want to make sure that they
19 get that license tag right, that note is
20 absolutely admissible, and it's admissible under
21 present sense impression, which is exactly what
22 Harold Rogers is doing.

23 He's talking about a police report, police
24 reports officers are talking about something
25 that took place. First of all, something they

1 did not perceive, that's the key to this. On
2 803, it's got to be the person who's got to have
3 perceived it. So if you look back on your
4 hearsay rules and your cases, you talk about
5 people that -- a police officer writing the
6 report is not perceiving anything, they're just
7 interviewing a witness who perceived it.

8 So it's about who perceived it, what they
9 perceived, and that statement can be their
10 statement of what, which is what he's gonna do,
11 but it also can be the written notes that he
12 made. And all of that is the exact same thing,
13 it's about what he has perceived, and he wrote
14 it down.

15 Now, he has got to -- as a condition to
16 that, he's got to be able to say he wrote it
17 down contemporaneously with the event. And the
18 case law basically says that's either right as
19 they're saying it, or immediately thereafter.
20 He can't do it three weeks from now, and it
21 can't be just, let me tell you what I think I
22 remember, he can't do that, but that's not what
23 his testimony's gonna be.

24 And, in fact, if his testimony was that --
25 in fact, he actually has submitted some

1 summaries that we're not seeking to get in,
2 because I don't think it's admissible under
3 that. He actually wrote up a couple of things
4 that are -- this is kind of summarizing the
5 whole thing, and we're not seeking to get that
6 in. The only notes we want to get in are the
7 ones that he is taking, as he is hearing this
8 from Ty Leic Chaneyfield.

9 THE COURT: Okay.

10 MR. LEE: We're saying about what he
11 perceived, it's what he heard. If he needs to
12 refresh his recollection, if that's appropriate,
13 he might be able to do that, but he can't get in
14 those lanes, it does not make it more
15 trustworthy or more believable, or bolstering,
16 which is exactly what he's trying to do, by
17 saying, well, he heard it, and then he wrote it
18 down.

19 Well, if he heard something wrong, or
20 something wasn't said, the fact that he wrote it
21 down, does not give you any assurance, it is
22 reliable evidence, that is fair evidence, that
23 is something that should come into evidence.
24 Let's let the guy testify as to his ability. If
25 he wants to try to refresh his recollection with

1 a document that he prepared, we'll argue about
2 that later; but the fact that say he perceived
3 it, he heard it, it's classic hearsay, there's
4 an exception for that, as to what he said, but
5 it's got to come through testimony, not what he
6 happened to right down. I can right down that
7 I'm 42-years-old and 6'4", and just because I
8 write it down doesn't mean that it's true, and
9 that's what we have here.

10 It's for something that this guy just
11 happened to write down while it was fresh in his
12 mind, or whatever the case may be. It doesn't
13 give it anymore believability to try to bolster
14 it. Let's put him on the stand subject to
15 cross-examination. That's what the best
16 evidence is coming from, and this is improper to
17 introduce these letters, which is his
18 recollection or his writing everything down
19 afterwards. It's clearly hearsay and clearly
20 inadmissible.

21 THE COURT: Solicitor.

22 MR. STONE: Judge, first of all, this is a
23 hearsay objection, we're not gonna put her and
24 Rogers up until tomorrow, and if he makes the
25 objection, we'll be prepared to respond to it

1 then, number one. Number two is, he's gonna
2 have the opportunity to cross-examine him,
3 whether those are what he says, or his actual
4 contemporaneous notes; but, again, it's hearsay.
5 We told the jury that we were gonna start at
6 9:30.

7 MR. LEE: Judge, I guess he can do it at
8 his own risk, but I would ask the Solicitor to
9 not refer to any evidentiary matters that you,
10 essentially, haven't ruled on.

11 THE COURT: Do you have any comments,
12 Solicitor?

13 MR. STONE: It depends on what he's talking
14 about, Judge. I'm not talking about the notes,
15 if that's what we're talking about, but as far
16 as I can tell, I think he's objected to
17 everything, leaving me very little to talk about
18 in my opening.

19 So I'm going to do my opening like I
20 normally do, I don't get into specifics, as far
21 as any particular piece of evidence, I think
22 that's proper for closing, but I don't want to
23 promise, Judge, that that's not something he's
24 objected to, because I don't know all of them
25 right now.

1 THE COURT: The only thing that I think I
2 haven't ruled on is the criminal record.

3 MR. STONE: And if I could go into that,
4 I'm sorry.

5 THE COURT: And the notes.

6 MR. STONE: I'm not going to go into that.

7 THE COURT: But I don't think there's
8 anything else.

9 MR. STONE: And I'm fine.

10 THE COURT: All right, are we ready for the
11 jury?

12 MR. STONE: Yes, sir.

13 MR. LEE: Yes, sir.

14 THE COURT: Okay, if you'll bring the jury.

15 (Court's Exhibits 1 and 2 admitted into
16 evidence.)

17 BAILIFF: The jury's entering the
18 courtroom, Your Honor.

19 (Jury enters the courtroom.)

20 BAILIFF: The jury's seated, Your Honor.

21 THE COURT: Okay, if the Clerk will swear
22 them in?

23 CLERK: Okay, good morning, if you'all can
24 stand up and raise your right hand, we'll go
25 ahead and swear you'all in.

1 Do you solemnly swear or affirm that you
2 shall well and truly try and true deliverance
3 make between the State of South Carolina and the
4 accused, and a true verdict give according to
5 evidence, so help you God?

6 JURORS: Yes.

7 CLERK: Thank you, you may be seated, thank
8 you.

9 THE COURT: Good morning, ladies and
10 gentlemen, I know you are probably unhappy
11 because I told you to be here at 9:30, and I'm
12 bringing you in at 10 o'clock.

13 And I appreciate you being here, and in
14 every case there's certain legal issues that
15 come up, that I have to deal with outside of
16 your presence, and that's what we've been doing,
17 but, you know, that's why you stepped back there
18 for 30 minutes, and I apologize.

19 And then probably throughout this trial
20 it's gonna happen more than once, but that's
21 just the normal way a trial runs. And we're
22 about to end the testimony, and I'm going to
23 explain to you a little bit about your roles and
24 your job, and my role, and what you can expect.
25 This is not a charge on the law.

1 Mr. Chaneyfield has been indicted on
2 certain charges, and at the end of the case I
3 will explain to you the elements of those
4 indictments, that the State has to prove to you
5 beyond a reasonable doubt. Your job is to
6 determine what the true facts are, and you make
7 that determination through the evidence that
8 comes into this case before you.

9 My job is to rule upon the admissibility of
10 that evidence, as well as the law in this case.
11 I'm not allowed to have an opinion about the
12 facts, that is solely up to you. And just as I
13 can't have an opinion about the facts, you've
14 got to accept the law as I give it to you and
15 not as you think it should be.

16 Now, you're gonna make your determination
17 of facts in this case through the evidence. And
18 the evidence is going to come to you in
19 basically three forms, through sworn testimony,
20 which will come before you under oath and
21 testify about the things that they've observed,
22 or the things that they know.

23 And I think the way that you may receive
24 evidence in this case is through exhibits, or
25 photographs, or certain documents that I rule

1 that are admissible, that you can see. And then
2 the third way that you may receive evidence is
3 through stipulations.

4 Sometimes in a case there's certain facts
5 that both sides agree on, and they stipulate
6 that we agree that these are the facts, and
7 that's basically, how you are to receive the
8 evidence in this case. Now -- and I was
9 questioned earlier by one of the Bailiffs, that
10 you'all questioned about taking notes. And I'm
11 not going to allow you to take notes during the
12 trial, and let me -- and I understand sometimes
13 that does seem right, but your job is to
14 determine the believability and the credibility
15 of the evidence before you.

16 And it's very important that you pay
17 attention to a number of factors, not only what
18 the witness is saying, but the witness' body
19 language. That tells people a lot about whether
20 you believe the person, or not believe the
21 person. And if you're down taking notes the
22 whole time, you lose that perception, so I want
23 you to pay close attention to everything that
24 happens before you. And many times too some
25 people are better note takers than others.

1 Some people take down everything. When I
2 was in school, I was a terrible notetaker, but
3 then that happens, and you go back in the jury
4 room, it's got to be a verdict of all of you,
5 and I don't want the best notetakers' notes to
6 rule on how this case turns out. It's important
7 that you determine this case based on the facts
8 or the credibility and believability of the
9 witnesses that come before you.

10 Now, when you go back to the jury room,
11 when you go back on the break, if you have an
12 issue, you can write it down then, because then
13 you're not losing paying attention to the
14 witnesses, and that's why I don't allow
15 notetaking.

16 So -- but if you have some issues, some
17 question you want to think about, you can write
18 it down. If you do that, you've got to keep
19 that private to you, because I'm going to tell
20 you throughout this trial, you can't talk about
21 this case. You can't even talk about it to each
22 other, and I know sometimes that sounds strange,
23 well, why can't we -- after we hear one or two
24 witnesses go back there and talk about what that
25 witness said?

1 And here's the reason, when you do that at
2 the end of the case, you're going to want to
3 defend the opinion you had at the beginning of
4 the case. I don't want you to start sharing
5 your opinions with each other until you've heard
6 everything, until you've heard the entire case,
7 as well as the law that I will give you. And
8 then and only then is it proper for you to share
9 those opinions, so what you do is extremely
10 important. If you make a mistake, it is very
11 hard to correct.

12 If I make a mistake, at some other time and
13 some other place it will be reviewed, but it's
14 really important that you get it right, and
15 that's why there's 12 of you, and so I want you
16 to pay close attention.

17 Now, having said that, I'm gonna try to
18 break every hour or hour and-a-half, and try to
19 give you a break; and I try not to break in the
20 middle of a witness' testimony. Sometimes the
21 witness' testimony is so long we have to.
22 Having said that, if any of you need a break, or
23 if any of you are uncomfortable for any reason,
24 you can't pay attention, so if you need a break,
25 you can raise your hand, we'll stop, we'll take

1 a break, and we'll come back and proceed.

2 It's important, I don't want you to sit
3 there, having to go to the restroom, or some
4 other issue going on, and you're uncomfortable
5 and you say, when are they ever going to stop,
6 please raise your hand, because I need all of
7 you to pay close attention, and I will stop this
8 trial, and we'll have that break and come back
9 and continue.

10 Now, the way it's gonna work next is, the
11 State's gonna make their opening statements.
12 They have the burden of proof in this case.
13 They will get up and tell you what they think
14 the facts in this case is going to show.

15 The opening statements of the attorneys are
16 not evidence. And even the questions the
17 attorneys ask about evidence, the evidence that
18 comes from this witness stand as well as the
19 exhibits, but they're going to explain to you
20 what the evidence is going to show in this case
21 or not show.

22 The State has the burden of proof, they go
23 first. The defense has the right to make an
24 opening statement, but they don't have to,
25 because they have no burden. Most of the time

1 they do and get up there and tell you what they
2 think the evidence is going to show or not show.

3 At the end of the case the lawyers are
4 going to get up and make closing statements to
5 you, and these are their arguments. They're
6 going to argue to you as to what they think the
7 evidence shows in this case, what the evidence
8 did show. I will charge you on the law and give
9 you this case to decide.

10 So if you would, pay close attention, the
11 attorneys are gonna get up and make opening
12 statements, if you will give them your
13 attention. Solicitor?

14

15 OPENING STATEMENT BY MR. STONE

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

18 March the 5th, 2021, that night Ty Leic
19 Chaneyfield, Jimmie Green and M.A. [REDACTED]
20 went hunting. They went hunting, not for
21 animals, people. They were looking specifically
22 for two people, one named Memphis Daniels and
23 the other Julio Hoover, who were shot at Jimmie
24 Green's house.

25 | They were there for retaliation. They were

1 hunting for retaliation, and they went armed.
2 They went armed with a 21 Glock that fired .45
3 caliber shells. They also had a mini-semi-
4 assault rifle. And on that night Jimmie Green's
5 girlfriend called and said, "The people you're
6 looking for, we know where they are. They're
7 over at Wendy's and it's over on the corner of
8 what's Hemmingway and 170, which is really close
9 to the circle as you come into actually Beaufort
10 County. And so these three people went directly
11 there, and they pulled behind the victim's car.
12 The victim's car took a right on the 170 and
13 they followed them, and they followed them for
14 about two miles.

15 The victim's car then turned onto Bluffton
16 Parkway. They got a few yards down the road on
17 Bluffton Parkway, and Jimmie Green driving, Ty
18 Leic Chaneyfield, this man over here, in the
19 right front passenger seat, armed with the 21
20 Glock pistol, and M.A. [REDACTED] in the back
21 passenger seat unloaded on the car. Multiple
22 fires, multiple shots, bullets going both into
23 the car on the outside, as well as the inside.
24 Two of those bullets hit D. J. Fields, he was
25 the driver of the car. D. J. Fields died almost

1 immediately.

2 One of the bullets severed his liver, the
3 other one severed his aortic lung, he bled to
4 death at the scene. The backseat passenger, E.
5 J. Graham, was shot in the head. By the grace
6 of God he lived, he was taken by Emergency
7 Services, to the Emergency Room, emergency
8 surgery and literally saved his life. And Kylan
9 Simmons, the passenger in the car was only
10 minorly hurt.

11 The car, because it was unsuspecting, veers
12 of the side of the road, crashes into a wall,
13 and then Kylan Simmons then tries to call 911.
14 He think he's reporting the car wreck. D. J.
15 Fields died that day. D. J. Graham almost died
16 that day because these three people were hunting
17 him.

18 So what did D. J. Fields, D. J. Graham and
19 Kylan Simmons didn't deserve this, nothing, not
20 a thing, wrong guys. The two people that were
21 hunting were in the car, and these three people
22 had no idea why they were being shot, they had
23 no idea whey they were being followed, they had
24 no idea of any of this. They went hunting and
25 got the wrong people, not that Ty Leic

1 Chaneyfield cared, it wasn't even his fault.

2 Jimmie Green had his house shot at, not Ty
3 Leic's. Ty Leic was in it for the fun of the
4 hunt. He was the one with the .21 caliber.

5 Now, over the next couple of days you're
6 going to hear the testimony that I just
7 outlined, and the Judge has just appropriately
8 told you what your job is.

9 Let me tell you what my job is, my job is
10 to prove to you the facts and the evidence in
11 this case, and it's to prove that beyond any
12 reasonable doubt. I'm going to put witnesses up
13 on the stand, and they're going to say exactly
14 what I just told you. And if I don't do that,
15 your job is to come back and say, "Solicitor,
16 you didn't do your job, not guilty."

17 And I think the Judge outlined it very
18 well, your job is to find the true facts in this
19 case. And at the end of this case I'm gonna
20 come back, and ask you to do one thing, give us
21 the verdict that speaks the truth, and that
22 verdict is that Ty Leic Chaneyfield was part of
23 that hunting party, he was in the front right
24 passenger seat, he was firing the .21 caliber
25 gun, and all three of those people together

1 killed E. J. Fields, attempted to kill Kylan
2 Simmons, attempted to kill E. J. Graham, and did
3 so. Thank you.

4 THE court: Mr. Lee.

5 **

6 **OPENING STATEMENT BY MR. LEE**

7 MR. LEE: May it please the Court.

8 Good morning. When I was a kid on Sundays,
9 they don't seem to read much, I used to love to
10 read Sherlock Holmes, and one of my favorite
11 authors was Sir Arthur Doyle. And it was a cool
12 book to read as a kid, because at the end of the
13 book the author would explain through a guy
14 named Watson, who was his sidekick.

15 The author would use Watson to explain to
16 the reader how Sherlock Holmes figured out what
17 he figured out. And one of my favorite stories,
18 I still remember, never thinking that 40 years
19 later I'd be using it in front of a jury, but in
20 one of the stories Sherlock Holmes had figured
21 out what happened, and he looked at Watson, and
22 said, "Watson, most times in finding the truth,
23 what's most important is not what you see or
24 hear, but what you don't see and you don't
25 hear."

1 And so you say well, how does that have
2 anything to do with the case? It has everything
3 to do with it, because the evidence that's going
4 to come out today and this week, as we've
5 planned; and what this trial isn't about is who
6 has the shiniest exhibits, or the most lawyers
7 at their table, or the most personal computers,
8 and most people sitting behind them. What this
9 trial is about is the evidence, what you hear
10 and what you see, but also what you don't see
11 and you don't hear.

12 And as the Solicitor goes through his case
13 and through his witnesses and through his litany
14 of evidence he wants to present, he's going to
15 continue just like he did in his opening
16 statement to try to get you emotional. This
17 isn't about emotion. And it's going to be a
18 difficult ask, but you need to take a step back
19 and say, this isn't emotional, I'm gonna listen
20 to everything.

21 I'm gonna listen to hear and see, and also
22 what I don't see and what I don't hear. Because
23 we all agree this is a terrible thing that
24 happened, what these people went through. It
25 was unnecessary, it was terrible. And as the

1 Solicitor proves up his emotional case, ask
2 yourself, okay, well, he's pretty much told me a
3 lot, when it happened, where it happened, how it
4 happened, what happened; but what he doesn't
5 tell you, and what he's not gonna tell you, is
6 any type of viable evidence is who. And he
7 cannot show that Ty Leic Chaneyfield was even in
8 that car.

9 He's gonna try to, he's gonna ask you to
10 make some assumptions, and say close enough is
11 good enough. He's going to prove everything
12 else with all kinds of evidence, and as he's
13 showing you that evidence, keep asking yourself
14 what does that have to do with Ty Leic
15 Chaneyfield? How does that prove this case
16 against Ty Leic Chaneyfield? And a lot of the
17 stuff you'll hear and see, and listen to
18 everything, paying close attention to what you
19 don't see and you don't hear.

20 Such as, that seems like a pretty good
21 witness, until I realized this, or until the
22 defense pointed out this, or until we put it
23 into a proper prospective. So getting back to
24 the what's most important is what you don't see
25 and you don't hear, how does that relate to the

1 law, and why we're here today?

2 Well, it does, because, as jurors, the
3 Judge is going to tell you that before you can
4 even make a decision on the case, you have to
5 decide whether there's any reasonable doubt in
6 your mind about the case, any reasonable doubt.
7 And a reasonable doubt, the Judge will tell you
8 later is defined, and this is what you'all need
9 to apply, a reasonable doubt is the type of
10 doubt to cause a reasonable person to hesitate
11 to act, in making one of life's important
12 decisions.

13 A reasonable person to hesitate to act.
14 It's also defined as something that leaves a
15 reasonable person firmly convinced of the
16 Defendant's guilt. And it sounds like a pretty
17 high standard. You're telling me that after all
18 this evidence, after listening to both sides,
19 have to listen to the direct and the cross and
20 the impeachment, and everything that we call
21 this thing, you're telling me that that standard
22 is that high, that it is proof beyond a
23 reasonable doubt; and if we have a reasonable
24 doubt, our duty as a jury is to find Mr.
25 Chaneyfield not guilty? Yup.

1 Agree or disagree, that's the law. Well,
2 that seems like a very high standard, because of
3 reasonable doubt. Well, thank God it is a high
4 standard. And the reason it's a high standard
5 is, because what's at stake for anybody who's in
6 a trial in a criminal case.

7 The State is gonna ask you'all to take away
8 somebody's liberty, their freedom, their
9 reputation, their good name, take away their
10 family? Yeah, they can do that, and they can
11 ask you to do that, but only -- if and only if
12 they convince of all of you'all, all 12 of you
13 beyond a reasonable doubt that they have proven
14 their case beyond a reasonable doubt. They get
15 to go first, they get to put up their exhibits,
16 they get to call their witnesses, we get to
17 cross-examine.

18 So pay attention to what they say, but I
19 would ask you to say why is this important, as
20 to this case, as to Ty Leic Chaneyfield. Put it
21 through a filter the stuff they're presenting.
22 Well, okay, that tell us what happened again,
23 that's a really big picture of the guy at the
24 hospital, or that's a, you know, it's an
25 interesting picture of a blanket of someone

1 who's been killed. What's that got to do with
2 him? Answer the question with reasonable doubt.
3 So put it through that filter, because what they
4 don't want to answer, what they can't answer,
5 and what there is tons of reasonable doubt is,
6 who?

7 And they're gonna attempt to do it through
8 various means. I don't know, but I'm telling
9 you when you look at what you see, and then what
10 you don't see and you don't hear, you're gonna
11 have doubt in this case. It may not be a fun
12 decision, because people are watching this, it's
13 high-profile, the news people are here, but it's
14 what you need to do, and what the evidence will
15 show is the right thing to do.

16 They get to go first, I promise you there's
17 responses to their witnesses, when necessary,
18 other witnesses we will cross-examine, because
19 we don't dispute that the young man died and it
20 was tragic, but they're going to mix all this
21 stuff up, and will try to get you emotional; but
22 what this case isn't about, about emotions, and
23 not feeling sorry for somebody, about who has
24 the flashy exhibits, this case is about you'all
25 applying the proper standard, and in the end

1 showing and seeing that there is reasonable
2 doubt in this case.

3 And if there is reasonable doubt, the only
4 verdict is not guilty. Thank you.

5 MR. STONE: The State calls Allyson
6 Moreira.

7 THE COURT: Okay.

8 **

9 **ALLYSON MOREIRA,**
10 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

11 ***

12 **DIRECT EXAMINATION**

13 BY MR. STONE:

14 Q Ms. Moreira, is it Moreira? Is that how
15 -- did I pronounce it correctly?

16 A Yes, sir.

17 Q What do you do, ma'am?

18 A I'm the 911 Audio Clerk with the
19 Beaufort County Sheriff's Office.

20 Q And what, as the 911 Audio Clerk, what
21 do you do? What are your job responsibilities?

22 A I receive 911 requests from all
23 officers. I locate the 911 calls and put them
24 in evidence.

25 Q Your 911 Call Center, how does that work

1 exactly? Just -- do you receive all calls into
2 Beaufort County? Do you receive out of that?
3 How does that work?

4 A I receive all calls.

5 Q Okay, and that's --

6 A Well, I don't take the calls, I'm not a
7 Dispatcher.

8 Q Right, I understand, but the system
9 itself, how does that work? People are calling
10 in, or are they just calling into 911 for --

11 A They

12 Q -- Beaufort County, or does that include
13 any other counties?

14 A You'd have to ask a Dispatcher, I'm not
15 sure.

16 Q Okay. All right, as the records
17 custodian, when these calls come in, are they
18 recorded?

19 A They are.

20 Q And are they recorded in sort of the
21 regular course of business of the 911 Center?

22 A Yes.

23 Q And contemporaneous with the event as
24 it's coming in?

25 A Yes.

1 Q All right. Have you reviewed -- and
2 I'll show you what's been marked as State's
3 Exhibit 2. Have you reviewed this disk?

4	A Yes.

5 Q Okay and let me get you to speak up into
6 the microphone. You have reviewed this?

7	A Yes.

8 Q Is this a fair and accurate depiction of
9 the 911 coming into the 911 Beaufort County
10 Dispatch Center on March the 5th of 2021?

11	A Yes.

12 Q All right. Are you familiar with the
13 time exactly on this, or is that just recorded
14 on here?

15	A The call came in at 11:28.

16	Q Okay.

17 MR. STONE: No further questions of this
18 witness.

19 MR. LEE: No, questions, Your Honor.

20 THE COURT: Thank you.

21 | Call your next witness.

22 MR. STONE: Sergeant Jason Rodriguez.

23 **

24 JASON RODRIGEZ,

25 BEING DULY SWORN TESTIFIED AS FOLLOWS:

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1 Q So you were one of the first responders
2 to the scene?

3 A Yes, sir, I was.

4 Q All right, first of all, let me give you
5 -- let me show you a couple of maps, one is
6 State's Exhibit 1, and ask if that gives us a
7 general idea about the Bluffton Parkway, and the
8 location of this incident and your dealings with
9 this.

10 A Yes, sir, it is.

11 MR. STONE: And, Your Honor, we're gonna
12 use this as demonstrative right now. We will
13 seek to introduce it as evidence later.

14 THE COURT: Okay.

15 BY MR. STONE:

16 Q Let me also show you what's been marked
17 as State's Exhibit 3. Is that a closer view of
18 the actual incident location?

19 A Yes, it is.

20 Q Okay. All right, and let me, if I
21 could, get you to come off the stand, please?
22 I'll just hold this up. First, on State's
23 Exhibit 1, can you give the jury some idea about
24 what we're looking at here?

25 A This is a satellite view of Bluffton,

1 more of the western part of Bluffton.

2 Q And all of this is in Beaufort County;
3 is that correct?

4 A It sure is.

5 Q All right. And then, specifically, in
6 the incident location, what road are we talking
7 about here?

8 A This is Bluffton Parkway.

9 Q And that connects -- to the top of that
10 what does that connect to?

11 A Buckwalter Parkway.

12 Q Okay, and over back here?

13 A And the west is Okatie Highway, which is
14 also Highway 170.

15 Q All right, and 46 runs along the bottom?

16 A Yes, May River Road, South Carolina 26.

17 Q Okay. On State's Exhibit 2 tell us what
18 we're looking at here.

19 A It's just a closer view of the incident
20 location, where the victim vehicle was located,
21 where I responded, and also an up-close of
22 Bluffton Parkway and 170.

23 Q All right, and I know it's marked on
24 here, but where exactly was the victim's car
25 located?

1 A There's a -- this is the eastbound lanes
2 of Bluffton Parkways. There's a sign here that
3 indicates the entrance of Hampton Lakes, and
4 this is a ditch that runs along the eastbound
5 lanes of traffic, and the vehicle was in that
6 ditch just past the Hampton Lakes sign.

7 Q Okay, go ahead and take a seat. Let me
8 show you what's been marked as State's Exhibit
9 4, 5 and 6, and ask first, can you identify
10 those three photographs?

11 A Yes, I can.

12 Q Are those fair and accurate depictions
13 of the scene as you saw it that night?

14 A Yes, they are.

15 MR. STONE: Your Honor, at this time we
16 move State's 4, 5 and 6 into evidence.

17 THE COURT: Any objection?

18 MR. LEE: No objection, Your Honor.

19 Mr. Stone, can you tell me which one
20 depicts --

21 MR. STONE: I'll show them to you.

22 MR. LEE: All right.

23 MR. STONE: And, Your Honor, we're going to
24 publish with the overhead.

25 MR. LEE: I have no objection.

1 THE COURT: I'll enter them without
2 objection.

3 (State's Exhibits 4, 5 and 6 were admitted
4 into evidence.)

5 THE COURT: Thank you.

6 BY MR. STONE:

7 Q All right, and let me do this too, if I
8 could, get you to come off the stand one more
9 time. Keep your voice up and stand over here.
10 Okay, State's Exhibit 4, tell the jury what that
11 is, please?

12 A This is the eastbound -- this is
13 Bluffton Parkway, the roadway just past the
14 Hampton Lakes sign, which would be this location
15 here. This is the east ditch that runs along
16 the eastbound lane of Bluffton Parkway, and
17 that's the vehicle which was involved in this
18 incident.

19 Q Okay. State's Exhibit --

20 A 5.

21 Q I'm sorry?

22 A 5.

23 Q State's Exhibit 5?

24 A This is a closer view of the vehicle
25 that was involved as it sat at an angle in the

1 ditch along Bluffton Highway.

2 Q And then State's Exhibit 6?

3 A Just a closer view of the vehicle with
4 more detail of it on the seat.

5 Q Were you able to, at this time, able to
6 identify anything in particular in this
7 photograph?

8 A Yes. Upon my arrival, we were
9 dispatched to an accident traffic collision, and
10 once I arrived on-scene, I noticed that this was
11 -- there was a little bit more to the accident
12 than just an accident. I noticed what I
13 believed, through my training and experience,
14 were bullet holes in the vehicle, more from the
15 side of it right here and also from the back
16 side there were some arch holes on the trunk
17 area.

18 And since the vehicle was at an angle,
19 almost at a 45-degree, this is what I see
20 immediately upon my arrival to the accident
21 scene.

22 Q So this first one -- you're perfectly
23 fine where you are, this one here is the first
24 one you noticed? That was actually into the
25 trunk?

1 A Yes, sir.

2 Q And then the other one --

3 A As I approached this vehicle, I actually
4 approached from the rear area, so as I was
5 approaching this vehicle I was looking for
6 evidence.

7 Q Okay. Go ahead take your seat, thank
8 you, sir. While you were there, were you able
9 to assess -- first of all, we've heard the 911
10 call, when Kylan Simmons called in. Was he
11 there at the scene when you got there?

12 A Yes, he was.

13 Q And what was his condition?

14 A He was off to the side next to the --
15 more next to the Hampton Lakes side talking to a
16 First Responder, they were checking him.

17 Q What about the other passengers in the
18 Acura?

19 A The driver of the Acura, upon my
20 arrival, EMS personnel were still working on
21 him, as he was laying on his back pretty much
22 right outside the driver's side door. The --
23 there was a passenger in the rear seat that was
24 being worked on by EMS personnel also.

25 Q Okay. Do you know the names of those

1 individuals?

2 A D. J. Fields --

3 Q And which one was he? Was he the driver
4 or the passenger?

5 A He was the driver, yes, sir. He was the
6 driver. E. J. is the back passenger they were
7 working on, and I didn't catch the name of the
8 front passenger.

9 Q Gotcha. I don't have any further
10 questions at this time.

11 Answer any questions Mr. Lee may have.

12 **

13 **CROSS-EXAMINATION**

14 BY MR. LEE:

15 Q To your knowledge, Sergeant Rodriguez,
16 is there any dispute as to where this traffic
17 collision occurred?

18 A None at all.

19 Q None at all?

20 A There was a piece of the Hampton Lakes
21 sign that was missing. It was just a -- I'd say
22 a couple feet, two feet. It wasn't like it was
23 ran over, but it was just the edge of that sign
24 that was struck by the front right side of the
25 vehicle.

1 Q But you'd agree that everybody agrees
2 where this happened, right?

3 A Yes, sir, was the --

4 Q The --

5 A -- final resting place of the vehicle,
6 yes.

7 Q Okay. And --

8 MR. LEE: All right, that's all the
9 questions I have, Your Honor.

10 THE COURT: Okay.

11 MR. STONE: That's all at this time, Your
12 Honor.

13 THE COURT: Okay, you can step down,
14 please.

15 WITNESS: Thank you.

16 MR. STONE: The State calls Andrew De La
17 Cruze.

18 **

19 ANDREW DE LA CRUZE,

20 BEING DULY SWORN TESTIFIED AS FOLLOWS:

21 ***

22 DIRECT EXAMINATION

23 BY MR. STONE:

24 Q Mr. De La Cruze, what do you do, sir?

25 A I'm a Firefighter/Paramedic for Bluffton

1 County Fire District.

2 Q Let me get you to pull the microphone a
3 little bit closer to you. All right, so you are
4 EMS with Bluffton Fire Department; is that
5 correct?

6 A So we have certain stations in the
7 District that have A-lists, or paramedics on
8 them, and I'm one of the three.

9 Q Which Station do you work?

10 A Station 38.

11 Q Where's that located?

12 A River Ridge, right next to the Middle
13 School River Ridge School.

14 Q Let me show you, this is State's Exhibit
15 1, which we've already shown to the jury. Can
16 you locate your Station on this map? This is
17 the Bluffton Parkway here, Buckwalter up here.

18 A So we're somewhere -- where is the
19 school?

20 Q The school is here.

21 A Yeah, so we're somewhere here.

22 Q Okay.

23 A Just before -- or right here, I'm sorry.

24 Q I gotcha.

25 A And we're right here on the loop. We'll

1 come out of that Station and come down, and
2 we're like here.

3 Q Okay, all right.

4 So you are relatively close to this
5 incident?

6 A Yes.

7 Q And on March the 5th, 2021, did you
8 respond to this?

9 A Yes.

10 Q Now, your training as far as EMS, tell
11 me -- walk me through that a little bit. You
12 are -- exactly what is your position?

13 A So I'm a Firefighter/Paramedic, which
14 means I have a Fire Cert., just like everyone
15 else, and I'm so a paramedic, so I'm an advanced
16 life support -- we have -- there's three stages,
17 there's basics, there's advanced, and then
18 there's paramedics.

19 It just means I've gone through a little
20 bit more schooling, have a little bit more
21 training. I'm able to perform more tasks.

22 Q So when you get to the scene, you're
23 sort of a Firefighter, as well as somebody who's
24 giving --

25 A So --

1 Q -- medical care?

2 A Yes.

3 Q And what type of medical care can you
4 give?

5 A Advanced life support, so it's just -- I
6 can -- I'm just -- I can do more advanced
7 things, start lines, give drugs. We just have
8 more schooling than basic EMS.

9 Q When you arrived on-the-scene, did you
10 try to help D. J. Fields, the driver of the car?

11 A Yes, so my first task is -- I was the
12 driver of the engine that day, so my first task,
13 it being at night is, the scene secured, make
14 sure my guys are safe.

15 So when we got there, the first thing I did
16 was put up the light mask, that was the first
17 thing I did, and then rendered care to the
18 driver.

19 Q Okay. Go back to the monitor, on
20 State's Exhibit 4, is this -- can you tell us
21 what we're seeing in this?

22 A So that looks like -- that's actually
23 the rescue, so that was after the incident.
24 We're actually parked -- the engine is parked a
25 little but further back, because we're taught to

1 block the scene.

2 Once we got onto the Parkway, because we
3 weren't really sure where we were going, we just
4 knew it was somewhere over there. Once we saw
5 the car in the ditch, I parked on the first lane
6 on the right, and put up my light mass. So
7 we're parked outside the scene, just behind that
8 rescue.

9 Q And the light mass are these --

10 A Yes.

11 Q -- that we're seeing here?

12 A Yes.

13 Q Okay, and that's to light up the scene,
14 so you can see what you're doing?

15 A So we can see, yeah.

16 Q Okay. Tell me, after you set that up,
17 what did you do?

18 A So after I got out and set light mass
19 up, the Officer of the engine was at the
20 driver's side door, so I went to render him,
21 because he said he needed help.

22 And that's when I walked up and saw the
23 driver was a male patient, sitting on the
24 driver's seat kind of slumped over against the
25 front door. We were unable to gain access to

1 the door, because of the way the car was
2 positioned in the ditch; but my first impression
3 he wasn't breathing, wasn't conscious, and there
4 was blood coming from his nose and mouth, when I
5 first approached.

6 Q Were you able to get him out of the car?

7 A We tried, but no, we weren't able to,
8 but the Rescue, which is in that picture, was en
9 route, so we were just trying to render care of
10 what we could until we could gain access.

11 Q Okay, I'm assuming on State's Exhibit 5,
12 the mangled door, this is something that is used
13 to try to get the driver out, is that --

14 A Yes, yeah.

15 Q I see. What type of treatment were you
16 able to give D. J. Fields.

17 A So that the -- I mean, initially, when I
18 came up, there was limited access. All I could
19 really do was, come up to that driver's door and
20 assess his breathing. It appeared that he
21 wasn't breathing, and he wasn't conscious or
22 alert. And then like I said, he had blood
23 coming from his nose and mouth, so we were just
24 trying to figure out how and why, but we
25 couldn't gain access without the Rescue popping

1 the door, because it was limited.

2 Q So at some point, were you able to get
3 to Mr. Fields and were you able to determine his
4 condition?

5 A So -- and then after the Rescue came and
6 opened the door for us, we got him up onto the
7 sidewalk there, and that's when we were able to
8 expose him, and begin doing an actual assessment
9 during that --

10 Q What does your assessment consist of?

11 A So we call it a rapid trauma assessment.
12 We just want to expose the body, and then see
13 what's causing him to be unconscious, or what
14 medical emergency there was, and that's when we
15 noticed what appeared to be gunshot holes or
16 wounds.

17 One was the left upper thorax, the other
18 was the left lower abdomen, and that's what we
19 decided was his injuries, we put everything
20 together. And then from there I did a full EKG,
21 which tells you the electric current of the
22 heart, and there was -- we call asystole, there
23 was nothing, there was no heartbeat.

24 Q So at the scene then, by the time you
25 were able to determine all this, he was dead?

1 A From the EKG, yes.

2 MR. STONE: No further questions at this
3 time, Your Honor.

4 MR. LEE: No questions, sir.

5 THE COURT: Okay, thank you, sir, you can
6 step down.

7 MR. STONE: The State calls Jesse Clemens.

8 **

9 **JESSE CLEMENS,**

10 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

11 ***

12 **DIRECT EXAMINATION**

13 BY MR. STONE:

14 Q Okay, let me get you to pull the
15 microphone a little bit closer to you too. Ms.
16 Clemens, what do you do, ma'am?

17 A Paramedic.

18 Q And with whom are you employed? Who do
19 you work for?

20 A Beaufort County EMS.

21 Q How long have you worked for Beaufort
22 County EMS?

23 A Since 2012.

24 Q In March of 2021 did you respond to the
25 incident on Bluffton Parkway?

1 A I did.

2 Q At that point, was your job to provide
3 emergency medical services to the people in the
4 car?

5 A I was the primary patient caregiver on
6 EMS 8, yes.

7 Q Okay, what is -- and you've got to speak
8 up a little bit, because I can't catch it. You
9 said primary caregiver, what exactly was that?

10 A I'm the primary care provider on the
11 truck, the lead Paramedic, so as the lead, the
12 EMT and Paramedic, I was the Paramedic.

13 Q Okay, and so we've had a little bit of a
14 description of a Paramedic, but from a medical
15 standpoint what can you provide?

16 A Paramedics are able to do advanced
17 cardiac life support, airway control, advanced
18 pharmacology, diagnostics and treatments.

19 Q Did you treat E. J. Graham at the scene?

20 A Yes, I did.

21 Q All right, tell me about that.

22 A E. J. Graham, I believe, was the
23 passenger in the vehicle. When I approached him
24 the first moment was to check a pulse on D. J.
25 Upon my triage I found D. J. to be deceased.

1 Q All right, you've got to speak up, I
2 keep losing you, I'm sorry.

3 A Sorry. I found E. J. to be deceased, so
4 I moved onto E. J. --

5 Q Okay.

6 A -- and I saw his wounds were very
7 severe, there was a lot of bleeding, there was a
8 lot of airway problems. He was not conscious,
9 he was flailing.

10 Q Let me stop you and back you up just a
11 minute, so your first actual stop was D. J.
12 Fields --

13 A Yes.

14 Q -- and you found he was deceased?

15 A Yes, correct.

16 Q Then you moved to E. J. Graham, or
17 Edward Graham; is that correct?

18 A That's correct.

19 Q Okay.

20 A After I determined the severity of E.
21 J., we loaded him onto a stretcher and carried
22 him out of the ditch, where the car was. It was
23 very dark. There was a lot of branches, briars,
24 and we were maybe there for seven minutes total,
25 and we left.

1 Q Could you tell anybody about his
2 injuries?

3 A I knew it was a gunshot wound, I wasn't
4 quite sure where it was. There was a lot of
5 pink spongy matter. I had thought maybe he'd
6 been hit in the head.

7 Later it was found it was part of the neck
8 I believe. His airway was very bloody, it was a
9 very difficult airway to manage on the way to
10 Savannah.

11 Q Now, when you're talking about managing
12 an airway, what do you mean?

13 A Keeping it clear so that he can breathe.

14 Q And how did you do that?

15 A With a suction device for an advanced
16 airway.

17 Q Okay.

18 A You know, a tracheal tube.

19 Q Okay, so you're riding in the back of
20 the ambulance with Mr. Graham --

21 A I was.

22 Q -- and you're doing the suction to try
23 to keep his airway open?

24 A Yes, and I had another Paramedic with me
25 that's not here today, his name is Jeff Healey

1 (phonetic).

2 Q Okay, and you're both working on him at
3 the same time?

4 A Yes, sir.

5 Q All right, what else are you trying to
6 do?

7 A Maintain his vital signs. Make sure
8 that he keeps a pulse throughout the ride, make
9 sure that he's comfortable. We established an
10 IV that he also pulled out, just because he had
11 some flailing movements that he wasn't aware of,
12 so we ended up having to put an IO on his legs,
13 so that we could give him some fluids, because
14 he was bleeding pretty rapidly, and maintain his
15 blood pressure and his heart rate, so that we
16 could make it to Savannah.

17 Q You say he was flailing, but he wasn't
18 aware of it. Was he conscious?

19 A No, he was not responsive to anything
20 that we did with any kind of painful stimuli, or
21 anything like that. We actually attempted
22 intubation, and he didn't respond to that. His
23 arms and legs were moving and pushing away from
24 us.

25 Q And the intubation is when you actually

1 put the tube down the throat; is that right?

2 A That's correct.

3 Q All right, and, now, why are you going
4 to Savannah?

5 A That's the Trauma Center.

6 Q Okay.

7 A Where they have their own trauma
8 capabilities. They have a neurosurgeon on staff
9 at Savannah.

10 Q Okay, so you take him -- how long did
11 you stay at the scene?

12 A I don't recall exactly how long; it was
13 no more than seven minutes.

14 Q You then delivered him to the Savannah
15 Memorial Hospital?

16 A Uh-huh, as a trauma response.

17 MR. STONE: No further questions at this
18 time.

19 BY MR. STONE:

20 Q. Thank you. Answer any questions Mr.
21 Lee may have.

22 MR. LEE: No questions from the defense,
23 Your Honor.

24 THE COURT: Okay, thank you, ma'am, you may
25 step down.

1 MR. STONE: The State calls Derek Church.
2 Thank you.

3 **

4 DEREK CHURCH,
5 BEING DULY SWORN TESTIFIED AS FOLLOWS:

6 ***

7 DIRECT EXAMINATION

8 BY MR. STONE:

9 Q Mr. Church, I've had everybody bring
10 that microphone a little bit closer to you, it's
11 kind of hard to hear from back here. Mr.
12 Church, you're not in uniform. You're the first
13 person we put up without a uniform, so what do
14 you do, sir?

15 A I also work at the Fire Department.

16 Q Okay, and where do you live?

17 A Lawton Station.

18 Q How long have you lived at Lawton
19 Station?

20 A Roughly, two years.

21 Q And what's the exact address over there?

22 A It's on Grand Court North.

23 Q Okay. Let me show you what we've
24 referred to so far as State's Exhibit 1. Can
25 you look at this, please, and tell us where your

1 home is located?

2 A It's approximately here.

3 Q Okay, so it's in this location that says
4 -- refers to as Lawton Station?

5 A Yes, sir.

6 Q And the Bluffton Parkway on this is
7 where?

8 A The Bluffton Parkway is up here.

9 Q Okay. All right, and this back over
10 here is 170 here? So you're somewhere sort of
11 in that triangle sort of?

12 A Yes, sir.

13 Q Okay. How far are you away from the
14 Bluffton Parkway?

15 A Probably a half a mile at best.

16 Q Okay, all right. Do you have at your
17 house -- and I'm going to call them a Ring
18 camera, but I know that's not right. So is it a
19 Reolink camera?

20 A It is a Reolink home security camera.

21 Q All right, and so what is that exactly?

22 A It's a network-based camera system that
23 runs -- it records through NDR.

24 Q Okay, and so is this -- where is the
25 camera located?

1 A It's on the front porch.

2 Q And is it motion activated? Is it
3 continuously running? How does that work?

4 A It's continuously recording, yes.

5 Q On March the 5th, 2021, sometime around
6 11:26, 11:27, did you have any type of recording
7 of anything that took place at that time?

8 A I did.

9 Q And how did that come about? How did
10 you find that out?

11 A Another member of the household heard
12 something, heard the noise, and then the next
13 morning after hearing everything that went on, I
14 pulled the cameras to see what was on it.

15 Q Okay. Now, let me show you what's been
16 marked as State's Exhibit 7. I'll ask, have you
17 reviewed this, what's on this disk?

18 A I have, sir.

19 Q Okay, and I think you -- are those your
20 initials there?

21 A They are.

22 Q Okay. And is this a fair and accurate
23 depiction of the recording that you took off of
24 that?

25 A To the best of my knowledge, yes.

1 Q All right. Now, this is, I believe,
2 recorded at -- and I want to get exactly the
3 right time, but 11:22 to :54 is the timestamp;
4 is that right?

5 A Yes, sir.

6 Q Do you know exactly what time -- in
7 other words, is that accurate? What is this?

8 A It was approximately 11:22 on the
9 camera, I believe, after further review, and
10 knowing that there was an issue with the times,
11 with the camera time getting a little behind
12 lagging, it was only set to resync monthly, the
13 time, but it would lose about two to four
14 minutes over that period of time, so it would be
15 anymore than two to four minutes behind.

16 Q Okay, so it's timestamped, but it's
17 somewhere within two to four minutes of that
18 time?

19 A Yes, sir.

20 Q Okay.

21 MR. STONE: At this time, Your Honor, we
22 introduce State's Exhibit 7

23 MR. LEE: No objection.

24 THE COURT: Okay.

25 (State's Exhibit Number 7 was admitted into

1 evidence.)

2 BY MR. STONE:

3 Q. And we have this on the monitor.

4 MR. STONE: The first thing, before we run
5 this, Mr. Hightower, if you'll just pull it up?

6 BY MR. STONE:

7 Q All right, what are we looking at?

8 A You're looking at an angle view looking
9 toward the southeast, I believe, from the front
10 porch of my home.

11 Q Okay, so that is your front porch? And
12 the camera, where is that located?

13 A The camera is located on the right-hand
14 side. If you're facing the home on the right-
15 hand side of the porch about center mass of the
16 house.

17 Q Okay. And the time stamp on that is
18 what appears to be 11:22:46; is that right?

19 A Yes, sir.

20 Q But you're telling me it's somewhere --
21 it's within two to four minutes of that, one way
22 or the other?

23 A Yes, sir.

24 MR. STONE: All right, if we could publish
25 that to the jury, please.

1 (Video being played for the jury.)

2 MR. STONE: No further questions of this
3 witness.

4 BY MR. STONE:

5 Q. Thank you, sir, if you'll answer any
6 questions Mr. Lee may have.

7 **

8 **CROSS-EXAMINATION**

9 BY MR. LEE:

10 Q Mr. Church, how did you get the two to
11 four minute discrepancy or problem with it?

12 A The two to four minutes on previous
13 issues the camera system also documented from
14 Reolink that had that issue. That's the reason
15 I knew to manually sync the clock.

16 Q Okay.

17 A And --

18 Q And you just hadn't done it that month?

19 A I hadn't done it yet that month.

20 Q So that would be four minutes off?

21 A It's somewhere between two and four, I
22 would say closer to the middle.

23 Q So if it said 11:22, so you're thinking
24 it may be as late a 11:26, right, four minutes,
25 correct?

1 A I believe so.

2 Q Okay.

3 A I'm not 100% sure, but it was in that
4 range.

5 Q Okay. All right, so you wouldn't want
6 to set your watch by what it says on the camera?

7 A I would know the camera's --

8 Q Okay.

9 A -- time swing. Tech support could
10 answer that question better.

11 Q Okay, all right.

12 MR. LEE: Thank you, Judge, no further
13 questions.

14 MR. STONE: Thank you, sir, I appreciate
15 it.

16 MR. STONE: Sergeant Zatch Pouchprom.

17 **ZATCH POUCHPROM,**

18 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

19 *******

20 **DIRECT EXAMINATION**

21 BY MR. STONE:

22 Q And you're a Sergeant; is that correct

23 A Yes, sir.

24 Q And that's with the Bluffton Police
25 Department?

1 A It is.

2 Q How long have you been with the Bluffton
3 Police Department?

4 A Four and-a-half years.

5 Q And on March the 5th of 2021 you were
6 with the Bluffton Police Department at that
7 point?

8 A I was.

9 Q What were your job duties on this scene?

10 A At the time I was assigned as a
11 Detective with the Criminal Investigations
12 Division. I received a call approximately 11:52
13 p.m. It was my immediate supervisor, Ryan
14 Fazekas who was the Sergeant of the Criminal
15 Investigations Division at the time. And he
16 informed me that a shooting had happened on the
17 Parkway.

18 Q Okay. Let me first show you what's
19 marked as State's Exhibit 3. If I could -- you
20 keep your voice up pretty well, so if you could
21 just stand down here, so everybody can see that.
22 I'll bring this out a bit.

23 Okay, if you could come around here and
24 show the jury -- can everybody see that? Okay,
25 what are we looking at here?

1 A This is an overview shot of the Parkway.

2 Q Okay.

3 A This right here is the second entrance
4 to Hampton Lake Subdivision, and that is the
5 location, where the car came to rest after the
6 collision.

7 Q Okay. And then Bluffton Parkway goes in
8 this direction, all of this was the area that
9 you studied as an investigator at this time?

10 A Yes, sir, it is.

11 Q Okay. And let me also, while I've got
12 you, show you State's Exhibit 1, could you tell
13 us a little bit about this, please?

14 A This is an overview of the Town of
15 Bluffton. Highway 170 runs here, 46, May River
16 Road runs this way, and then, of course, the
17 Parkway running this way connecting to 170 here,
18 and then Buckwalter Parkway here.

19 The Police Department is here.

20 Q In fact, the Police Department is over
21 here in this complex with Station 300; is that
22 correct?

23 A That is correct.

24 Q And what is that called, it's Innovation
25 Station, or the whole -- it's like a complex; is

1 that right?

2 A Yes, sir, on Buckwalter Drive, I
3 believe.

4 Q Okay, all right. And the incident
5 location marked here is that --

6 A That is correct, sir.

7 Q Okay. All right. When you arrived on-
8 the-scene, what exactly did you do?

9 A Yes, sir, on my arrival I made contact
10 with my immediate supervisor, Ryan Fazekas. He
11 tasked me with taking pictures of the scene, so
12 I took pictures of the vehicle.

13 I also observed what appeared to be at the
14 time a deceased body lying on the walkway near
15 the car. I began to take photographs of that,
16 and the condition of the decedent's body. I was
17 also tasked with --

18 Q Well, let me stop you there, we've
19 already put these into evidence, but let me pull
20 up on the monitor over here, State's Exhibit 4;
21 is that what you're talking about with the
22 deceased body?

23 A Yes, sir, that's correct.

24 Q All right, and then you can see a little
25 bit over to the right, but let me go to State's

1 Exhibit 5, and is this the car?

2 A That is the car, yes, sir.

3 Q Okay, all right. Once you took
4 photographs of this, what did you do after that?

5 A I proceeded to canvas the area looking
6 for other evidence. Multiple shell casings were
7 found west of the accident. I was tasked with
8 photographing that evidence and collecting it.

9 Q Okay, all right. I'm going to ask you
10 to stand right where you are.

11 I'll make sure everybody can see it. All
12 right, let me show you first of all what's been
13 marked -- this circled here, is this the area
14 that you're talking about where you recovered
15 the shells?

16 A That is correct, sir, yes. It was
17 approximately 200 yards, by my estimation, from
18 where the vehicle was located at.

19 Q All right, and then going back to
20 State's 4 3, that's gonna be here, Lawton
21 Station is down here in sort of that direction;
22 is that right?

23 A Yes, sir, that's correct.

24 Q Okay, thank you. I'm trying to see the
25 -- it looks like -- is this the intersection of

1 the car wreck, and this is where the shells were
2 found; is that right, or is that down some?

3 A Yes, so -- yes, sir.

4 Q You can tell this map better than I do,
5 so you tell me.

6 A Yes, sir. I believe the incident
7 location is where the vehicle came to rest, and
8 then the shells were found approximately 200
9 yards west, again, on the Parkway.

10 Q Gotcha. So the circle on this is that
11 on State's Exhibit 3; is that correct, where
12 these were located?

13 A Yes, sir, and the reason I know that
14 tentatively, there were two speed signs that
15 marked the end of where we found the casings.

16 Q And this is the speed signs, these are
17 painted on the road; is that right?

18 A That is correct.

19 Q Okay. Let me first ask you to -- I'm
20 gonna hand you State's Exhibit 8A and 8B. Are
21 these fair and accurate depictions of what you
22 saw on the scene that day?

23 A Yes, these appear to be the shell
24 casings that were found, and I am the one that
25 photographed them.

1 Q Okay.

2 MR. STONE: At this time, Your Honor, we
3 move State's 8A and 8B into evidence.

4 THE COURT: What says the defense?

5 MR. LEE: No objection.

6 THE COURT: Oka, they're entered without
7 objection.

8 (State's Exhibits 8A and 8B were admitted
9 into evidence.)

10 BY MR. STONE:

11 Q I'll show you what's been marked as
12 State's Exhibit 9 and 10. Could you tell us
13 what these are? If you need me to read it, or
14 turn it around, whatever you need to do.

15 A Yes, sir. I believe this is a rifle
16 spent shell casing, it would be date stamped
17 marked as .223.

18 Q Okay, and this

19 A Yes, sir, this is also an extensional
20 casing, it's a rifle shell casing.

21 Q All right, and are these the shells that
22 you collected from State's Exhibit 8A and 8B?

23 A Yes, sir, they are.

24 Q All right.

25 MR. STONE: At this time, Your Honor, we

1 move State's Exhibit 9 and 10 into evidence.

2 MR. LEE: No objection.

3 THE COURT: Okay, entered without
4 objection.

5 (State's Exhibits 9 and 10 were admitted
6 into evidence.)

7 BY MR. STONE:

8 Q Let me show you what's been marked -- in
9 fact, what I'm gonna do, I'm gonna hand you
10 State's Exhibit 11A and 11B. Are these fair and
11 accurate depictions of the scene as you saw them
12 that day?

13 A They are.

14 Q And State's Exhibit 12 and 13, are these
15 shells corresponding to those?

16 A Yes, sir, they appear to be spent rifle
17 shell casings that have been marked.

18 MR. STONE: Your Honor, we're moving into
19 evidence 11A, 11B, State's 12 and State's 13.

20 THE COURT: 11A and B are photographs?

21 MR. STONE: 11A and B are photographs. The
22 shells are 12 and 13.

23 THE COURT: Okay, and what's the objection?

24 MR. LEE: Your Honor, I don't object to
25 anything he has up here.

1 THE COURT: Okay.

2 MR. LEE: If he wants to do it as a package
3 introduction, that's fine with me.

4 MR. STONE: All right, that would include,
5 Your Honor, State's Exhibit 14A, 14B, 15, 16,
6 17A and 17B, State's Exhibit 19, State's Exhibit
7 18, State's Exhibit 20A, 20B, State's Exhibit 22
8 and 21, State's Exhibit 23A and 23B, State's
9 Exhibit 24 and 25, State's Exhibit 26A, 26B,
10 State's Exhibit 27 and 28, State's Exhibit 29,
11 State's Exhibit 30, State's Exhibit 31, 32 and
12 33, and we would move those into evidence.

13 MR. LEE: No objection.

14 THE COURT: Okay, entered without
15 objection. Are they marked?

16 COURT REPORTER: Yes, we did.

17 MR. STONE: Yes, sir, we've already marked
18 them.

19 THE COURT: All right, they're entered
20 without objection.

21 MR. STONE: All right.

22 (State's Exhibits 14A, 14B, 15, 16, 17A,
23 17B, 18, 19, 20A, 20B, 21, 22, 23A, 23B, 24, 25,
24 26A, 26B, 27, 28, 29, 30, 31, 32 and 33 were
25 admitted into evidence.)

1 BY MR. STONE:

2 Q Let's start with State's Exhibit 11A and
3 11B, we've introduced them into evidence, and
4 we're going to publish them. All right, tell us
5 what we're looking at in these photographs.

6 A These shell casings appear to have been
7 -- well, they were spent shell casings. This
8 appears to be one of the rifle shell casings
9 that was found.

10 Q Okay, and is this that item there, which
11 is State's Exhibit 12?

12 A It appears, yes, sir. I marked the -- I
13 collected and marked the bag.

14 Q All right, now in your role as a
15 Detective with Bluffton Police Department, are
16 you also trained in firearms?

17 A Yes, sir, I am. I --

18 Q Okay, go ahead.

19 A -- am a certified firearms instructor
20 with the South Carolina Criminal Justice Academy
21 since 2018.

22 Q Okay, tell the jury about that shell, if
23 you could. What type of shell is this?

24 A This -- it's a rifle shell casing. It
25 is .223 caliber, which is a rifle caliber.

1 Normally fired -- it can be fired by either a
2 rifle or a firearm that's fit to fire .223, and
3 it can also be fired by a weapon that's
4 chambered in 5.56.

5 Q Okay, and a 5.56 and a .223, are these
6 -- what type of rounds are these? Can you fire
7 that out of a, for instance, a .45 caliber
8 handgun?

9 A No, sir, you cannot.

10 Q Okay. And I will also show you State's
11 Exhibit 13, is that a shell casing?

12 A It is, yes, sir.

13 Q And then I'll show you State's Exhibit
14 11A, and hand you this. Tell us what that is,
15 please.

16 A This is a spent pistol shell casing.

17 Q All right and let me show you what's
18 been marked as State's Exhibit 15. Does that
19 correspond to the marker at number 5?

20 A It does, sir.

21 Q All right, now, tell me, if you would,
22 please, about that shell. What is that shell?

23 A Let's see, the headstamp on this shell
24 is a .45 caliber, meaning it is a pistol with a
25 pistol cartridge, and it's made to fire out of a

1 pistol handgun.

2 Q Okay. Go to State's Exhibit 17A, can
3 you also tell us what that is?

4 A It appears to be a spent rifle shell
5 casing.

6 Q And these markers, I'm assuming, these
7 markers are put down to keep them separated, so
8 you know they're individuals and not the same
9 bullet over and over again; is that right?

10 A Yes, sir.

11 Q Okay.

12 A Yeah, once we find them, we take
13 pictures, and then mark them, and photograph
14 again.

15 Q Let me show you State's Exhibit 18, does
16 that correspond with the markers?

17 A The markers, yes.

18 Q So this is the shell casing?

19 A It is.

20 Q Okay, State's Exhibit 17B?

21 A This appears to be another spent pistol
22 shell casing.

23 Q And State's Number 19?

24 A This is the .45 caliber spent shell
25 casing.

1 Q Okay, so, again, these are two separate
2 type ammunitions as well?

3 A Yes, sir.

4 Q State's Exhibit 20A. I'll hand you
5 that, I'm sorry, tell us what that is.

6 A It is a spent rifle shell casing.

7 Q Okay, and that is corresponding with
8 what marker, marker 9?

9 A Marker 9, yes.

10 Q Okay. And that would be -- what did I
11 hand you, 21?

12 A Yes.

13 Q Is that the shell that's marked in that
14 photograph?

15 A It is, sir.

16 Q State's Exhibit 20B?

17 A That also appears to be a spent rifle
18 shell casing that appears to have been run over.

19 Q And I'll show you State's Exhibit 22, is
20 that a shell?

21 A It is.

22 Q Okay. State's Exhibit 23A, I'll hand
23 that to you.

24 A This is a pistol shell casing that has
25 been stamped.

1 Q I'm gonna hand you State's Exhibit 24.

2 A So this is the shell casing.

3 Q Okay, so this is the pistol round?

4 A Yes, sir.

5 Q State's Exhibit 23B?

6 A This is a spent rifle shell casing.

7 Q And 25?

8 A And that is the same.

9 Q Okay. State's Exhibit 26A?

10 A So this is also -- this is one of the
11 spent rifle shell casings.

12 Q And that's at marker 16

13 A It is.

14 Q State's Exhibit 27, is that a shell?

15 A It is.

16 Q State's Exhibit 26B?

17 A Also a spent rifle shell casing.

18 Q And State's Exhibit 28?

19 A The same.

20 Q Okay. State's Exhibit 29?

21 A A spent rifle shell casing.

22 Q And State's Exhibit 30?

23 A The same.

24 Q State's Exhibit 20?

25 A That appears to be a spent rifle shell

1 casing.

2 Q Oh, I'm sorry, I'm referring to -- it
3 should be State's Exhibit 31, it's at marker 20,
4 here we go. Okay, and that's a spent shell as
5 well?

6 A It is.

7 Q What type

8 A It is -- it appears to be a rifle shell
9 casing.

10 Q All right, and this is Number 32 found
11 at marker 20?

12 A The same.

13 Q The same? And this item does not have a
14 photograph, this is State's Exhibit 33, was that
15 also found at the scene?

16 A It was. This is a spent rifle shell
17 casing matching the same caliber .223.

18 Q Okay, so all total, this -- all right,
19 so all total the rifle rounds, how many rifle
20 rounds did you find at the scene?

21 A I believe there were 14 rifle rounds
22 found.

23 Q And how many -- I guess what are they
24 called, pistol rounds?

25 A Yes, sir, three pistol rounds --

1 Q Okay.

2 A -- were found, for a total of 17.

3 Q Okay, and those were in this area here
4 that is circled with the red; is that correct?

5 A Yes, sir, that is correct.

6 Q Go ahead and have a seat, thank you.

7 MR. STONE: No further questions at this
8 time, Your Honor.

9 THE COURT: Cross-examination?

10 MR. LEE: Thank you.

11 **

12 **CROSS-EXAMINATION**

13 BY MR. LEE:

14 Q Based on what you know and what you
15 investigated; can you tell which of the two sets
16 of bullets was fired first?

17 A No, sir.

18 Q There's no way to know that, is there?

19 A No, sir.

20 Q And you can't testify as to -- you said
21 there's two different calibers, you can't
22 testify as to how many people were shooting
23 those guns, can you?

24 A No, sir.

25 Q And when you gathered this evidence,

1 were you very careful to -- you just don't go
2 pick up those casings, do you?

3 A No, sir, there's a protocol that we
4 normally follow. We try to identify the
5 evidence --

6 Q Uh-huh.

7 A -- and then photograph it in its state
8 that we find it in, then we mark it, and then
9 photograph it again before we collect it. And
10 then we collect it and mark the bags to make
11 sure we know which marker the evidence came
12 from, and the description of the evidence.

13 Q Because sometimes evidence needs to be
14 further evaluated for a potential link to a
15 person or a case; is that right?

16 A Yes, sir.

17 Q Okay. Such as, why would you be careful
18 about picking up a casing on the road? What
19 further evidence could come from that?

20 A Well, the case is preserved if a firearm
21 is later found, it's possible they could match
22 the two together --

23 Q All right.

24 A -- that's a possibility --

25 Q Right.

1 A -- so we want to make sure that the
2 casing is preserved as soon as possible.

3 Q For fingerprints or DNA, correct?

4 A Yes, sir, that is correct.

5 Q And did you follow the protocol in
6 collecting all these 17 cartridges, so as to be
7 able to send it to the DNA lab to fingerprint
8 that? Did you follow all protocol?

9 A Yes, sir, as close as possible. I
10 believe the one cartridge that was not
11 photographed, there was an issue with the
12 camera --

13 Q Okay.

14 A -- in malfunctioning, but we did
15 document it, and made sure that it was described
16 before it was collected in the bag before it was
17 sealed.

18 Q Okay. Thank you.

19 MR. LEE: No more questions.

20 THE COURT: Anything?

21 MR. STONE: No, sir, nothing.

22 THE COURT: Okay, do we need a break?

23 Anybody? Okay, let's take -- I promised you one
24 in an hour, hour and-a-half, and it's been an
25 hour and 20 minutes.

1 Let's take about 10 minutes and then start
2 back up. Don't discuss the case.

3	(RECESS)

4 ******

5	PROCEEDINGS CONTINUED

6 BAILIFF: All rise, the Court is back in
7 session.

8 THE COURT: Thank you, you can be seated.

9 MR. STONE: All right, so my first witness
10 we have an 18-minute video that goes along with
11 that witness, so I'll just give you that as --
12 best case scenario, we'll just put up one, or if
13 you want to just bring --

14 THE COURT: It up.

15 MR. STONE: Whatever you want to do, but I
16 just realized we had that.

17 THE COURT: And we could do that, right?

18 MR. STONE: Yes, sir.

19 THE COURT: Okay.

20 MR. STONE: Yes, sir.

21 THE COURT: We can do that, if you want to.

22 BAILIFF: Your Honor, juror number 272.

23 THE COURT: Okay, the bailiff told me that
24 you may know someone here?

25 JUROR 272: And I know that -- I mean I

1 guess I should have spoken up sooner.

2 THE COURT: Okay, but are they on the
3 witness list? The witnesses that I read out to
4 you; do you know?

5 JUROR 272: No, just a party in the --

6 THE COURT: Just sitting in the audience?

7 JUROR 272: Uh-huh.

8 THE COURT: Okay. And how do you know
9 them?

10 JUROR 272: She works at my dental office.

11 THE COURT: Do you know her name?

12 JUROR 272: Uh-huh.

13 THE COURT: What's her name.

14 JUROR 272: April.

15 THE COURT: April? Do you know her last
16 name?

17 JUROR 272: I don't.

18 THE COURT: Okay. Is she sitting out here
19 now?

20 JUROR 272: I believe so. Yes.

21 THE COURT: She is? Okay, that's you?
22 Okay. Well, the fact that you know her, and she
23 works at the dental office, would that affect
24 your ability to be fair and impartial?

25 JUROR 272: No.

1 THE COURT: Is she a potential witness,
2 Solicitor?

3 MR. STONE: No, sir.

4 THE COURT: Okay. Thank you so much.

5 JUROR 272: You're welcome.

6 THE COURT: You can go back to the jury
7 room, and I'll get everybody out in just a
8 minute. I appreciate you letting us know.

9 BAILIFF: Your Honor, bring her back in
10 with the jury room?

11 THE COURT: Yes. Okay, are there any
12 issues for me to take up?

13 MR. STONE: Not from the State, Your Honor.

14 MR. LEE: Judge, I think the appropriate
15 motion would be to excuse the juror. Yeah, I
16 don't know -- I mean the woman says she knows
17 one of the witnesses.

18 I know there were some jurors that left
19 during the playing of the 911 tape. I don't
20 know if she was or not, but just out of an
21 abundance of caution, I think someone who's
22 sitting behind the State in support of the
23 State, that's why we asked those questions in
24 voir dire. And, quite frankly, had she divulged
25 that when asked, if she realized it then, I

1 certainly would have struck the juror, if she
2 knew a party in supporting Mr. Fields and the
3 other families enough to come forward and sit on
4 the front row, so -- and I know I only used the
5 one strike I made.

6 Had I known that information prior to
7 selecting the jury, I certainly would have
8 struck her, and I know what she says, but she
9 seemed a little bit hesitant, and I just think
10 the better course of action would be to replace
11 her with the first alternate, there are three
12 alternates.

13 I think out of an abundance of caution the
14 appropriate remedy is to replace her, because
15 she was obviously worried about it, and wanted
16 to bring it to your attention, and thought to do
17 that to let you know that.

18 THE COURT: Okay. Well, she's not a
19 witness, so I didn't ask her anything, and it's
20 not like I read out a list of witnesses and
21 said, "Do you know them," like I did, and if she
22 was a potential witness and she didn't tell me
23 that she knew her, that would be different. The
24 fact that she happened to be sitting in the
25 courtroom observing this trial doesn't make it a

1 problem.

2 MR. LEE: And I'm not sure whether she's a
3 relative or exactly what her connection is to
4 this case, and I think you did ask does anybody
5 know --

6 THE COURT: Right, but she didn't -- I mean
7 she didn't -- it's not like she's a friend of
8 hers either, she just works in the dentist
9 office she goes to. It's not like she's a
10 friend on social media, nothing other than, "She
11 works at my dentist office."

12 So I don't know that that necessarily
13 taints her.

14 MR. LEE: My point is, had I known that
15 prior to jury selection, I might have kept her
16 off the jury.

17 THE COURT: But how is she -- I didn't ask
18 them to stand up and look -- because when I did
19 it, the jury was in here. So am I supposed to
20 have the jury stand up and look at everybody in
21 the audience and see if they recognize anyone.

22 MR. LEE: I'm not saying that, but perhaps
23 you could ask her -- perhaps you could at least
24 inquire as to what April's connection is with
25 the victim, as well as the Fields family.

1 THE COURT: Okay. Do you got any objection
2 to that, Mr. Stone?

3 MR. STONE: No, sir, I think you've got a
4 juror that -- it seems to me that we take the
5 juror's word for it or not. She was
6 conscientious enough to bring it to your
7 attention. She was also honest enough to say
8 she could still be fair and impartial, so from
9 her perspective, or from our perspective of
10 questioning a juror, I think that's -- we can't
11 on the one hand say, we don't trust her answer,
12 but on the other hand, she's the one that
13 brought us the issue to begin with.

14 So I mean I think if we're gonna say thank
15 you for bringing this up, and then ask her the
16 question, and she says yes, she can be fair and
17 impartial, it didn't even appear that she knew
18 her, other than she goes, "I've seen her at the
19 dentist office." That's gonna be kind of tough
20 to go forward on stuff like that.

21 So I think you just take the word of the
22 juror whom you asked specifically --

23 THE COURT: All right.

24 MR. STONE: -- can you be fair and
25 impartial? She said, "Yes."

1 THE COURT: Well, I believe at this point
2 I'm probably not going to excuse her.

3 MR. LEE: Well, would you at least very
4 quickly proffer her connection to the --

5 THE COURT: Yes, ma'am, can you tell me --
6 I assume your name is April, but I don't know
7 your last name.

8 MS. HOLMES: My name is Erica Holmes.

9 THE COURT: Erica.

10 MS. HOLMES: -- and I work at the dental
11 office she goes to.

12 THE COURT: Okay, all right. And tell me
13 what your connection to this case is.

14 MS. HOLMES: Other than seeing her -- my
15 connection to the case? My son is a victim.

16 THE COURT: Okay.

17 MR. LEE: Her son is a victim, so I
18 certainly think that really changes things.

19 MR. STONE: Well, I thought her name was
20 April up here, I didn't hear Erica.

21 MR. LEE: I heard April.

22 THE COURT: That's what I thought she said
23 too. She didn't --

24 MR. STONE: She did, she actually did say
25 April, that's why I was --

1 THE COURT: She did.

2 MR. STONE: She's still not a witness, but
3 she's --

4 THE COURT: I understand the connection.

5 MR. LEE: Yeah, I don't know how you keep
6 somebody who knows the mother of one of the main
7 victims.

8 THE COURT: And if it comes out in the
9 courtroom that she's the mother of one of the
10 victims, that may cause a problem.

11 MR. STONE: That's not going to happen. I
12 can't imagine how it would. I'm not gonna have
13 anybody testify to all the people in the
14 audience.

15 THE COURT: Yes.

16 MR. LEE: So, again, I think that also
17 tells you, from a juror's standpoint, she needs
18 to have her name right. I thought she was
19 April, because she specifically said April,
20 because I'm looking back and can't find an
21 April, so --

22 THE COURT: Okay.

23 MR. LEE: We have three alternates. I
24 don't know whether you support us or them. I
25 mean I'm not trying to get rid of a juror,

1 that's way too vague. I mean the connection may
2 not be that strong, but there is a connection
3 with a mother of a victim.

4 THE COURT: I know, and I --

5 MR. LEE: We've already had some people get
6 upset, understandably, it's emotional, it's
7 going to continue to be emotional, and, you
8 know, I think that juror is in a horrible
9 position, that if she looks over there and she's
10 understandably upset, I'm just worried about the
11 taint that would happen to the jury.

12 THE COURT: Okay, and I guess if you would
13 have known that prior, you would have struck
14 her?

15 MR. LEE: Without question.

16 THE COURT: Okay.

17 MR. LEE: I only used one of my ten
18 strikes.

19 THE COURT: All right, out of an abundance
20 of caution, I will let her go.

21 Okay, so do you want me to bring her in
22 here and just explain it to her?

23 MR. LEE: The Bailiff can do it.

24 THE COURT: If you'll just tell her out of
25 an abundance of caution, that she didn't do

1 anything wrong, but we're gonna dismiss her out
2 of an abundance of caution.

3 BAILIFF: Yes, sir.

4 THE COURT: And then after you do that, if
5 you'll bring the jury.

6 BAILIFF: Yes, sir.

7 MR. LEE: Are you going to tell juror 207?
8 Are you going to go in order of the alternates
9 or are we going to randomly pick one out of the
10 three.

11 THE COURT: The statute requires in
12 criminal court that you randomly pick one, Civil
13 court you go in order, so the Clerk has to
14 jumble up the names and pick one.

15 MR. LEE: All right.

16 THE COURT: Any objection to the Clerk
17 doing it?

18 MR. LEE: No, sir.

19 THE COURT: The Clerk --

20 MR. LEE: I think we do need to tell the
21 new juror, you're now a juror rather than --

22 THE COURT: So if you'll do that, Madam
23 Clerk, if you'll jumble up the names of the
24 three alternates, and randomly pick one?

25 CLERK: Are you okay with the Court

1 Reporter picking one out?

2 THE COURT: Sure.

3 CLERK: Okay.

4 THE COURT: Are you'all okay with the Court
5 Reporter doing it?

6 MR. STONE: No objection.

7 MR. LEE: It's okay.

8 THE COURT: Juror number 307.

9 BAILIFF: The jury's entering the
10 courtroom, Your Honor.

11 (Jury enters the courtroom.)

12 BAILIFF: The jury is seated, Your Honor.

13 THE COURT: Which one of you is 307?
14 You're now on the jury. You can come down and
15 sit down here. You'all pay attention.
16 Solicitor, call your next witness.

17 MR. STONE: Thank you, Your Honor.

18 State calls Kenneth Labadie.

19 **KENNETH LABADIE,**

20 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

21 *******

22 **DIRECT EXAMINATION**

23 BY MR. STONE:

24 Q Mr. Labadie, what do you do, sir?

25 A I am the Asset Protection Manager for

1 Parker's.

2 Q Is that all the Parkers or --

3 A Yes, sir.

4 Q -- do you have a region, or what is
5 that?

6 A Over the safety and security of all the
7 locations.

8 Q Okay, and as somebody that's in charge
9 of that security, are you familiar with the
10 camera systems in these various locations?

11 A Yes, sir.

12 Q And specifically what I want to talk to
13 you about are a couple things. First of all,
14 what we have put into evidence -- or what we've
15 been referring to so far as State's Exhibit 1,
16 is a map of Highway 46 and the intersection of
17 170 on Evan Way; is that one of your Parker's?

18 A Yes, sir, it is.

19 Q Okay. And that is -- that's one you've
20 got a security camera located?

21 A Yes, sir.

22 Q I'm gonna show you what's been marked as
23 State's Exhibit 39. Can you identify that, sir?

24 A Yes, sir, that is our location, Parker's
25 Number 32.

1 Q All right. And in there can you tell us
2 where the camera is located?

3 A Sure, is it okay if I stand up?

4 Q Yeah.

5 MR. STONE: First of all, Your Honor, we're
6 gonna move State's Exhibit 39 into evidence.

7 THE COURT: Any objection?

8 MR. LEE: No objection.

9 THE COURT: It is entered without objection.
10 (State's Exhibit 39 was admitted into
11 evidence.)

12 BY MR. STONE:

13 Q. If you will, if I could get you to come
14 down, that way you can explain better.

15 All right, so, again, I know you said this
16 up there, what is this? This is State's Exhibit
17 39, what is this depicting?

18 A So that is our Parker's Kitchen Store
19 Number 32 --

20 Q All right.

21 A -- in Bluffton, South Carolina.

22 Q All right, and that is on the -- I guess
23 it's the intersection of Evan Way and Highway
24 170.

25 A It's actually considered Evan Way, our

1 address, yes.

2 Q And where are the security cameras
3 located on this?

4 A So they are all along the exterior of
5 the building, so I believe on the corners, I've
6 got two up here showing the entrance, sidewalk,
7 side of the building, so it catches all of the
8 front of the parking lot and the back sides.

9 Q Do they run daytime and nighttime as
10 well?

11 A They run 24/7.

12 Q And the cameras are able to pick up in
13 the dark, as well as the light?

14 A Yes, sir.

15 Q Okay. Let me show you what's been
16 marked as State's Exhibit 34. Can you tell us
17 what this is, please, sir?

18 A It's a flash drive that we provided for
19 the video.

20 Q Okay, and have you reviewed this?

21 A Yes, sir.

22 Q And I think this -- and I'm trying not
23 to mark it off, but are those your initials at
24 the very bottom?

25 A Yes, sir, it is.

1 Q Okay. And are these video clips from
2 the camera on March the 5th, 2021?

3 A Yes, sir.

4 Q Okay.

5 MR. STONE: AT this time, Your Honor, we
6 move State's Exhibit 34 into evidence.

7 MR. LEE: Without objection.

8 THE COURT: Okay, entered without
9 objection.

10 (State's Exhibit 34 was admitted into
11 evidence.)

12 BY MR. STONE:

13 Q Okay, I'll have you go ahead and have a
14 seat, I'll get this out of your way, and we can
15 see.

16 All right, and I'm gonna ask you to take a
17 look at the monitor, and tell the jury what --
18 all right, first of all, what is this?

19 A That is one of our locations on the
20 front of the building, showing the sidewalk and
21 some of the fuel pumps.

22 Q All right, now this is timestamped at
23 the top right. Do you know whether that
24 timestamp is accurate?

25 A It is accurate, yes, sir.

1 Q Okay, so -- and it says -- I think at
2 this point it's saying 2200:33, which is
3 basically 11 o'clock; is that right?

4 A 1222 is 10 o'clock.

5 Q 10 o'clock, I'm sorry. I tried to get
6 all of these converted away from military time,
7 so I could actually get it right.

8 A Okay.

9 Q All right, so tell me what we're looking
10 at here.

11 A So, again, that is the sidewalk camera
12 on the front of the buildings, kind of showing
13 the fuel pumps, sidewalk, and the Wendy's is on
14 the top part, like at 12 o'clock, 1 o'clock
15 position.

16 Q All right, so Wendy's is going to be --
17 if we go back to this, but Wendy's is over here
18 to this side, so it's going to be up to the top
19 right of that camera; is that correct?

20 A That is correct.

21 Q All right. Go ahead and play it.

22 (Video being played for the jury.)

23 BY MR. STONE:

24 Q The two individuals that are walking
25 back to the car at this point, are you able to

1 tell us, did you also pull the video of what
2 they did once in the store?

3 A I believe they may have purchased
4 fountain drinks, I believe.

5 Q These two people getting into this black
6 car here?

7 A Yes.

8 Q And at the very top here with the car
9 pulling out, is that pulling out at the Wendy's,
10 coming up and pulling out of the Wendy's?

11 A Correct, there's a exit right there, but
12 it goes into the parking lot of Wendy's.

13 Q Which is right up here; is that correct?

14 A Correct, yes, sir.

15 Q Evan Way is where on this?

16 A Kind of on the back side of the pumps,
17 so that little area --

18 Q here --

19 A -- that goes across right there.

20 Q Here?

21 A Yes, sir.

22 Q So traffic can go this way, and turn
23 around come back through?

24 A Correct.

25 Q And this runs continuously until pretty

1 much that whole timeframe we have?

2 A Yes.

3 MR. STONE: You can stop it.

4 Your Honor, this is all we have for this
5 witness. We'll put other witnesses up for the
6 video, but this is all we have at this time.

7 THE COURT: Okay. Any cross-examination?

8 MR. LEE: No, sir.

9 THE COURT: Okay, you can step down.

10 WITNESS: Thank you, sir.

11 THE COURT: Okay, ladies and gentlemen,
12 this is probably a good stopping point, so I'm
13 going to excuse you for lunch, and ask you to be
14 back at 2:00.

15 As I told you earlier, if you have an
16 emergency, please call us, and let us know, and
17 I need you'all back at 2:00.

18 So I need you back at 2:00 in here, unless
19 you call. And don't discuss the case yet, don't
20 allow anyone to discuss it with you, don't do
21 any research, don't Google anybody.

22 I'll see you'all back at 2 o'clock.

23 (Jury exits the courtroom.)

24 BAILIFF: The jury's clear, Your Honor.

25 THE COURT: Okay, thank you. Anything we

1 need to deal with before --

2 MR. STONE: No, sir.

3 THE COURT: All right.

4 MR. LEE: No, Your Honor.

5 THE COURT: See you a 2 o'clock, thank you.

6 (Luncheon recess.)

7 **

8 **PROCEEDINGS CONTINUED**

9 BAILIFF: All rise. The Court is back in
10 session.

11 THE COURT: Thank you, you can be seated.
12 Are we ready for the jury?

13 MR. STONE: Yes, sir.

14 THE COURT: All right, bring in the jury.

15 MR. STONE: Judge, can I approach?

16 (Bench conference.)

17 BAILIFF: The jury's entering, Your Honor.

18 (Jury enters the courtroom.)

19 BAILIFF: The jury's seated, Your Honor.

20 THE COURT: Thank you. Solicitor?

21 MR. STONE: The State calls Kylan Simmons
22 to the stand.

23 KYLAN SIMMONS,

24 BEING DULY SWORN TESTIFIED AS FOLLOWS:

25 **

1

2

3

DIRECT EXAMINATION

4

BY MR. STONE:

5

6

Q Mr. Simmons, I'm gonna get you to speak into the microphone. How old are you?

7

A I'm 20.

8

9

Q And what do you do right now? What do you --

10

A I am a student.

11

Q Where?

12

A Erskine University.

13

Q Which one?

14

A Erskine University.

15

16

17

18

Q Erskine? Okay. All right, I want to talk to you -- first of all, let's go back to March the 5th, 2021, we played the 911 call in here earlier; was that you on the call?

19

A Yes, sir.

20

21

22

23

Q All right. What I want to do is I want to start with you on that day, but I want to start back a little bit, let's start about 10 o'clock, okay?

24

A All right, yes, sir.

25

Q All right, where were you and who were

1 you with about 10 o'clock on March the 5th?

2 A I was with D. J. and E. J.

3 Q All right, and D. J. is D. J. who? What
4 is his last name?

5 A Fields.

6 Q Okay, and who is the other one you were
7 with?

8 A E. J. Graham.

9 Q Okay. And what were you guys doing?

10 A The whole day or --

11 Q Yeah.

12 A Just hanging out, riding around.

13 Q Whose car were you riding in?

14 A D. J. Fields.

15 Q And was D. J. driving the whole time?

16 A Yes, sir.

17 Q Where were you in the car?

18 A The passenger seat.

19 Q And what about E. J.?

20 A In the back, the backseat.

21 Q All right, let's go to about 10 o'clock,
22 where did you guys go around 10 o'clock?

23 A The gas station, Parker's.

24 Q All right, now, when you say gas station
25 Parker's, I've got you State's Exhibit 1, that I

1 think I've shown you, is that this Parker's
2 right here, the gas station right down here?

3 A Yes, sir.

4 Q Okay and keep talking into the
5 microphone so I can hear you.

6 All right, and then I'm showing you State's
7 Exhibit 39, is this the Parker's in this corner
8 intersection?

9 A Yes, sir.

10 Q Okay, and you guys get there around 10
11 o'clock, you think?

12 A Yes, sir.

13 Q All right, so you go into the Parker's
14 first; is that right?

15 A Yeah.

16 Q Okay. I'm gonna go ahead and show you a
17 video that we just put into evidence. Can you
18 see it from where you're sitting?

19 A Yes, sir.

20 Q Okay, all right.

21 (Video being played for the jury.)

22 BY MR. STONE:

23 Q All right, so tell me what we're looking
24 at. Is that the parking lot right there --

25 A Yes, sir.

1 Q -- of Parker's? Okay.

2 A Yes, sir.

3 Q The black car that just pulled in, who
4 is that?

5 A Us three, me, D. J. and E. J.

6 Q Okay, and, again, D. J. is driving?

7 A Yes, sir.

8 Q And you are in the passenger seat?

9 A Yes, sir.

10 Q And E. J. is in the back seat; is that
11 correct?

12 A Yes, sir.

13 Q Do you guys stay in pretty much that
14 position the whole night?

15 A Yes, sir, I did.

16 Q Or even after this?

17 A Yes, sir.

18 Q All right, now, at this point, two
19 people are getting out. Who are those people
20 getting out of the car?

21 A I'm the first one, and then D. J.'s the
22 second guy.

23 Q This is you about to go into the store
24 now?

25 A Yes, sir.

1 Q And D. J. is here?

2 A Yes, sir, right at the door.

3 Q Okay, E. J. stays in the car at the
4 time?

5 A Yes, sir.

6 Q So what are you guys doing at Parker's?

7 A We wanted to get some fountain drinks.

8 Q Now, this time stamp's a little bit
9 difficult to see, but I think it says 2200:32,
10 okay.

11 So you guys stay in the store, you get
12 fountain drinks, and then what do you do after
13 that?

14 A We're leaving the gas station.

15 Q Okay, so you just come back out after
16 that? That's all you're doing is buying
17 fountain drinks.

18 A Yes, sir.

19 Q Okay. Now, E. J. never goes inside the
20 store; is that right?

21 A No, sir, he never got out of the car.

22 Q All right, is that you two coming out
23 there?

24 A Yes, sir.

25 Q That's you getting in the passenger

1 seat?

2 A Yes, sir.

3 Q Okay.

4 MR. STONE: Okay, can we move that now to
5 them leaving?

6 BY MR. STONE:

7 Q Okay, you leave, and then where do you
8 go after that?

9 A We went to Palmetto Point and --

10 Q All right, and I think I know where that
11 is, but I want to make sure. So we're -- let me
12 show you again State's Exhibit 39. Where's
13 Palmetto Point compared to this, or do you need
14 the other map?

15 A I think I need the other one.

16 Q Okay, let me give you this one. State's
17 Exhibit 1, okay, where is -- first of all, we're
18 out here at the Parker's/Wendy's down here?
19 Where is Palmetto Point

20 A It's like to almost the side of it.
21 It's like you've got -- it's a neighborhood,
22 it's sort of like kind of tucked off from the
23 main road.

24 Q Okay, all right. So you really never
25 get off the 46, you just stay back in here; is

1 that right?

2 A Yes, sir, the went that went down to 46.

3 Q Okay. All right, so after you leave
4 there, you're pulling out here.

5 A After you leave there, you go down to this
6 neighborhood. What do you do after that?

7 A We was about to keep going to get on 46,
8 to go back home, but then we just turned around
9 and looped back and then came back across
10 Parker's --

11 Q Okay.

12 A -- and then eventually we came in.

13 Q Why did you -- you're heading back home,
14 why did you turn around? Why did you loop
15 around?

16 A We just ended up taking the road, we
17 just went back.

18 Q Okay, so where do you go over that?

19 A We was -- we came back through the main
20 road right there, I don't know the name of the
21 street, but --

22 Q Evan Way, is that this road --

23 A Yes, sir.

24 Q -- up here?

25 A Yes, sir.

1 Q Okay.

2 A And then we was getting out to get on
3 the 170.

4 Q So the 170 is cutting back up here; is
5 that right?

6 A Yes, sir.

7 Q Okay.

8 A But here at 170 we'd seen a group of
9 friends that we new --

10 Q Okay.

11 A -- so then we went on 170, and then
12 turned back around, and went right back into the
13 Wendy's parking lot to go talk to them.

14 Q Okay. So over here now, which is the
15 Wendy's -- I think we've already had somebody
16 testify, that's up in the right corner of this;
17 is that right?

18 A Yes, sir.

19 Q Okay. So you guys go back, you go hang
20 out at the Wendy's. Who's with you? This is a
21 group of friends?

22 A Yes, sir.

23 Q Is one of these people, one in this
24 group?

25 A Yes, sir.

1 Q Are these girls?

2 A Yes, sir.

3 Q Okay. So you go around, you're heading
4 back to 170, you see the girls, you guys turn
5 around, come back and go into the Wendy's?

6 A Yes, sir.

7 Q How long do you'all stay at Wendy's; do
8 you now?

9 A I'd say like 45 to an hour.

10 Q Okay. So at this time, this was 10
11 something, we go -- let's regress to about
12 11:00, here we go. I'm gonna see --

13 MR. STONE: Do you have a timestamp on
14 this, 'cause I can't see it, it's not showing on
15 this.

16 BY MR. STONE:

17 Q All right, this is 11:17, there we go,
18 there we go, it's 11:17, same location. You
19 guys at this point are at Wendy's; is that
20 right?

21 A Yes, sir.

22 Q And you are talking to, among other
23 people, Jala and some other girls?

24 A Yes, sir.

25 Q Okay. Let me show you what's been

1 marked as State's Exhibit 36, and ask if you can
2 identify that vehicle?

3 A Yes, sir.

4 Q And whose car is that?

5 A Jala's.

6 Q That's Jala Quick's car?

7 A Yes, sir.

8 Q Okay.

9 MR. STONE: At this time, Your Honor, we
10 move that into evidence, it's actually part of
11 this video already, but we're just gonna do it
12 as a still shot.

13 THE COURT: Okay. Any objection?

14 MR. LEE: No objection.

15 THE COURT: All right, it's admitted
16 without objection.

17 (State's Exhibit 36 was admitted into
18 evidence.)

19 MR. STONE: Yeah, pause it again. All
20 right.

21 BY MR. STONE:

22 Q. What I've shown you is State's Exhibit
23 36, is that this car right here?

24 A Yes, sir.

25 Q And that's Jala's car. Now, when she

1 leaves, are all the girls with her?

2 A Yes, sir.

3 Q All right, so as they're leaving at
4 11:20, or actually 11:20, almost 11:21, how late
5 do you -- how long do you guys stay afterwards?

6 A We leave right after them. They went
7 left, and we went right.

8 Q Okay, all right.

9 MR. STONE: Go ahead and play it.

10 (Video being played for the jury.)

11 BY MR. STONE:

12 Q All right, is that you two coming out
13 there?

14 A Yes, sir.

15 Q That's you getting in the passenger
16 seat?

17 A Yes, sir.

18 Q Okay.

19 MR. STONE: Mr. Hightower, could we move
20 that down to them leaving?

21 BY MR. STONE:

22 Q Okay, you leave, and then where do you
23 go after that?

24 A We went to Palmetto Point and --

25 Q All right, and I think I know where that

1 is, but I want to make sure.

2 So I'm gonna show you again State's Exhibit
3 39. Where is Palmetto Point compared to this,
4 or do you need the other map?

5 A I think I need the other one.

6 Q Okay, let me get you this one. State's
7 Exhibit 1. First of all, down here at the
8 Parker's/Wendy's down here, where is Palmetto
9 Point?

10 A It's like right on the side of it.
11 Like, you've got -- it's a neighborhood, so it's
12 like kind of here.

13 Q Okay, all right, so do you have -- so
14 you really don't get ever get out on 46, you
15 just stay back in here; is that right?

16 A Yes, that one down to 46.

17 Q Okay. All right, so after you leave
18 there, you're pulling out here. After you leave
19 there, you go down to this neighborhood, what do
20 you do after that?

21 A We was about to keep going on 46 to go
22 back home, but then we just turned around and
23 went back, and then came back across Parker's --

24 Q Okay.

25 A -- like at the entrance we came in.

1 Q If you were heading back home, why did
2 you turn around? Why did you loop around?

3 A We just did -- we just ended up taking a
4 turn.

5 Q Okay, so where do you go after that?

6 A We was -- we came back through the main
7 road right there. I don't know the name of the
8 street, but --

9 Q Is that the Evan Way? Is that this
10 road?

11 A Yes, sir.

12 Q This road up here?

13 A Yes, sir.

14 Q Okay.

15 A And then we was leaving out to get on
16 170.

17 Q So 170 is setting back up in here; is
18 that right?

19 A Yes, sir.

20 Q Okay.

21 A But we'd seen a group of friends that we
22 knew at Wendy's, so then we went on 170, and
23 then turned back around, and we went right back
24 into the Wendy's parking lot to go talk to them.

25 Q Okay. So over here now, which is the

1 Wendy's I think we've already had somebody
2 testify, that's up in this right corner of this;
3 is that right?

4 A Yes, sir.

5 Q Okay. So you guys go back, you go hang
6 out at the Wendy's. Who's with you? Just a
7 group of friends?

8 A Yes, sir.

9 Q Is Jala Quick one of those people in
10 this group?

11 A Yes, sir.

12 Q And are these girls?

13 A Yes, sir.

14 Q Okay. So you go around, you're heading
15 back to 170, you see the girls, you guys turn
16 around, come back and go into the Wendy's?

17 A Yes, sir.

18 Q How long do you'all stay at Wendy's; do
19 you know?

20 A I'd say about 45 to an hour.

21 Q Okay. So at this time, this is 10:00
22 something, let's regress to about 11 -- here we
23 go.

24 MR. STONE: I'm gonna see, do you have a
25 stamp on this, 'cause I can't see, it's not

1 showing on this.

2 BY MR. STONE:

3 Q. All right, this is 11:17, there we go,
4 there we go, so 11:17, same location. You guys,
5 at this point, are at Wendy's; is that right?

6 A Yes, sir.

7 Q And you are talking to, among other
8 people, Jala and some other girls?

9 A Yes, sir.

10 Q Okay. Let me show you what's been
11 marked as State's Exhibit 36, and ask if you can
12 identify that vehicle?

13 A Yes, sir.

14 Q And whose car is that?

15 A Jala's.

16 Q That's Jala Quick's car?

17 A Yes, sir.

18 Q Okay.

19 MR. STONE: At this time, Your Honor, we'd
20 move that into evidence. It's actually part of
21 this video already, but we're just gonna do it
22 as a still shot.

23 THE COURT: Okay. Any objection?

24 MR. LEE: No objection.

25 THE COURT: All right, entered without

1 objection.

2 MR. STONE: Can you pause it again?

3 BY MR. STONE:

4 Q All right, what I've shown you is
5 State's Exhibit 36, is that his car right here?

6 A Yes, sir.

7 Q And that's Jala's car. Now, when they -
8 - when she leaves, is she -- are all the girls
9 with her?

10 A Yes, sir.

11 Q All right, so if they're leaving at
12 11:20, actually, 11:20, almost 11:21, how late
13 do you -- how long do you guys stay afterwards?

14 A We leave right after them. They went
15 left and we went right.

16 Q Okay, all right.

17 MR. STONE: Go ahead and play it.

18 (Video being played for the jury.)

19 BY MR. STONE:

20 Q This blue car, do you know anybody in
21 that car?

22 A No, sir.

23 Q Okay. Can you still see this? I don't
24 want to be in your way. Can you see it still?

25 A Yes, sir.

1 Q Okay. This is gonna cut the angle back
2 to 21:48, and the blue car is gonna pull out
3 from right here.

4 MR. STONE: All right, freeze it.

5 BY MR. STONE:

6 Q This car right here leaving, it looks
7 like the next car that leaves right after that,
8 is that you? Is that you guys in that car?

9 A In the black car, yes, sir.

10 Q All right, so you guys are pulling out
11 of Wendy's at this point.

12 MR. STONE: Go ahead and play it.

13 (Video being played for the jury.)

14 BY MR. STONE:

15 Q And then you guys are pulling out there,
16 where are you turning?

17 A Back onto 170.

18 Q And, again, you don't know anything
19 about this blue car right here?

20 A No, sir.

21 MR. STONE: Slow it down a little bit.
22 Okay.

23 BY MR. STONE:

24 Q Do you know anything about that car
25 right there at just went by?

1 A No, sir.

2 Q Okay. All right, now, you guys get to
3 -- now to back to State's Exhibit 1 okay? Show
4 me where you guys turn off from Parker's and
5 Wendy's.

6 A It's about right here.

7 Q All right, try to grab that microphone,
8 if you can, I'm sorry.

9 A We went on 170, turned off on Bluffton
10 Parkway.

11 Q Okay, all right. All right, Kyland,
12 tell me what happens after that. You guys have
13 pulled off of 170, you go up to Bluffton Parkway
14 and you take a right, what happens at that
15 point?

16 A Oh, we drive for like a little quick
17 second after that, and that's when everything
18 took place.

19 Q Okay, when you say everything took
20 place, tell me exactly what you remember, and
21 speak into the microphone.

22 A Yes, sir. We were driving, we was
23 heading back home.

24 Q All right, and you're still in the
25 passenger seat; is that correct?

1 A Yes, sir, I'm --

2 Q And D. J. Fields is driving?

3 A Yes, sir.

4 Q And E. J. is still in the backseat?

5 A Yes, sir.

6 Q Okay.

7 A We was driving, talking, music going on
8 my phone. Then all of a sudden, I just hear the
9 noises, but I'm not paying attention to it
10 really, because the music is on. And then I
11 feel the car going off the road, so I start
12 calling D.J.'s name, but I don't hear nothing,
13 as we went off the road, so that's when I put my
14 left hand on the brake, and my right hand on the
15 wheel and then I'd seen the flash, so I covered
16 up. And after we got out - tried but I couldn't
17 get the doors open.

18 Q All right, let me go back. When you
19 first -- do you hear sounds, but you didn't
20 realize what they were?

21 A No, I thought it was just him going off
22 the road, because like I said, the music was
23 loud too.

24 Q Gotcha. What about D.J? What is he
25 doing?

1 A He was -- when I finally looked at him,
2 I'd seen him like -- he like laid back, like
3 coughing up blood or whatever like that, but I
4 still didn't know what was going on. I'm just
5 trying to -- I know I'm good enough to get out
6 of the car, so I'm not worried about me, I'm
7 trying to get to my car, that's what's going on.

8 Q What's going on with E. J.?

9 A I'd seen him laid across the seat, blood
10 everywhere too.

11 Q All right. Now, as you guys are -- when
12 the car starts going off the side of the road,
13 were you getting any reaction from D. J. or
14 anybody?

15 A No, sir, I didn't hear nothing. I just
16 hear him like coughing a little bit, but like
17 blood coming out at the same time --

18 Q Okay.

19 A -- so I'm just trying to see what was
20 going on.

21 Q And you're trying to stop the brake with
22 your hand; is that what you're doing?

23 A Yes, sir, I was trying to reach over,
24 because when I saw him, he didn't answer me, so
25 I had my left hand on the brake, trying to stop

1 us, but we went off the road, so I'm trying to
2 stop the car on my left, and put my left hand on
3 the brake, at least slow it down from running
4 off the road, but then we had stopped, so I
5 covered --

6 Q And that sign is the brake sign in this
7 entrance into Hampton Lakes, right?

8 A Yes, sir.

9 Q There's that brake sign?

10 A Yes, sir.

11 Q So you guys hit that?

12 A Yes, sir.

13 Q Okay, what happens after you hit that?

14 A We hit that. That's when I got out of
15 the car.

16 Q Did you ever get any reaction from D.
17 J.? Did he ever respond to you, or answer
18 anything?

19 A No, sir.

20 Q Why?

21 A I don't know.

22 Q When you get out of the car, what's the
23 first thing you see? First of all, you're still
24 -- obviously, the car comes to a stop?

25 A Yes, sir.

1 Q What are you doing at this point?

2 A I got out of the car, I want to release
3 that driver's side. I tried to get the doors
4 opened, but I couldn't, and that's when I made
5 the call.

6 Q Okay. Let me show you what's been put
7 into evidence as -- first of all, State's
8 Exhibit 4. Is this where you guys came to rest?

9 A Yes, sir.

10 Q All right, and the passenger door
11 appears to be -- maybe that's the back door
12 that's open, and you go around and try to get
13 into the driver's side?

14 A Yes, sir.

15 Q Let's go to State's Exhibit 5 after the
16 passenger side, and that's down here in this
17 left part of this; is that right?

18 A Yes, sir.

19 Q Okay, all right. When did you -- when
20 exactly in this process did you call 911?

21 A Like as I'm like looking -- I'm trying
22 to open it, and I'm looking in the car, but I
23 can't get in the car.

24 Q Gotcha. So when we hear you on 911
25 yelling at D. J., you're literally standing

1 right in front of him?

2 A Yes, sir.

3 Q And is he responding in any way?

4 A No, sir, and that's when I went to like
5 here.

6 Q Right.

7 A -- on the sidewalk, so somebody could
8 see me like the First Responders, somebody could
9 see me.

10 Q Were you able to help E. J. at all in
11 the backseat?

12 A No, sir.

13 Q Okay, so he's in pretty much the same
14 situation? I think as we look at here, this is
15 all sort of against the ground too, right?

16 A Yes, sir.

17 Q Okay. You called 911, and you were
18 there when First Responders got there?

19 A Yes, sir.

20 Q You were there throughout the whole
21 process? You saw them try to take care of D. J.
22 and get E. J. out, and that whole thing?

23 A I was there, but I -- they was
24 questioning me, and like see if I was injured.

25 Q Were you injured?

1 A My ankle, yes, sir.

2 Q Okay.

3 A And my leg.

4 Q What did they do for your leg?

5 A I went to Coastal Carolina that night,
6 and then they just -- they wrapped it.

7 Q Okay, so you got hurt, but you were --
8 you got spared?

9 A Yes, sir, I was blessed.

10 Q Did you ever get hit by any of the
11 bullets, or anything like that?

12 A No, sir.

13 Q All right, okay. Answer any questions
14 Mr. Lee might have for you.

15 A All right.

16 **

17 **CROSS-EXAMINATION**

18 BY MR. LEE:

19 Q Good afternoon, sir.

20 A Good afternoon.

21 Q You actually know Ty Leic, don't you?

22 A Yes, sir.

23 Q Didn't you'all play AA basketball
24 together?

25 A Yes, sir.

1 Q I guess so, he played Ridgeland, you
2 played Bluffton?

3 A Yes, sir.

4 Q Okay. Now, when you were interviewed
5 and talked to law enforcement and the
6 Solicitor's Office, at any point did they ask
7 for your cell phone?

8 A No, sir.

9 Q Did they ever get your cell phone?

10 A No, sir.

11 Q They didn't?

12 A No, sir.

13 Q Okay. All right.

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

15 MR. STONE: Thank you, Mr. Simmons.

16 THE COURT: You may step down.

17 MR. STONE: The State calls E. J. Graham.

18 **

19 EDWIN GRAHAHM,

20 BEING DULY SWORN TESTIFIED AS FOLLOWS:

21 ***

22 DIRECT EXAMINATION

23 BY MR. STONE:

24 Q Mr. Graham, how are you, sir?

25 A Good, and you?

1 Q Pardon me?

2 A Good, and you?

3 Q Okay, I'm sorry, I didn't understand
4 you.

5 A Good, and you?

6 Q Oh, okay. How old are you?

7 A 18.

8 Q And what are you doing now?

9 A I'm in college.

10 Q Where are you in college?

11 A University of South Carolina.

12 Q Do you play any sports over there?

13 A Not yet.

14 Q All right, I want to talk to you about
15 March the 5th, 2021, and we've already backed up
16 a little bit to the Wendy's. And I want you to
17 go back with me to Wendy's, to the parking lot
18 at the Parker's and Wendy's. Tell me what you
19 recall by the way, and start with who were you
20 with, and what were you guys doing?

21 A It was me, E. J., Collin, Jala, Kristin.

22 Q All right, I need you to speak up, I
23 can't hardly hear you.

24 A Me, D. J., Collin, Jala, Kristin.

25 Q All you guys are at the Wendy's?

1 A Yes, sir.

2 Q Okay, who's with you? Whose car are you
3 in?

4 A I'm in D. J.'s car.

5 Q Okay, and that's the black Acura?

6 A Yes, sir.

7 Q Where are you seated in that car?

8 A The back passenger side.

9 Q Okay.

10 A Backseat.

11 Q Are you there the entire time that night
12 earlier, as well as later on?

13 A Yes, sir.

14 Q Okay. So you guys are talking to Jala
15 and some of those other girls at the Wendy's; is
16 that right?

17 A Yes, sir.

18 Q And what happens after that? How long
19 do you guys stay there; do you remember?

20 A We was there for about an hour at least.

21 Q Okay, and when the girls left, what did
22 you do?

23 A When they left, we just prepared to
24 leave. We left right after them to go home.

25 Q Do you recall anybody following you out

1 of the parking lot? Did you see anything about
2 that?

3 A No, sir.

4 Q Okay. So you guys leave Parker's and
5 Wendy's, where do you go?

6 A We go back towards 43 to go home, and
7 then D. J. was like, "We'll get home too quick,"
8 so he just took another longer route to end off
9 the night, so we turned back around, and went
10 back towards the Wendy's way, but then once we'd
11 seen the people we know, we turned back around
12 and went to Wendy's to talk with them.

13 Q Okay. So you hadn't hung out with them
14 for a while?

15 A Yes, sir.

16 Q And then after they left, where'd you
17 guys go then?

18 A Once we went -- turned off to go back to
19 170, we're just going off Bluffton Parkway to go
20 home.

21 Q Okay, is that the way to get to your
22 house, or to --

23 A Yeah, we could go that way, yeah.

24 Q Okay. All right, so you guys are going
25 on 170, then you turn onto Bluffton Parkway?

1 A Yes, sir.

2 Q All right, and you're still at this
3 point still in the backseat; is that right?

4 A Yes, sir.

5 Q When is the first time that you know
6 that something's happening?

7 A We turned off on Bluffton Parkway, and I
8 don't know, stuff just felt like wrong, so I
9 just turned around, and like I saw a car, it was
10 like a darker car, and like they were just
11 speeding up, but like I wasn't thinking nothing
12 of it, I was thinking that it's a car just
13 driving past in the fast lane; but then once I
14 like thought of it, I turned my head back down,
15 music going on, I saw the car just like went
16 past us, but as it went past, everything just
17 started going slow motion.

18 I couldn't really hear nothing no more, I'd
19 just seen like muzzle flashes from passenger
20 front side, and then after that they came with
21 flashes from the passenger back side.

22 Q So the muzzle flashes you're seeing are
23 from the front passenger side, as well as the
24 back passenger side?

25 A Yeah.

1 Q And the front goes first, and then the
2 back after that?

3 A Yeah, almost -- not simultaneously, but
4 the back followed a little later. And then
5 everything was just slow, so like I just saw him
6 like reach over, but like I'm not thinking
7 nothing of it, and then D. J. was just driving.
8 And then like his head just went like this, and
9 by the time like his head went like towards his
10 right side, and kind of reached over, I just
11 felt like an impact. I just remember closing my
12 eyes.

13 Q What do you remember happening after
14 that?

15 A Pretty much I remember in the hospital,
16 like I woke up, like I guess I was -- at the
17 very beginning when I woke up, and I just heard
18 a nurse, she was like, "You're with us," but I
19 assumed that was that night it all happened, but
20 then after that I just closed my eyes again.
21 And then I woke up, and I assumed I was in my
22 right state of mind, because I saw my mom
23 looking at me, but I didn't know what was going
24 on. I didn't realize I was at the hospital
25 until like I saw the stuff in my arms and stuff.

1 Q I'll show you what's been marked as
2 State's Exhibit Number 94; is that a fair and
3 accurate picture of you? Is that you at the
4 hospital?

5 A Yes, sir.

6 Q Okay.

7 MR. STONE: Your Honor, at this time we
8 move State's Exhibit 94 into evidence.

9 MR. LEE: No objection.

10 THE COURT: All right, admitted without
11 objection.

12 (State's Exhibit 94 admitted into
13 evidence.)

14 BY MR. STONE:

15 Q All right, if I could get you to come
16 down from the stand? All right, try to keep
17 your voice up, if you could, please.

18 A Yes, sir.

19 Q We put this into evidence, this is
20 State's 94. This is you in the hospital?

21 A Yes, sir.

22 Q All right. And these holes here on the
23 left side, what are those?

24 A I had surgeries.

25 Q Okay, so that's the surgery that took

1 place after -- while you were unconscious?

2 A Yes, sir.

3 Q All right. As a result of the shooting,
4 what happened to you physically? I know a lot
5 of it you don't remember, and I realize that you
6 were in the hospital, but what procedures did
7 you go through that you know of?

8 A I know I went through - they were trying
9 to remove whatever it was. I still have some
10 fragments in my face. I went through a nasal
11 procedure. And I had another nasal procedure.
12 I don't know what it's called exactly, but they
13 went into like my brain, and removed something
14 from my eye, because this eye was like swollen
15 still, like the swelling wouldn't go down. And
16 that's all I can think of right now.

17 Q You were hit -- was this on the face
18 right here, this bullet here? Was that the only
19 one that hit you?

20 A I was hit with two, but only one
21 entrance, one exit.

22 Q Okay, all right. Are you still
23 undergoing treatment now?

24 A I'm still on aspirin, still doctor
25 checkups from time-to-time.

1 Q Okay. Has it affected any of the way
2 that you're having to go forward now?

3 A I mean, of course, it's dealing with
4 getting shot, and just everything that comes
5 with it, all the surgeries, trauma.

6 Q Okay. You don't know Ty Leic
7 Chaneyfield, do you?

8 A No.

9 Q I mean you know of him, but you don't
10 know him personally?

11 A Yeah, know him, I don't.

12 Q Okay, all right. Do you know whether or
13 not he is some kind of a distant relative to
14 you? No?

15 A No.

16 Q All right.

17 MR. STONE: I don't have any further
18 questions at this time.

19 THE COURT: Anything?

20 MR. LEE: No questions, Your Honor.

21 THE COURT: All right, you can step down,
22 thank you, sir.

23 BAILIFF: Watch our steps.

24 MR. STONE: The State calls Jala Quick.

25 JALA QUICK,

1 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

2 *******

3 **DIRECT EXAMINATION**

4 BY MR. STONE:

5 Q Okay, Jala, how old are you?

6 A 20.

7 Q And where are you right now? What are
8 you doing?

9 A I'm at COC, College of Charleston. I am
10 studying public health.

11 Q Okay. Let me get you to pull the
12 microphone a little bit closer to you, if you
13 could.

14 All right, I want to talk to you about
15 March the 5th, 2021. First of all, I want to
16 show you what's been marked as State's Exhibit
17 36, and I'll put that on the monitor.

18 Do you recognize that? Is that your car?

19 A Yes.

20 Q Okay, and so this monitor at Parker's,
21 and I want to talk to you specifically about the
22 Parker's and Wendy's. That is your car as
23 you're leaving that night?

24 A Yes.

25 Q Prior to that, what had you been doing?

1 A Hanging out with my friends -- well, two
2 of my friends, and that's where I met E. J.

3 Q All right, and I'm gonna get you to
4 speak up again, I can't hear you very well.
5 Okay, you're hanging out with your friends.

6 Who were the friends you were hanging out
7 with?

8 A Zia, Kristin, D. J., E.J.

9 Q Okay.

10 A -- on that night.

11 Q All right, and where are you guys
12 hanging out?

13 A Wendy's.

14 Q At the Wendy's? And that's at that
15 Parker's Wendy's right there on that corner; is
16 that right?

17 A Yes, sir.

18 Q While you are hanging out with them, did
19 you notice anything unusual in the next parking
20 lot?

21 A Yes, I saw a car.

22 Q What kind of car?

23 A I don't know the make and model of it,
24 but I know that it's like blue, purplish kind
25 of.

1 Q Okay. I'm gonna hand you two pictures,
2 State's Exhibit 37 and 38, and ask if these are
3 the two cars that you're talking about? You
4 can --

5 A That one.

6 Q Okay.

7 A Yeah.

8 Q All right, and that being the backup, is
9 that -- are those fair and accurate depictions
10 of how that car looked that night?

11 A Yes, sir.

12 Q Okay. All right, and I'm also going to
13 show you State's Exhibit 35; is that also a fair
14 and accurate depiction of that car?

15 A Uh-huh.

16 MR. STONE: At this time, Your Honor, we
17 move State's Exhibit 37, 38 and 35 into
18 evidence.

19 THE COURT: Any objection?

20 MR. LEE: No objection, Judge.

21 THE COURT: Okay, they're entered without
22 objection.

23 (State's Exhibits 37, 38 and 35 admitted
24 into evidence.

25 MR. STONE: All right, can you get that on

1 the --

2 BY MR. STONE:

3 Q Okay, that is State's Exhibit 35.

4 MR. STONE: If you'll go to 38.

5 BY MR. STONE:

6 Q All right, is that the blue car that
7 you're talking about?

8 A Yes, sir.

9 Q All right, and what are you -- why do
10 you notice that car, other than the color?

11 A Because I saw it when I was in the
12 Wendy's parking lot, and then when I moved to go
13 to into the neighborhood, like cut through the
14 Parker's parking lot and go to the neighborhood,
15 I saw it again, and me and my two other friends
16 talked about it.

17 Q And is that you there driving away?

18 A Yes, sir.

19 Q And that is at 11:27:57, okay. Thank
20 you, Jala, answer any questions that Mr. Lee may
21 have.

22 MR. LEE: No questions, Your Honor.

23 THE COURT: All right, you can step down.

24 BAILIFF: Watch those steps, ma'am.

25 MR. STONE: The State calls Charles

1 Kennedy.

2

3

CHARLES KENNEDY,

4

BEING DULY SWORN TESTIFIED AS FOLLOWS:

5

6

DIRECT EXAMINATION

7

BY MR. STONE:

8

Q Good afternoon, sir, who do you work

9

for?

10

A Ace Hardware.

11

Q All right, and I'm gonna show you a map

12

that's been marked as State's 43, and ask you if

13

you can identify that? Is that the Ace Hardware

14

that you are with?

15

A Yes, sir.

16

Q And is that the one next to Station 300?

17

A Yes, sir, that's correct.

18

Q And what do you do for them, sir?

19

A I do inventory for the stores.

20

Q And do you also -- are you also familiar

21

with the security cameras system that they have?

22

A Yes, sir, I am.

23

Q And is that a system that -- where you

24

have more than one camera up on Ace Hardware?

25

A Yes, sir.

1 Q And do you -- are those security cameras
2 like everybody would understand it record things
3 as they happen?

4 A Yes.

5 Q All right. Back on March the 5th of
6 2021, sometime shortly after that, was there a
7 video pulled from that night, from Ace Hardware?

8 A Yes.

9 Q I'm gonna hand you what's been marked
10 for identification as State's Exhibit 45, and
11 ask if you can identify that for me? Can you
12 identify that?

13 A It looks good.

14 Q All right, and what is this, sir?

15 A The video footage that was pulled.

16 Q All right, and do you know that because
17 you have initialed it for me on the bag?

18 A No, those are not my initials, it should
19 be a JS on there.

20 Q Yes.

21 A Yes, sir, that is John Sundria, he is
22 the store manager.

23 Q Yes, sir, and did you also review
24 this --

25 A Yes.

1 Q -- as well?

2 A I was in the room with him --

3 Q All right.

4 A -- when he did that, yes, sir, that's
5 correct.

6 Q All right, sir, and was this a true and
7 accurate depiction of the video that was pulled
8 on March the 5th of 2021 from Ace Hardware?

9 A Yes.

10 Q Did it appear to be altered or changed
11 in any way?

12 A No.

13 Q Okay. Let me ask you, sir, on that
14 video, is the time stamp accurate?

15 A Yes.

16 Q Thank you very much, sir, I don't have
17 any further questions. Please answer any
18 questions Mr. Lee has.

19 MR. LEE: No questions, Your Honor.

20 MR. STONE: And, Your Honor, I apologize, I
21 don't know that I did this. I'd just ask to go
22 ahead and move State's 45 into evidence.

23 THE COURT: Any objection?

24 MR. LEE: No, sir.

25 THE COURT: All right, entered without

1 objection.

2 (State's Exhibit 45 admitted into
3 evidence.)

4 MR. STONE: State calls Dwane Fromaen.

5 **

6 **DWANE FROMAEN,**
7 **being duly sworn testified as follows:**

8 BY MR. STONE:

9 Q Mr. Fromaen, who do you work for?

10 A Custom Security Specialists.

11 Q Do you have any affiliation working with
12 them with Station 300?

13 A Yes, I do.

14 Q Show you real quick what has been marked
15 as State's 4. Is that the station 300 that we
16 are talking about?

17 A Yes.

18 Q From testimony earlier, you're next to
19 the Ace Hardware, is that correct?

20 A That's correct.

21 Q Sir, as part of your job duties, are you
22 familiar with the camera system on Station 300?

23 A Yes, I am.

24 Q Is that a security-type camera system?

25 A Yes, it is.

1 Q Does it record contemporaneously? Does
2 it record as things happen?

3 A Yes, they do.

4 Q Are you aware there was some security
5 footage pulled from Station 300 that reflects
6 the evening of March 5, 2021?

7 A Yes. I pulled it personally.

8 Q I will hand you what has been marked as
9 State's 44 for identification and ask if you can
10 identify that for me?

11 A Yes, it is.

12 Q Could you identify that, sir?

13 A Yes, sir.

14 Q Is that the video footage that we were
15 just referring to from March 5, 2021?

16 A Yes, it is.

17 Q Are those your initials on the back?

18 A Yes, it is.

19 Q Is this a fair and accurate
20 representation of what occurred from your camera
21 that evening?

22 A Yes.

23 MR. STONE: At this time State requests
24 State's Exhibit 44 be moved into evidence.

25 MR. LEE: No objection.

1 THE COURT: Admitted without objection.

2 (State's Exhibit 44 was admitted into
3 evidence.)

4 BY MR. STONE:

5 Q Other videos are time stamped. From the
6 testimony earlier, your time stamp on the
7 Station 300 video, is that accurate?

8 A It is not.

9 Q Is it fast or slow, and by how much?

10 A I don't recall if it was fast or slow.
11 I recall it was off either 19 or 20 minutes.

12 Q Did you at my request, review the
13 footage of Station 300 and Ace Hardware?

14 A Yes. That is when I noticed the time
15 difference.

16 Q You said 19 or 20 minutes. Would the
17 time difference of 19 minutes and 54 seconds be
18 accurate?

19 A Yes. From that time I could not
20 remember if it was fast or slow.

21 Q Thank you, sir. I don't have any
22 further questions. Please answer any questions
23 that Mr. Lee has.

24 MR. LEE: No questions from the defense,
25 Your Honor.

1 THE COURT: You can step down.

2 It will take about five or six minutes to
3 get the next witness up.

4 Do you all need a break?

5 Okay. Let's take five minutes.

6 (Recess.)

7 **

8 **PROCEEDINGS CONTINUED**

9 THE COURT: Let's bring in the jury.

10 (Jury enters courtroom.)

11 MR. THORNTON: The State calls Jayden Void.

12 **JAYDEN VOID,**

13 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

14 ***

15 **DIRECT EXAMINATION**

16 BY MR. THORNTON:

17 Q. Mr. Void, did you back in 2021 have family
18 here in Beaufort County?

19 A. Yes, sir.

20 Q. All right, and who was that?

21 A. My pops and my stepmom.

22 Q. Did you live with them?

23 A. Yes, sir.

24 Q. And where was that at?

25 A. ■ Bainbridge Way, Baynard Park.

1 COURT REPORTER: Say it again, I'm sorry?

2 BY WITNESS:

3 A. ■ Bainbridge Way, Baynard Park.

4 Q. Is that right off of Bluffton Parkway?

5 A. Yes, sir.

6 THE COURT: Thank you. I was just getting
7 the Deputy to back up a minute so the jury could
8 see.

9 MR. THORNTON: Okay.

10 THE COURT: Go ahead.

11 BY MR. THORNTON:

12 Q. Jayden, I've asked you about back in 2021,
13 so on March 5th of 2021 did you have an occasion to
14 see your sister, Shanya?

15 A. Yes, sir.

16 Q. All right, and tell me about that, when did
17 you get to see her that day, and what happened?

18 A. That day she came to see me and my pops.
19 After that we went to go get something to eat that
20 night.

21 Q. All right, and where did you go?

22 A. First, we went to Station 300.

23 COURT REPORTER: Say it again.

24 BY MR. THORNTON:

25 Q. Just slow down just a little bit, Jayden.

1 So where did you go first?

2 A. First, we went to Station 300.

3 Q. Station 300? Okay. And who went with you?

4 Who were you -- were you driving, or was somebody
5 else driving?

6 A. My sister was driving.

7 Q. And what - again, what's your sister's name?

8 A. Shanya Void.

9 Q. And who else was in the car with you, if
10 anybody?

11 A. My big sister.

12 Q. And what is her name?

13 A. Stacy Void.

14 Q. I'm sorry, I didn't mean to interrupt you.
15 What's her name?

16 A. Stacy Void.

17 Q. And was anybody else in the car?

18 A. Just my nephew.

19 Q. Okay, and whose child is that?

20 A. My sister, my older sister, Stacy.

21 Q. All right, which sister?

22 A. Stacy.

23 Q. Okay. And you said you went to Station 300?

24 A. Yes, sir.

25 Q. All right, and why did you go to Station

1 300?

2 A. For Shanya, to get some marijuana for
3 Jimmie.

4 Q. And who is Jimmie? What's his last name?

5 A. Green.

6 Q. So you'all went there to get - for Shanya to
7 get weed from Jimmie Green?

8 A. Yes, sir.

9 Q. All right.

10 MR. THORNTON: Apologize, Judge, the
11 Court's indulgence just a moment.

12 THE COURT: Okay.

13 MR. THORNTON: Got it.

14 BY MR. THORNTON:

15 Q. I'm gonna hand you what's already been
16 introduced into evidence as State's 35.

17 Do you recognize that car?

18 A. Yes, sir.

19 Q. Whose car is that?

20 A. My sister's, Shanya.

21 Q. All right. Is that the same car in State's
22 38?

23 A. Yes, sir.

24 Q. And State's 37?

25 A. Yes, sir.

1 MR. THORNTON: State's 35.

2 BY MR. THORNTON:

3 Q. All right, State's 35, so there was
4 testimony earlier about the blue car at Parker's,
5 and we'll get to that in a minute, but your
6 testimony is that that's your sister's car?

7 A. Yes, sir.

8 Q. All right, so you'all go to Station 300,
9 your testimony is to get -- for Shanya to get weed
10 from Jimmie Green.

11 When you got there to Station 300 -- I'm
12 gonna show you State's 43, and ask you if you can -
13 if you can see - do you know where you'all parked at
14 when you got to Station 300, what area?

15 A. I would say that corner.

16 Q. It's that corner right here?

17 A. Yeah.

18 Q. Okay. And was Jimmie Green there when
19 you'all got to Station 300?

20 A. Yes, sir.

21 Q. And was Jimmie Green alone, or did he have
22 other people with him?

23 A. He had other people with him.

24 Q. All right. Did you recognize anybody he had
25 with him?

1 A. One of them.

2 Q. Okay. Who did you recognize, other than
3 Jimmie Green?

4 A. Ty Leic.

5 Q. All right, and by Ty Leic, do you know Ty
6 Leic's last name?

7 A. Chaneyfield.

8 Q. All right, and do you see Ty Leic
9 Chaneyfield in the courtroom anywhere?

10 A. Yes, sir.

11 Q. Where is he?

12 A. Right there.

13 MR. THORNTON: Your Honor, let the record
14 reflect he's identified the Defendant, Ty Leic
15 Chaneyfield.

16 THE COURT: Okay.

17 BY MR. THORNTON:

18 Q. Does Ty Leic have any other names he goes
19 by?

20 A. 30.

21 Q. 30? So when you got to Station 300, what
22 happened?

23 A My sister was talking to Jimmie with
24 Sheniah. She basically was talking about other
25 things, they used to be together and stuff.

1 Basically he told us that he was looking for --

2 MR. LEE: I'm going to object to anything
3 that he's saying somebody else said, it's hearsay.

4 THE COURT: Okay. Solicitor?

5 MR. THORNTON: Your Honor, it would be in
6 the furtherance of a conspiracy, number one. It
7 would also be present-sense impression, it could be
8 any one of a number of things, but it's certainly
9 furtherance of conspiracy.

10 THE COURT: All right.

11 MR. THORNTON: They're charged under the
12 mob statute, as agreed, backing this agreement.

13 THE COURT: And so he's saying -- I
14 couldn't understand, who was he supposedly quoting?

15 MR. THORNTON: Jimmie Green to his sister
16 in the presence of Ty Leic Chaneyfield, although
17 I'll develop that in a minute.

18 THE COURT: Okay, I'll overrule the
19 objection. I'll allow it.

20 MR. THORNTON: Thank you, Your Honor.

21 BY MR. THORNTON:

22 Q. What did Jimmie Green tell Sheniah?

23 A. To look for his people.

24 Q. All right, and did he have a particular name
25 for the people, or what did he call them?

1 A. His ops.

2 Q. His ops, and does that mean the enemy or
3 opposition?

4 A. Yes, sir.

5 Q. All right, and why was he looking for the
6 ops?

7 MR. LEE: I object. Calls for speculation
8 unless he has knowledge of what Jimmie said and
9 everything else. It's speculation.

10 THE COURT: Okay.

11 MR. THORNTON: I think he does.

12 THE COURT: Rephrase your question.

13 MR. THORNTON: Yes, sir.

14 BY MR. THORNTON:

15 Q. Do you know why Jimmie was looking for the
16 ops?

17 A. They had shot up his house.

18 Q. All right, so they had shot up his house?

19 A. Yes, sir.

20 Q. All right, and you had testified -

21 MR. LEE: I renew my earlier objections.

22 THE COURT: Okay, and it's noted for the
23 record.

24 MR. LEE: Thank you.

25 THE COURT: So noted.

1 MR. THORNTON: Thank you, Your Honor.

2 BY MR. THORNTON:

3 Q. So just to go back so we can go back over
4 this.

5 So Jimmie Green told Shanya in your presence
6 that he was looking for the ops because they had
7 shot up his house?

8 A. Yes, sir.

9 Q. All right.

10 And you said you already identified Ty Leic
11 Chaneyfield; that he was there at this time as well?

12 A. Yes, sir.

13 Q. Now, you said there was somebody else there.
14 Did you know that person?

15 A. No, sir.

16 Q. All right. I'm gonna hand you what's been
17 marked as State's Exhibit 40.

18 Do you recognize that?

19 A. Yes, sir.

20 Q. And is that a disk that I asked you to
21 review -- a video I asked you to review?

22 A. Yes, sir.

23 Q. And did you initial the disk?

24 A. Yes, sir.

25 Q. And the video that's on that disk, can you

1 identify what that is?

2 A. Jimmie Green and Ty Leic Chaneyfield.

3 Q. All right, so this is a video of Jimmie
4 Green and Ty Leic Chaneyfield?

5 A. Yes, sir.

6 Q. Is this from that night at Station 300?

7 A. Yes, sir.

8 Q. And is it a fair and accurate depiction of
9 how they appeared that day?

10 A. Yes, sir.

11 Q. I'm sorry did --

12 A. yes --

13 Q. -- is that accurate?

14 Does it look like they looked that night?

15 A. Yes, sir.

16 Q. All right. I'm also going to hand you
17 what's been marked as 41 and 42.

18 Can you identify what those are as well?

19 A. They're pictures.

20 Q. All right, and the pictures, are they
21 pictures of the video that I just - basically, still
22 shots, still photographs from that video?

23 A. Yes, sir.

24 Q. And are those also accurate as to how
25 everybody looked that night?

1 MR. LEE: Your Honor, I'm going to object
2 to those photos. I'll ask you not to hold them up
3 to publish to the jury until we determine the
4 admissibility of them.

5 THE COURT: Okay, well, I assume you'll
6 offer them into evidence?

7 MR. THORNTON: Yes, sir, that was --

8 THE COURT: All right.

9 MR. THORNTON: -- just about to be my next
10 question, Judge.

11 THE COURT: All right.

12 MR. THORNTON: Judge, I'd like to go ahead
13 and move 40, 41 and 42 into evidence.

14 THE COURT: Okay.

15 What says the defense?

16 MR. LEE: I object to those three, Your
17 Honor. I would like to be heard on it.

18 THE COURT: Okay.

19 Ladies and gentlemen, I need you to go to
20 the jury room for a few minutes. Don't discuss the
21 case. I'll get you back out just as quickly as I
22 can. Thank you.

23 (Jury exits the courtroom.)

24 BAILIFF: The jury's cleared, Your Honor.

25 THE COURT: Okay.

1 MR. LEE: From what I understand, those two
2 photos The CD I think is a still photo from a
3 Snapchat, isn't that right, Mr. Thornton?

4 MR. THORNTON: Yes, sir.

5 MR. LEE: And what it portrays is my
6 client, along with a fella named M.A. [REDACTED],
7 who has recently been charged with this. And they
8 are standing there -

9 THE COURT: Okay.

10 MR. LEE: If you want to go ahead and hand
11 the Judge the pictures.

12 They're standing there essentially making
13 an obscene gesture towards the camera. I think that
14 that - the probative value of that, you know, they
15 have like bandanas around their -- the bottom of
16 their face.

17 I think the probative value of that is
18 substantially outweighed by the potential for the
19 prejudicial effect. It's kind of gratuitous, you
20 know, showing that these guys are obviously bad
21 guys, they're flipping the bird at the camera.

22 I think just if the whole - the full weight
23 of the photo is taken, it is unnecessary, and we
24 certainly believe under Rule 403 that it's
25 prejudicial to my client.

1 It's a gratuitous obscene gesture being
2 made at the camera, they can certainly maybe go into
3 some type of character issues, you know, whatever
4 you want to go with, but I just don't think that
5 it's probative at all, and the prejudicial effect is
6 substantial.

7 And I think that there's plenty of other
8 ways that the State has and will continue to
9 establish my client's presence at Station 300 with
10 Jimmie Green before the shooting happened.

11 If he is just using it to establish his
12 presence, I think it's unnecessary, quite frankly.

13 THE. COURT: Okay.

14 MR. LEE: And we will be willing to
15 stipulate he was at Station 300 at that time with
16 Jimmie Green.

17 THE COURT: What about it, Solicitor?

18 MR. THORNTON: Your Honor, the probative
19 value is it does place him there. It places him
20 there at the time when this witness has indicated
21 that he was there. It places that they are in
22 proximity to Jimmie Green and the third person, who
23 we know as M.A. [REDACTED].

24 This witness did not know him at the time,
25 and he would not testify to that. In fact, I think

1 he did testify that he didn't know them. It puts
2 all of them together. It's an accurate
3 representation of how they appeared that night.

4 I don't think there is anything overly
5 prejudicial about it. I recognize that he is, for
6 lack of a better word, Judge, flipping the bird, but
7 that -- in the grand scheme of what we deal with, I
8 would not consider it to be overly prejudicial.
9 It's not really prejudicial at all, other than he is
10 flipping the bird. But it certainly places them all
11 there. It places them there together at the time
12 when this witness said he was.

13 And frankly a lot of this, assault and
14 battery by mob, the evidence I have to show to show
15 they were acting in concert. I believe this video
16 shows them acting in concert.

17 MR. LEE: The Solicitor is trying to
18 bolster some of the testimony, among other things.
19 I don't think there is any dispute that Ty Leic
20 Chaneyfield was there that night. We have never
21 denied that.

22 THE COURT: Okay.

23 There's clearly several ways to continue to
24 prove that, but, you know, just the way he is
25 dressed, and the obscene gesture, Judge, I think

1 just paints a very dark picture of my client, and,
2 you know, wants to paint him like he's the kind of
3 guy that would do exactly what he's charged with.

4 So I don't think that picture is admissible
5 under the rules of evidence.

6 MR. THORNTON: Your Honor, the only thing
7 else I would add is that one of the other witnesses
8 that you've heard about, which we would expect to
9 testify tomorrow, Harold Rogers.

10 One of the things that he will testify to
11 is that Ty Leic Chaneyfield told him that they were
12 at Station 300 and had a mask on and were flipping
13 the bird.

14 So it also corroborates another witness'
15 testimony, who I'm sure Mr. Lee will be attacking
16 his veracity and credibility, and the video does go
17 to support his credibility, which will be at issue.

18 THE COURT: So you are you going to offer
19 the video then?

20 MR. THORNTON: And I'm sorry, I apologize,
21 Judge, and they have a photograph of it. In other
22 words, he tells Harold Rogers, they have a video or
23 photograph of us at Station 300 doing exactly that.

24 MR. LEE: And one other issue is, he didn't
25 take that picture or that video, it was taken by

1 someone else is my understanding.

2 MR. THORNTON: Yes, sir. I mean most of
3 the photographs we introduce aren't taken by the
4 person testifying. It's a fair and accurate
5 representation -

6 THE COURT: Uh-huh. And he's testified
7 that this is a fair and accurate representation and
8 not who actually took the photograph. He has
9 testified it's a fair and accurate representation.

10 MR. THORNTON: Well, he testified exactly
11 when it was taken, and in what manner, and where,
12 and all that.

13 THE COURT: Well, I think he testified --
14 my understanding from his testimony, it happened
15 that night at Station 300, what we've been talking
16 about, and he reviewed the video, and it's a fair
17 and accurate representation.

18 And, you know, the fact in the balance of
19 403, 404 probative value versus outweighing the
20 prejudicial, of course, he's telling me that the
21 probative value is substantial based on what your
22 client said and the next witness, but it's just
23 showing two photographs of your client flipping the
24 bird. And I don't know -

25 MR. LEE: Well, you said it was probative

1 because of what my client said?

2 THE COURT: No. Yeah, because of what -- I
3 assume what they told me, the reason that it is
4 probative is that your client told a future witness
5 that he was there; that he was flipping the bird,
6 and he had a mask on. That makes these photographs,
7 you know, more probative than prejudicial, because -

8 MR. LEE: It simply bolsters another
9 State's witness who's getting a deal as a snitch's
10 testimony?

11 THE COURT: Well --

12 MR. LEE: It's especially probative for the
13 jury, not helpful to the State. It's probative for
14 the jury to understand --

15 THE COURT: Yeah.

16 MR. LEE: -- what's going on. Not that it
17 helps the State's case.

18 THE COURT: I understand that, and I agree
19 with that, but it is probative for the jury to
20 determine the true facts in a particular case.

21 If there's another witness that says that
22 your client told me he was there, he had on a
23 bandana, and I have a picture of me flipping the
24 bird," that's certainly probative.

25 It places him there based on his own

1 admission. Now, whether the jury believes the
2 witness or not is a whole different story, but the
3 fact that your client allegedly told him that, I
4 think --

5 MR. LEE: So unless someone is charged with
6 breach of trust, and right before they go and commit
7 the crime, they're holding a gun, but they're
8 wearing, you know, a blue polo and a pair of khakis,
9 and say, "Well, I saw him, he's wearing a blue polo
10 and a pair of khakis, and here's a picture of him,
11 by the way he's holding a gun."

12 THE COURT: I understand that, and if the
13 gun wasn't used in the crime, I may not let that in
14 because holding a gun is different than flipping the
15 bird.

16 MR. LEE: It essentially goes to someone's
17 character. It's trying to paint him in a bad light.
18 I think we all know that.

19 They're not using it to try to show that
20 their snitch is telling the truth about one isolated
21 story because Chaneyfield supposedly told him. I
22 mean there's pages and pages and pages, it's gonna
23 take a long time that they've got to testify, so
24 simply allowing a picture to fit in because it's
25 consistent with what their snitch says what he did,

1 which really doesn't have anything to do with the
2 underlying crime.

3 He's there, there's no question, he's there
4 at Station 300. That's been proved over and over.
5 It's gonna be proved over and over. It's on video.

6 It's going to be testified to. So it
7 really has no probative value at all, and the
8 prejudicial effect is obvious because of the, you
9 know, I won't say salacious, but because of the
10 nature of the photo.

11 If they were just standing there, I'd have
12 no problem with it, but they're not, and, you know,
13 we all know what flipping the bird means. I mean, I
14 think they're gonna try to show some type of state
15 of -- show a person's state of mind by that and then
16 go from there and go from there and go from there.

17 That's my concern.

18 THE COURT: I understand that, and if I had
19 been presented a number of photographs and if they
20 aren't flipping the bird, it proves the same thing.
21 I may not let it in.

22 But if this is the only evidence they have
23 with them present and they've got someone to
24 testify, then may the probative value is more
25 probative than prejudicial.

1 Do you want to respond to that?

2 MR. THORNTON: No, sir. The only thing I
3 would say, Judge, is just to clarify, there's a
4 video of the car going back and forth, and certainly
5 we have testimony, that's the video or the
6 photographs that we have, the still photographs from
7 that video, of actually Mr. Chaneyfield, as
8 identified now by Mr. Void. That's the video that we
9 have of him at Station 300.

10 In other words, Mr. -- you know, I just
11 want to make sure the Court understands, I don't
12 have other photographs or videos of Mr. Chaneyfield,
13 the Defendant in this case, standing at Station 300,
14 that's what we have.

15 We have certainly evidence and testimony
16 about the car going back and forth and that they
17 were there when they got there. We have testimony
18 of it, but as far as photographs of Ty Leic
19 Chaneyfield standing there, that's what I have.

20 THE COURT: Okay.

21 MR. THORNTON: And it's -- I will let the
22 Court see the video. The video is literally three
23 or four seconds long, it's not like I selected those
24 still shots and I could have picked another one
25 where he wasn't flipping the bird. I mean, I will

1 let the Court see the video.

2 THE COURT: Are you objecting to the video
3 as well?

4 MR. LEE: Yeah, I mean that's just a
5 screenshot of the video.

6 THE COURT: So -- and I'm --

7 MR. LEE: The video's like, what, four
8 seconds or so?

9 THE COURT: I probably need to see --

10 MR. LEE: Yes, sir.

11 THE COURT: -- the video.

12 MR. THORNTON: It'll take just a second,
13 Your Honor, to switch the input.

14 THE COURT: All right.

15 MR. LEE: Really for the record, my
16 understanding from the Solicitor's representation is
17 that he has no other pictures that could be used to
18 establish how Ty Leic Chaneyfield's presence at
19 Statin 300, is that --

20 MR. THORNTON: I don't have any other video
21 of Ty Leic Chaneyfield physically standing there
22 that I am aware of, unless there's something in here
23 that I don't know about, which I can't imagine that
24 there is.

25 Now, that's kind of a loaded question

1 because certainly I've got a video of the car that
2 we believe he's in going in and out --

3 THE COURT: Right.

4 MR. THORNTON: -- and testimony, but as far
5 as pictures of him standing there that I have a
6 witness who will identify, that's what I have.

7 THE COURT: Okay.

8 MR. THORNTON: And I'll -

9 THE COURT: And that's the video right
10 there?

11 MR. THORNTON: Yes, sir, can you see that
12 okay, Your Honor?

13 THE COURT: Yes, sir.

14 MR. THORNTON: Dylan, can you go ahead and
15 play it. Slow it down.

16 (Video being played for the Court.)

17 MR. THORNTON: That's the video.

18 THE COURT: Okay. All right, I'm gonna
19 take about a five-minute break, because I need one
20 too, and then I'll be back. Thank you all.

21 MR. THORNTON: Thank you, Your Honor.

22 MR. LEE: Thank you, Judge.

23 (RECESS)

24 **

25 PROCEEDINGS CONTINUED

1 BAILIFF: All rise, Court is back in
2 session.

3 THE COURT: Thank you, you can be seated.
4 Okay, I have tried to weigh the analysis under 403
5 and 404.

6 What was presented to me is that this is
7 the only photograph the State has that was taken
8 that night at Station 300, which also leads up, I
9 assume, to this crime.

10 And so -- and they also have another
11 witness that will testify that the Defendant told
12 him that this is how he was dressed, and this is
13 what they did.

14 I think the probative value outweighs the
15 prejudicial value. Now, if it was just the
16 photograph of the Defendant and co-defendant
17 flipping the bird, then I wouldn't allow it in,
18 because it would show no probative value.

19 But in this situation under the facts of
20 this case, even though it is somewhat prejudicial, I
21 think the probative value outweighs the prejudicial
22 value, and I'm going to allow it in.

23 MR. THORNTON: Thank you, Your Honor.

24 MR. LEE: And just to clarify, the Court's
25 ruling is based upon the fact that it will assist

1 the prosecutor's office when they call Mr. Rogers,
2 who is expected to testify that my client identified
3 that he had this picture taken of him? That's the
4 probative --

5 THE COURT: No, he - that is one issue, but when
6 this particular witness is on the stand --

7 MR. LEE: Right.

8 THE COURT: -- he has reviewed this video;
9 he's testified he was there along with your client
10 and that this was a photograph of your client and
11 him at the scene or at Station 300 at the time.

12 MR. LEE: It's not a picture of him.

13 THE COURT: I understand that.

14 MR. LEE: Okay, okay.

15 THE COURT: He was there.

16 MR. LEE: Okay.

17 THE COURT: And this is a photograph of
18 what he saw that.

19 MR. LEE: Okay.

20 THE COURT: So it's coming in under this
21 witness --

22 MR. LEE: Okay.

23 THE COURT: -- but the fact that there are
24 no other -- you know, if there was another
25 photograph of your client and him there and didn't

1 flip the bird and basically, would have the same
2 probative value with no prejudicial value; but they
3 told me this is the only one, and I'm ruling that
4 the prejudicial value is outweighed by the probative
5 value, based on what's before me right now.

6 MR. LEE: The probative outweighs the
7 prejudicial, you mean?

8 THE COURT: I said it backwards. I said the
9 prejudicial is outweighed by the probative.

10 MR. LEE: Yes, sir.

11 THE COURT: The probative being outweighed by
12 the prejudicial.

13 MR. LEE: That's correct.

14 THE COURT: Okay.

15 MR. LEE: Understood.

16 THE COURT: Now, I need you'all to approach real
17 quick, and let me tell you one other problem I've
18 got.

19 (Bench conference.)

20 THE COURT: Are we ready for the jury?

21 MR. THORNTON: The State's ready, Your
22 Honor.

23 THE COURT: Okay.

24 BAILIFF: The jury's entering, Your Honor.

25 THE COURT: Thank you.

1 (Jury enters the courtroom.)

2 BAILIFF: The jury's seated, Your Honor.

3 THE COURT: Okay.

4 MR. THORNTON: Thank you, Your Honor, may
5 it please the Court at this time? I'd renew my
6 request to move State's 40, 41 and 42 into evidence.

7 THE COURT: It is admitted in over
8 objection.

9 (State's Exhibits 40 - 42 were admitted into
10 evidence.)

11 MR. THORNTON: Your Honor, at this time
12 we're going to publish 40.

13 BY MR. THORNTON:

14 Q. Can you see that okay, Mr. Void?

15 A. Yes, sir.

16 Q. All right, so this is before we started, so
17 which one of those two that was there that night --
18 which one of those two people is Ty Leic
19 Chaneyfield?

20 A. The one on the left.

21 Q. That one?

22 A. Yes, sir.

23 Q. All right, and did you know this other
24 person?

25 A. No, sir.

1 Q. All right, go ahead.

2 (Video being played for the jury.)

3 MR. THORNTON: Stop it right there.

4 BY MR. THORNTON:

5 Q. Who is this person?

6 A. Jimmie Green.

7 Q. And is that who your sister went to see to
8 get weed from?

9 A. Yes, sir.

10 Q. Sir, I'm gonna hand you what's been marked
11 as State's Exhibit 47 for identification.

12 Do you recognize that car?

13 A. Yes, sir.

14 Q. All right, and whose car -- who was in that
15 car the night of March 5th, 2021?

16 A. Jimmie Green.

17 Q. All right, and did you see this car at
18 Station 300 when you'all pulled up?

19 A. Yes, sir.

20 Q. And, again, just so we're clear, who else
21 was at Station 300 with Jimmie Green?

22 A. Ty Leic.

23 MR. THORNTON: 47. It's all right, we'll
24 go back to it in a minute.

25 Can you pull up the Station 300 video for

1 me?

2 (Video being played for the jury.)

3 BY MR. THORNTON:

4 Q. Is this the corner right here where you go
5 to park at?

6 A. Yes, sir.

7 Q. When you got to that back corner, was Jimmie
8 Green already there in his car?

9 A. Yes, sir.

10 Q. Was he pulled in straight, or was he backed
11 in?

12 Do you remember?

13 A. He was backed in.

14 Q. About where that car right there is going?

15 A. Yes, sir.

16 Q. Do you recognize that car, Mr. Void?

17 A. Yes, sir.

18 Q. And whose car is that?

19 A. Shanya's.

20 Q. Is that the car you were in that night?

21 A. Yes, sir.

22 Q. So is that you'all pulling into the parking
23 lot?

24 A. Yes, sir.

25 Q. All right.

1 MR. THORNTON: Go ahead, Mr. Hightower.

2 (Video being played for the jury.)

3 BY MR. THORNTON:

4 Q. I think you testified earlier that you'all
5 pulled back and park right there; is that right?

6 A. Yes, sir.

7 BY MR. THORNTON:

8 Q. And is that where you saw Jimmie Green and
9 Ty Leic Chaneyfield, and this other person you
10 didn't know?

11 A. Yes, sir.

12 Q. And is that where that video was taken?

13 A. Yes, sir.

14 MR. THORNTON: Mr. Hightower.

15 BY MR. THORNTON:

16 Q. Mr. Void, you said earlier that Jimmie Green
17 told Shanya that he was looking for his ops.

18 Do you know the name of any of the people
19 he was looking for?

20 A. Memphis.

21 COURT REPORTER: Say it again?

22 BY WITNESS:

23 A. Memphis.

24 Q. Memphis? Do you know Memphis' last name?

25 A. I think Daniels.

1 Q. Okay. And do you know whether or not
2 Memphis Daniels has a friend named Jaliel Hooper
3 (phonetic)? Does that name ring a bell?

4 A. Yes, sir.

5 Q. Okay. So at some point we've seen that you
6 and Jimmie Green and Ty Leic Chaneyfield are at the
7 Station 300 in the back corner back there.

8 Do you'all leave at some point?

9 A. Yes, sir.

10 Q. All right.

11 MR. THORNTON: Mr. Hightower, have you got that
12 for me?

13 (Video being played for the jury.)

14 BY MR. THORNTON:

15 Q. Is that you'all leaving?

16 A. Yes, sir.

17 MR. THORNTON: Stop there. Have you got it
18 from the other angle?

19 (Video being played for the jury.)

20 BY MR. THORNTON:

21 Q. This is from the Ace Hardware store; do you
22 see Shanya's car go by, so that's you'all leaving,
23 and it's 11:03 and some change; is that right?

24 A. Yes, sir.

25 Q. All right, so what happened after you left

1 Station 300? Where did you go?

2 A. Went to Wendy's.

3 Q. And is that the Wendy's -- there was some
4 testimony earlier that it's right next to the
5 Parker's?

6 A. Yes, sir.

7 Q. All right. If I showed you a picture of
8 that, would you be able to see it? Is that the
9 correct one?

10 A. Yes, sir.

11 MR. THORNTON: And that is State's 39, Your
12 Honor.

13 THE COURT: Okay.

14 BY MR. THORNTON:

15 Q. All right, so what happens when you get to
16 Wendy's?

17 A. Got to Wendy's, my sister, Shanya, she'd
18 seen the car there. She seen the car that Jimmie
19 had told her about, which is the black car.

20 Q. All right, so let me back up for a second.
21 So you'all see a car that you were -- that Jimmie
22 told her to be on the lookout for?

23 A. Yes, sir.

24 Q. All right. Are these the ops that he was
25 looking for?

1 A. Yes, sir.

2 Q. All right, is that who you thought were the
3 ops?

4 A. Yes, sir.

5 Q. All right. Did it turn out to be later to
6 be the wrong people?

7 A. Yes, sir.

8 Q. So what did you and Shanya do at that point?

9 A. We parked at Parker's.

10 Q. All right, so you parked at the Parker's?

11 A. Yes, sir.

12 Q. All right, hang on just a sec.

13 MR. THORNTON: Mr. Hightower.

14 (Video being played for the jury.)

15 MR. THORNTON: All right, freeze it.

16 BY MR. THORNTON:

17 Q. Is that you right there with Shanya and
18 Stacy in the blue car?

19 A. Yes, sir.

20 MR. THORNTON: Go ahead.

21 (Video being played for the jury.)

22 MR. THORNTON: Pause it.

23 BY MR. THORNTON:

24 Q. All right, did you see that blue car that
25 just came in and stopped right there --

1 A. Yes, sir.

2 Q. -- Mr. Void?

3 A. Yes, sir.

4 Q. Is that your -- is that the car that you'all
5 were in?

6 A. Yes, sir.

7 Q. All right.

8 MR. THORNTON: Go ahead, Mr. Hightower.

9 BY MR. THORNTON:

10 Q. Mr. Void, while we're waiting for the next
11 couple of minutes until something happens, let me
12 ask you a question.

13 So you said you think that Shanya sees the car.
14 What do you do at that point when you'all see the
15 car that you think Jimmie and Ty Leic Chaneyfield
16 are looking for?

17 A. She called him.

18 Q. She called -- all right, she said she called
19 him. Who is she, and who is him?

20 A. Shanya called Jimmie.

21 Q. All right, so Shanya calls Jimmie and what
22 does she tell Jimmie?

23 A. Shanya told him she'd seen the black car
24 that he was talking about, and she told him to hurry
25 up.

1 Q. And did you at some point also try to do
2 like a -- and you're gonna have to forgive me, I'm
3 getting old, Facebook, or Facetime, or did you try
4 to also call Jimmie Green on your phone?

5 A. Yes, sir.

6 Q. But -- so you made a phone call of some
7 type, and Shanya made a phone call; is that right?

8 A. Yes, sir.

9 Q. All right, and you said Shanya told Jimmie
10 that the people he was looking for were there, and
11 that he needed -- did you say he needed to hurry up?

12 A. She said he needed to hurry up.

13 Q. And did you see Jimmie Green's car get there
14 before the black car left?

15 A. Say it one more time?

16 Q. I'm sorry, that's probably a poorly phrased
17 question. At some point after Shanya made that
18 phone call, did you see Jimmie Green's car come back
19 through?

20 A. Yes, sir.

21 Q. All right, and did he pull into Parker's?

22 A. Yes, sir.

23 Q. What did he do?

24 A. A U-turn.

25 Q. He did a U-turn?

1 A. A loop. That's what it looked like.

2 Q. And when he did the U-turn, was that about
3 the time the victim's car in this case, the black
4 car, was pulling out?

5 A. Yes, sir.

6 Q. And what did that car do if anything?

7 What did Jimmie Green's car do?

8 A. By the time that car pulled up?

9 Q. Yeah, as the black car's pulling out, they
10 do a loop, what do they do?

11 A. Speed it up.

12 Q. Okay, and did they get behind the black car?

13 A. Not at that point, but it was catching up to
14 it, yes, sir.

15 Q. Okay, and what do you'all do at that point?

16 A. We fell right behind them.

17 Q. All right, so you fell right behind who?

18 A. Jimmie Green.

19 Q. Okay. All right, and you testified earlier
20 that Jimmie Green's car did a loop, it came back
21 through, and then you'all's brake lights are on; is
22 that when he came back through?

23 A. Yes, sir.

24 Q. All right, and you said -- you testified you
25 left shortly after?

1 A. Yes, sir.

2 Q. All right, so that was 11:22 when that
3 occurred. All right, so --

4 MR. THORNTON: I'm sorry, Mr. Hightower, you can
5 freeze at that point.

6 BY MR. THORNTON:

7 Q. So let me ask you this, when you leave the
8 Wendy's/Parker's parking lot, when you leave there,
9 you said that the black Acura, or the victim's car,
10 had already pulled out.

11 Jimmie Green's car is getting behind them,
12 speeding up, and then you'all leave.

13 Do you go the same direction that the other
14 two cars are going?

15 A. Yes, sir.

16 Q. All right, and what happens next? Where did
17 the cars -- where do you end up?

18 Do you make a turn onto the 170, the
19 highway next to the Parker's?

20 A. Yes, sir.

21 Q. All right, and then do you make another turn
22 on Bluffton Parkway?

23 A. Yes, sir.

24 Q. And what happens -- what do you see when you
25 get to Bluffton Parkway?

1 A. They sped up and got up behind him.

2 Q. All right, hang on a second, I'm sorry, they
3 who?

4 A. Jimmie Green.

5 Q. All right, he sped up behind -- they sped up
6 behind the black car?

7 A. Yes, sir.

8 Q. All right, what happened next?

9 A. They went in the left lane, got beside --
10 right beside him, and that's when we'd seen the
11 muzzle flashes.

12 Q. And whose car did you see muzzle flashes
13 coming from?

14 A. Jimmie Green's.

15 Q. Which side?

16 A. The passenger side, on the right side.

17 Q. All right, and you see one, or more than
18 one?

19 A. More than one.

20 Q. Okay. And where were the muzzle flashes
21 aimed at? Were they aimed at the black car?

22 A. Yes, sir.

23 Q. All right.

24 I'm gonna show you what's been marked as
25 State's Exhibit 5, it's already in evidence; is that

1 the car you saw as you passed by?

2 A. Yes, sir.

3 Q. And was there a big -- like a brick sign, or
4 something at Hampton Lakes that the car hit when it
5 ended up in the ditch?

6 A. I didn't see that.

7 Q. Okay, but is that -- I know the door's been
8 opened since then, but other than that, is that how
9 you saw the car when you passed by?

10 A. Yes.

11 Q. All right, and what did you do after that?

12 A. Shanya drove past. She was going back to
13 Station 300. She made a phone call to Jimmie, and
14 she started telling him what happened and stuff like
15 that.

16 Q. Did you -- telling him what she saw?

17 A. Yes, sir.

18 Q. All right, and did you go anywhere else that
19 night?

20 A. We went back to Station 300.

21 Q. All right, and after Station 300 where did
22 you go?

23 A. Home.

24 MR. THORNTON: Your Honor, the Court's
25 indulgence, please, just a moment.

1 THE COURT: Okay.

2 BY MR. THORNTON:

3 Q. So did you ever -- when you got back home,
4 did you hear from Jimmie Green anymore or hear any
5 conversations with Jimmie Green either that night or
6 the next morning?

7 A. So that night when we was on our way back
8 home.

9 Q. All right, what about the next morning?

10 A. No, sir.

11 Q. All right. At some point, did he tell
12 you'all to delete your phone conversations?

13 A. Yes, sir.

14 Q. So when you were behind the car, when you
15 saw the muzzle flashes, how far back to you think
16 you'all were? Do you have any idea?

17 A. No, sir, I can't say so.

18 Q. Thank you very much, Mr. Void, answer any
19 questions Mr. Lee has.

20 **

21 **CROSS-EXAMINATION BY MR. LEE**

22 BY MR. LEE:

23 Q. Good afternoon, Mr. Void.

24 A. Good afternoon.

25 Q. You got asked a bunch of questions. Juries

1 have tough jobs, would you agree with that, being on
2 a jury; do you agree with that?

3 A. Yes, sir.

4 Q. Have you ever been on a jury?

5 A. No, sir.

6 Q. Wouldn't you agree that juries are entitled
7 to hear the truth, and hear the whole part of the
8 story?

9 A. Yes, sir.

10 Q. And you're a witness, so the jury's gonna
11 listen, and decide whether or not what you're saying
12 is right; do you agree with that?

13 A. Yes, sir.

14 Q. Okay. All right, here's your chance.

15 Is there anything that you need to add to your
16 testimony? Change your answers to any questions
17 asked of you?

18 Anything that you're not sure you
19 understood right? Is there anything else, based on
20 the direct testimony they asked you, that you think
21 you need to add or would be important to this jury?

22 A. No, sir.

23 Q. No, sir, all right. Well, I have a few
24 questions. Where do you live right now?

25 A. Right now?

1 Q. Right now.

2 A. I don't know the address, but I stay in
3 Columbia.

4 Q. You don't know the address, but you stay in
5 Columbia?

6 A. Yeah.

7 Q. What part of Columbia?

8 A. I can't say.

9 Q. You can't say?

10 A. Uh-uh.

11 Q. Okay. What are you wearing here today?

12 A. What I'm wearing? A jumper.

13 Q. A jumper?

14 A. Yes, sir.

15 Q. Can we call it a jail jumper, would that be
16 fine?

17 A. Yes, sir.

18 Q. Would you agree with that?

19 A. Uh-huh.

20 Q. So you're in jail right now, right?

21 A. Yes, sir.

22 Q. Okay. The Solicitor didn't ask you about
23 that, did he?

24 A. Sir?

25 Q. The Solicitor didn't ask you that did he?

1 A. No, sir.

2 Q. So they brought you from jail to come
3 testify today, right?

4 A. Yes, sir.

5 Q. Are you doing it just out of your civic duty
6 because it's the right thing to do?

7 A. Yes, sir.

8 Q. You are?

9 A. Yes, sir.

10 Q. You're doing it because it's your civic duty
11 and you want to do the right thing; that's why
12 you're here?

13 A. Yes, sir.

14 Q. And that's the only reason?

15 A. No, sir.

16 Q. No, sir? What's the other reason?

17 A. The other reason?

18 Q. Uh-huh.

19 A. I don't have no reason.

20 Q. You don't have any reason to be here?

21 A. No, sir.

22 Q. Other than your civic duty?

23 A. Yes, sir.

24 Q. Okay. Can you tell the jury a little bit
25 more about the type of civic duty and any good deeds

1 you've done in your past five years maybe?

2 A. The five years of my life?

3 Q. Yeah.

4 A. Went to school, graduated high school, tried
5 to go back to college in Georgia. I tried to -- I
6 tried to do that, but I couldn't.

7 Q. Because you're in jail --

8 A. Yes, sir.

9 Q. -- right? And right now you have three
10 charges pending related to this case; do you not?

11 A. Yes, sir.

12 Q. Okay, and you have three counts of what are
13 called mob violence, first-degree, second-degree and
14 third-degree, correct?

15 A. Yes, sir.

16 Q. And you have indictments, and you're charged
17 with that, and that's why you're in jail right now,
18 right?

19 A. Right.

20 Q. Yes, sir.

21 And you're hoping that -- well, let me go
22 back, the Solicitor's Office is prosecuting you?

23 A. Sir?

24 Q. This Solicitor's Office is prosecuting you?

25 A. Yes, sir.

1 Q. Okay. And you're hoping that your coming
2 here today is gonna help out on your case, right?

3 A. No, sir, not really.

4 Q. It's not? Okay.

5 So you're not hoping some kind of benefit
6 or consideration of coming into Court today?

7 A. No, sir.

8 Q. Okay. So you're gonna come into Court and
9 admit to certain things that you're charged with,
10 and you're not getting anything in return?

11 A. No, sir.

12 Q. Okay. Are you here to plead guilty to your
13 charges?

14 A. Yes, sir.

15 Q. You are?

16 A. Yes.

17 Q. Okay.

18 A. Right now?

19 Q. Yeah.

20 A. Not right now.

21 Q. But you're going to plead eventually?

22 A. Yes, sir.

23 Q. Okay, and who's prosecuting your case, Mr.
24 Stone?

25 A. Yes, sir.

1 Q. Okay, and you understand he's the one who's
2 going to make a recommendation to a Judge at some
3 point when you plead guilty?

4 A. Yes, sir.

5 Q. Okay, and you realize that the exposure that
6 you face on these three charges is three years for
7 one, three to 25 years with no parole, and up to 30
8 years for the third one, correct?

9 A. Yes, sir.

10 Q. So you're facing 58 years in prison, and 55
11 years of that sentence is mandatory 85 percent, so
12 you get no parole until then, right?

13 A. Yes, sir.

14 Q. Okay. But you're not -- none of your
15 testimony is swayed by having to worry about that or
16 hoping for some kind of break with that, right?

17 A. No, sir.

18 Q. Okay, all right.

19 Where's Shanya? She's in jail too, right?

20 A. Yes, sir.

21 Q. All right. Is she gonna do her civic duty
22 and come in here, or do you know?

23 A. I don't know.

24 Q. You don't know?

25 A. I don't keep tabs on that.

1 Q. I'm sorry?

2 A. I said I don't keep tabs on that.

3 Q. You don't keep tabs on that?

4 A. No, sir.

5 Q. Okay. Now, one thing I think you mentioned
6 or failed to mention is, there were two other people
7 in that car with you, weren't there, besides you and
8 Shanya?

9 A. Yes, sir.

10 Q. Stacy, right?

11 A. Yes.

12 Q. Your sister?

13 A. I said that, sir.

14 Q. You said that, okay.

15 A. Yeah.

16 Q. Could you tell the jury how old your niece
17 or nephew is?

18 A. My nephew --

19 Q. How old is he?

20 A. At that time he was months old.

21 Q. Months old?

22 A. Yeah, at that time.

23 Q. Okay. So you'all are riding around with a
24 some-month-year-old --

25 A. Yes.

1 Q. -- helping Jimmie Green, right?

2 A. Yes.

3 Q. All right. Now, the story that you told on
4 the stand isn't what you told the police, when they
5 first talked to you, was it?

6 A. Sir?

7 Q. The story you told earlier, that version is
8 not what you told the police when they first talked
9 to you, was it?

10 A. No, sir.

11 Q. It wasn't. You told the police that you'all
12 were just riding down the road, and you saw a car in
13 a ditch and kept on driving home, right?

14 A. Yes, sir.

15 Q. Okay. That isn't true?

16 A. Sir?

17 Q. That isn't true? That first story wasn't
18 true; is that what you're saying? This one is the
19 truth?

20 A. Yes, sir.

21 Q. Okay. Now, we watched a bunch of videos.
22 So you haven't been here for a long time. We
23 watched a bunch of videos, but the only thing that
24 appears to be correct, there's only one video that
25 seems to have the right time on it, as far as the

1 timestamp of when it happened, and that's the
2 Parker's video, all right?

3 There's also a video of you'all at the Station
4 300, which you said you went to, right?

5 A. Right.

6 Q. And I'm gonna tell you that the time on the
7 Station 300 video shows you'all at -- in the blue
8 car at Station 300, and it's about 11:03 with the
9 20-minute adjustment, it's about 11:03 p.m. on
10 Friday, March 5th; does that sound about right to
11 you, when you'all got to Station 300?

12 A. No, sir.

13 Q. No, I'm sorry, let me back up. That's when
14 you leave -- I'm sorry, that's when it shows you'all
15 leaving Station 300 at around 11:03; does that sound
16 about right to you?

17 A. Leaving? Yes, sir.

18 Q. Okay. And then there's also a video from
19 Parker's that shows you'all arriving at the
20 Parker's, okay?

21 And that's at 11:15, so it appears there's
22 about 12 minutes between Station 300 and Parker's or
23 Wendy's; does that sound about right?

24 A. Say it one more time?

25 Q. 12 minutes from Station 300 to Wendy's; is

1 that right?

2 A. Yes, sir.

3 Q. Okay. That's not far of a drive though, is
4 it? A few miles?

5 A. No, sir.

6 Q. Okay, and at 11 o'clock at night there's not
7 a lot of traffic, is there?

8 A. No, sir.

9 Q. Okay. Did you'all have any car trouble,
10 like change the tire or anything, that would take 12
11 minutes to go that far?

12 A. No, sir.

13 Q. Okay. You left Station 300 before Jimmie
14 left in his vehicle, right?

15 A. Yes, sir.

16 Q. So you don't know when Jimmie left?

17 A. No, sir.

18 Q. Okay. You have no idea when he left Station
19 300?

20 A. No, sir.

21 Q. Okay. And the next time that you saw him,
22 Jimmie, in his Sante Fe, was at what time?

23 A. I can't say.

24 Q. You can't say?

25 A. No, sir.

1 Q. Okay. Well, you testified that Jimmie was
2 driving his truck, you saw muzzle flashes, you said
3 that for the first time today. You said you saw
4 muzzle flashes coming out of the car; is that the
5 next time you saw Jimmie?

6 A. No, sir.

7 Q. You didn't? Okay, when did you see him
8 between that?

9 A. When he came --

10 Q. When he did the U-turn at Wendy's?

11 A. Yes, sir.

12 Q. Okay. And that's a few minutes before the
13 shooting, right?

14 A. Uh-huh.

15 Q. Okay. How much time between when you left
16 Station 300, when you saw Jimmie at the Wendy's?
17 20 minutes or so, does that sound about
18 right?

19 A. Sounds right.

20 Q. Sound about right? All right. When's the
21 last time you saw Ty Leic Chaneyfield that night?

22 A. Station 300.

23 Q. Station 300, okay. Because he was there,
24 and you left first, right?

25 A. Yes, sir.

1 Q. Okay. Where did Jimmie drive around to
2 during those 20 minutes or so? Give or take,
3 depending on which video you are watching.

4 Where did Jimmie go between Station 300 and
5 turning around at Wendy's?

6 A. I can't say.

7 Q. No idea?

8 A. No, sir.

9 Q. Okay. Where did Ty Leic Chaneyfield go from
10 the time you saw him at Station 300 until whenever;
11 do you know?

12 A. I don't know.

13 Q. When's the last time you saw Ty Leic
14 Chaneyfield before today?

15 A. I'm not sure.

16 Q. Have you seen him before today, or at
17 Station 300, that was the last time you've ever seen
18 him?

19 A. The last time I'd seen him was Station 300.

20 Q. Okay. And that's like 11:00. When does he
21 leave the parking lot? And that's about 11:03 p.m.
22 on March 5th, the last time you'd seen Ty Leic
23 Chaneyfield?

24 A. Yes, sir.

25 Q. Do you know if Ty Leic Chaneyfield even left

1 Station 300 with Jimmie Green?

2 A. No, sir.

3 Q. You don't? Do you know if Ty Leic

4 Chaneyfield stayed at Station 300 when Jimmie Green
5 left?

6 A. No, sir.

7 Q. Do you know a Jaylen Sergeant (phonetic)?

8 A. Yes, sir.

9 Q. He's one of Jimmie's homeboys, right?

10 A. Right.

11 Q. Okay. They run together?

12 A. Sometimes.

13 Q. Yeah.

14 A. Yes, sir.

15 Q. Okay. And Jaylen Sergeant lives in a town
16 called Edgefield; is that right?

17 A. Willows. The Willows.

18 Q. The Willows? Where did he live on March
19 5th, 2021?

20 A. Jaylen?

21 Q. Yeah.

22 A. The Willows.

23 Q. Where's the Willows?

24 A. Over there by Edgefield, in Sandy Point.

25 Q. All right.

1 COURT REPORTER: I can't -- say it again.

2 BY WITNESS:

3 A. By Edgefield in Sandy Point.

4 Q. By Edgefield in Sandy Point?

5 A. Yeah.

6 Q. Okay. At Edgefield and Sandy Point and to
7 Willows, it's not a direct shot, but those are
8 between Station 300 and Wendy's, right?

9 A. Yes, sir.

10 Q. That picture that has him flipping the bird,
11 did you take that?

12 A. No, sir.

13 Q. Your sister did?

14 A. Yes, sir.

15 Q. Do you know why she took it?

16 A. No, sir.

17 Q. Were they just goofing around or something?
18 Was it something serious?

19 Was it just hamming it up, or were they mad
20 about something or what was the point of the picture
21 of two guys flipping the bird?

22 A. Posing.

23 Q. Posing?

24 A. Yeah.

25 Q. Okay. Have you ever had anybody take a

1 picture of you with your middle finger up?

2 A. Yes, sir.

3 Q. Okay. And it doesn't really mean anything,
4 other than whatever, right?

5 A. Yeah. Yes, sir.

6 Q. Okay. All right, thank you, sir, that's all
7 I have.

8 A. Thank you.

9 MR. THORNTON: There's nothing further,
10 Your Honor, I'll ask that he step down.

11 THE COURT: Okay, you can step down.
12 Watch your step.

13 (Witness exits witness stand.)

14 MR. THORNTON: The State calls Stacy Void.
15 being first duly sworn testified as follows:

16 ***

17 **STACY VOID**

18 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

19 ***

20 **DIRECT EXAMINATION BY MR. THORNTON**

21 BY MR. THORNTON:

22 Q. Ms. Void, we heard testimony, and I'm gonna
23 ask you, you did good just then, I'm gonna ask you
24 to make sure you stay right in front of that
25 microphone for me. We heard testimony earlier from

1 Jayden Void; are you related to Jayden Void?

2 A. Yes, I'm his big sister.

3 Q. All right, and did you see Jayden back in
4 2021, on March 5th of 2021?

5 A. Yes.

6 Q. All right, and how did you see him that day?
7 Were you'all living together at that time?

8 A. I was with Shanya. We was going to my dad's
9 house.

10 COURT REPORTER: I'm sorry, say it again?

11 BY WITNESS:

12 A. I was going to my dad's with Shanya.

13 Q. All right, where does your dad stay at, or
14 where did he stay at back then?

15 A. 48 Bainbridge.

16 Q. All right, is that here in Bluffton in --

17 A. Yes.

18 Q. -- Beaufort County?

19 A. Yes.

20 Q. All right. So you said you were with
21 Shanya. So at some point that day where were
22 you'all coming from?

23 A. Orangeburg.

24 Q. All right, and you were coming from
25 Orangeburg to your dad's house?

1 A. Yeah.

2 Q. All right, what -- were you'all by
3 yourselves, or did you have anybody else in the car
4 with you?

5 A. My son.

6 Q. All right, and at the time how old was your
7 son?

8 A. Four months. Four or five months.

9 Q. Okay, and so do you remember about what time
10 you'all got from Orangeburg to Beaufort?

11 A. No, I'm not sure.

12 Q. All right. What is that morning, that
13 afternoon?

14 A. In the evening.

15 Q. Okay, it was in the evening, all right.

16 So at some point did you'all leave your dad's
17 house?

18 A. Yes.

19 Q. And who was in the car with you?

20 A. Jayden, Shanya and my baby son.

21 Q. This has already been entered into evidence,
22 but I'm gonna ask you, is that the car --

23 A. Yes.

24 Q. All right, is that Shanya's car?

25 A. Yes.

1 Q. Is that the car you'all were in when you
2 left your dad's house?

3 A. Yes.

4 Q. All right, where did you go?

5 A. Station 300.

6 Q. And why did you go to Station 300?

7 A. Shanya wanted to meet Jimmie to get
8 marijuana.

9 Q. And did you'all -- when you'all went to
10 Station 300, when you got there, was Jimmie already
11 there?

12 A. Yes.

13 Q. I'm gonna show you what's already been
14 entered into evidence; is that the --

15 A. Yes.

16 Q. -- Hyundai Santa Fe that Jimmie --

17 A. Yes.

18 Q. -- was in? And we heard testimony earlier
19 parked in the back here, is that where it was when
20 you'all got there?

21 A. Yes.

22 Q. All right.

23 MR. THORNTON: Go ahead, Mr. Hightower.

24 (Video being played for the jury.)

25 BY MR. THORNTON:

1 Q. And is that where you-all parked?

2 A. Yes.

3 Q. All right, and did you park next to Jimmie
4 Green?

5 A. Yes.

6 Q. So when you got there --

7 MR. THORNTON: Just hold it there, Mr.
8 Hightower.

9 BY MR. THORNTON:

10 Q. When you got there, was Jimmie Green by
11 himself, or did he have other people with him?

12 A. He had two other people with him.

13 Q. And had you ever seen either of them before?

14 A. No.

15 Q. Were you introduced to either of them by a
16 name?

17 A. Yes, one of them was called Big 30.

18 Q. One of them was called Big 30?

19 A. Yes.

20 Q. And I'm going to show you what's already
21 been put into evidence, State's 42. Actually, let
22 me back up for a second.

23 MR. THORNTON: Mr. Hightower, can you switch
24 over to the -- to State's 40?

25 BY MR. THORNTON:

1 Q. Can you tell me which one was introduced to
2 you as Big 30?

3 A. In the black jersey.

4 Q. This one?

5 A. Yes.

6 MR. LEE: Your Honor, I'm going to renew my
7 objection previously made.

8 THE COURT: Okay. Okay, it's noted for the
9 record, thank you, sir.

10 MR. THORNTON: Thank you, Your Honor.

11 Mr. Hightower, if you'll head back to the
12 Station 300 footage.

13 BY MR. THORNTON:

14 Q. So when you get there, you indicated that
15 the person you just pointed out was introduced to
16 you as Big 30.

17 Did you hear him talk or speak while you
18 were there?

19 A. Yes.

20 Q. And at some point, did you hear any
21 conversation with -- from Jimmie Green and your
22 sister, Shanya?

23 A. Yes.

24 Q. What did he tell her, if anything?

25 A. Looking for ops.

1 Q. All right, ops, and is that enemies?

2 A. Yes.

3 Q. Okay. And was the guy you were introduced
4 to that you pointed out as the picture as Big 30,
5 was he standing there when that discussion was going
6 on?

7 A. Yes.

8 Q. And that video that was introduced, that you
9 -- when you identified the person as Big 30, did you
10 know the other person who -- or were you introduced
11 to the other person who you were -- who was standing
12 with Big 30?

13 A. No.

14 Q. All right. At some point do you'all leave
15 Station 300?

16 A. Yes.

17 MR. THORNTON: Go ahead, Mr. Hightower. I
18 think Mr. Lee had asked previous witnesses, when you
19 add in all the time, it's got 11:03, go ahead and
20 start it, Mr. Hightower.

21 (Video being played for the jury.)

22 BY MR. THORNTON:

23 Q. Obviously, your testimony was you were
24 parked right there or were parked right there when
25 you're leaving; is that correct?

1 A. Yes.

2 Q. All right.

3 MR. THORNTON: At this time, Mr. Hightower,
4 just continue on.

5 (Video being played for the jury.)

6 BY MR. THORNTON:

7 Q. So is that you'all pulling out now?

8 A. Yes.

9 MR. LEE: Your Honor, I have no objection
10 if they want to fast-forward. We've watched the
11 same tape eight times. I have no objection if they
12 reference the timestamp, that's if they want to.

13 THE COURT: Okay. If you want to, you can.

14 MR. THORNTON: It's within the next ten
15 seconds, Judge.

16 THE COURT: All right.

17 MR. THORNTON: While I appreciate Mr. Lee's
18 offer.

19 BY MR. THORNTON:

20 Q. So you can see this car's being cranked up,
21 in that space, and that's where you'all were with
22 Jimmie Green or Ty Leic -- or excuse me, the person
23 introduced to you as Big 30, correct?

24 A. Yes.

25 Q. All right.

1 MR. THORNTON: And, Mr. Hightower, if you
2 could continue.

3 (Video being played for the jury.)

4 BY MR. THORNTON:

5 Q. And the timestamp will show that the car
6 pulls out with the suggested time of about 11:05.
7 Ms. Boyd, when you leave Station 300, where do
8 you'all go?

9 A. We went to McDonalds first, and then it was
10 closed, and we went to Wendy's. Shanya went around
11 and we found the black car.

12 COURT REPORTER: I can't --

13 BY MR. THORNTON:

14 Q. Speak up just a little bit.

15 A. In that car.

16 Q. All right, slow down for a second. So you
17 swung through McDonald's, but it was closed. You
18 went to --

19 A. Wendy's.

20 Q. Wendy's, and when you got there, you said
21 Shanya went around, you mean around Wendy's?

22 A. Yes.

23 Q. All right, and she -- you said she saw the
24 black car?

25 A. Yes.

1 Q. What about -- what -- why was that black car
2 important?

3 A. A boy told Jimmie that his ops was riding in
4 a black car.

5 Q. All right, so you'all were looking for a
6 black car, or Shanya was looking for a black car?

7 A. Yes, Shanah was looking for the car.

8 Q. All right. So when she sees the black car,
9 what does she do?

10 A. She pulled into Parkers, and she called
11 Jimmie and told Jimmie she saw the black car.

12 Q What happens at that point?

13 A After they got off the phone, about a
14 minute later we saw Jimmie come through and he
15 turned around and he pulled into the Parkers.

16 Q So let me stop you for a second.

17 You said after about a minute you saw
18 Jimmie come through?

19 A Yes.

20 Q And turn around, and he pulled into the
21 Parkers?

22 A He never pulled in. He rode past it.

23 Q So he rode past the gas station.

24 Did he keep going past the gas station or did he
25 turn back around?

1 A Turned back around.

2 Q When he was turning back around in front of
3 the gas station, where was the black car that we are
4 here about today Where was that?

5 A It pulled out and Jimmie went behind it.

6 Q What happened after that?

7 A Shanaih called Jimmie.

8 Q. All right, hang on just a second. So is
9 that you'all's car --

10 A. Yes.

11 Q. -- at Parker's?

12 MR. THORNTON: Mr. Hightower, can you go up a
13 bit?

14 (Video being played for the jury.)

15 BY MR. THORNTON:

16 Q. All right, and is that you'all parked right
17 here?

18 A. Yes.

19 Q. In the blue car?

20 A. Yes.

21 Q. Is that when you saw Jimmie's car come by?

22 A. Yes.

23 Q. All right, so that's around 11:22. All
24 right, so you said you'all pulled out.

25 What happened after that? What did you

1 see?

2 A. After we pulled out, we went behind Jimmie.

3 Q. And did you'all turn onto 170?

4 A. Yes.

5 Q. The road there next to Wendy's?

6 A. Yes.

7 Q. All right, and then did you make another
8 turn at some point onto Bluffton Parkway, like --

9 A. Yes.

10 Q. -- back towards you'all's house? All right,
11 and what did you see, if anything, on Bluffton --
12 when you'all got onto Bluffton Parkway?

13 A. Jimmie got beside the car, and that's when I
14 saw shots coming out of one of them.

15 Q. All right, you saw the shots, you mean like
16 muzzle flashes?

17 A. Yes.

18 Q. Okay, and which side did you see the muzzle
19 flashes on?

20 A. Passenger's.

21 Q. And which car did you see the muzzle flashes
22 coming out of?

23 A. Jimmie's car.

24 Q. Was that when they were behind the black
25 car or after they passed?

1 A They were right beside them.

2 Q At some point did you see the black car
3 kinda roll off and crash through a sign in the
4 ditch?

5 A Yes.

6 Q. Let me show you what's been put into
7 evidence as State's Exhibit 5; is that the car that
8 you saw?

9 A. Yes.

10 Q. All right, and other than the door being
11 opened, ma'am, is that the condition that you saw it
12 in?

13 A. Yes.

14 Q. So let me back up for just a minute.

15 When you'all were at the Parker's and you
16 said Stacy called -- Stacy, I apologize, you said
17 Shanya called Jimmie and told him the car he was
18 looking for was there?

19 A. Yes.

20 Q. So while they were on the phone, were you
21 able to hear anything from the other end?

22 In other words, could you hear voices on
23 the other end of the phone?

24 A. Yeah.

25 Q. All right, did you hear Jimmie Green's

1 voice?

2 A. Yeah.

3 Q. And had you met Jimmie Green before?

4 A. Yes.

5 Q. All right, did you hear any other voices
6 that you can identify?

7 A. Yes, 30's.

8 Q. All right, the person you were introduced to
9 as Big 30?

10 A. Yes.

11 Q. You heard his voice as well?

12 MR. LEE: Your Honor, I just want to say
13 he's leading this witness 100 percent down the
14 criminal's path, and I've tried to give him some
15 latitude. He's telling her what to say, it's
16 leading.

17 THE COURT: Don't lead, just ask --

18 MR. THORNTON: Yes, sir.

19 THE COURT: -- the question, let her
20 answer.

21 MR. THORNTON: Yes, sir.

22 BY MR. THORNTON:

23 Q. Ma'am, did you hear any other voices, other
24 than Jimmie Green?

25 A. Yes.

1 Q. Whose did you hear?

2 A. 30.

3 Q. All right, and had you heard this person 30
4 talk before then?

5 A. Yes, at Station 300.

6 COURT REPORTER: What?

7 MR. THORNTON: She said at Station 300.

8 BY MR. THORNTON:

9 Q. While you were at Station 300, did you see
10 anything unusual about the person that was
11 introduced to you as Big 30?

12 A. Yes. He had a gun underneath.

13 Q. You saw what?

14 A. A gun underneath.

15 Q. Okay, you saw a gun underneath his jacket?

16 A. Yes.

17 Q. Okay. Now, did you actually see the gun, or
18 did you see what looked like a gun?

19 A. Yeah, what looked like a gun.

20 Q After you saw the muzzle flashes in the car
21 on Bluffton Parkway, where did you go after that?

22 A We went inside to Station 300.

23 Q Why?

24 A To get something to eat.

25 A You went inside to go get something to eat?

1 A Yes. But it was closed.

2 Q Why on earth would you go after seeing
3 something like that go to Station 300 to get
4 something to eat?

5 A I was in a state of shock.

6 Q After you went to station 300, where did
7 you go after that?

8 A Home.

9 Q. At some point, did -- the next morning did
10 you -- were you in Shanya's room?

11 A. Yes.

12 Q. And what, if anything, did you hear?

13 MR. LEE: Your Honor, again, he's leading.

14 MR. THORNTON: I said, "What if anything
15 did you hear," was the question.

16 THE COURT: Try not to lead.

17 MR. THORNTON: Okay. Thank you, Your
18 Honor.

19 BY MR. THORNTON:

20 Q. Did you go into anybody's room, other than
21 your own?

22 A. Yes.

23 Q. Whose?

24 A. Shanya's.

25 Q. While you were in Shanya's room did you hear

1 anything from Jimmie Green?

2 A. Yes. He made a call to her saying --

3 MR. LEE: Your Honor, I'm gonna object,
4 that's hearsay.

5 MR. THORNTON: Same rationale as before
6 with the previous objection.

7 MR. LEE: That is clearly hearsay. We
8 never heard it before, there's no way to respond to
9 that.

10 MR. THORNTON: It's present-sense
11 impression, number one, it's still -- it's the --
12 well, I'll have to wait for her to give the answer,
13 Judge, but it's in furtherance of conspiracy to
14 charge under the mob statute. It's a present-sense
15 impression of what she heard at that time.

16 THE COURT: Well --

17 MR. LEE: She isn't charged. For some
18 reason she isn't charged, so I don't know how --
19 what the mob statute has to do with that.

20 MR. THORNTON: Because you have both
21 Shanya, who is charged along with Jimmie Lee Green
22 conversing about the issue that we're here about
23 today.

24 MR. LEE: There were two people on that
25 phone call, call one of them instead of getting it

1 indirectly through this witness.

2 THE COURT: Ladies and gentlemen, you'll
3 have to go to the jury room again, I'm sorry. Don't
4 discuss the case.

5 (Jury exits the courtroom.)

6 BAILIFF: The jury's clear, Your Honor.

7 THE COURT: Okay. Okay, now, tell me. The
8 objection is that it's hearsay?

9 MR. LEE: If he wants to testify about
10 overhearing some conversation. I guess. In the
11 last five minutes, I have never heard of any of this
12 stuff before. This is testimony that has never been
13 presented to me. I have no idea what she is going
14 to say.

15 Did you overhear Shanya and Jimmie having a
16 phone conversation? Number one, that has never been
17 presented to me.

18 Number 2, it's clearly hearsay. It's what
19 somebody else is saying. It's not in furtherance of
20 a conspiracy, as far as I know. It's the day after.
21 I don't know what they are still conspiring to do?

22 THE COURT: Under what rule of evidence do
23 you think it's not hearsay?

24 MR. LEE: I think it would be an exception.
25 The answer, if it's allowed, would be that you know

1 the wrong guy that she hears Jimmie tell Shanya, you
2 know it's the wrong guy who got killed, and I am
3 going to Orangeburg. I have people there. In other
4 words, fleeing the jurisdiction. Which is
5 corroborated by Jimmie Green's cell phone records.

6 Number one, if they are fleeing the
7 jurisdiction and he is acknowledging the wrong
8 person got killed, he is fleeing to get away.

9 Number one, I think it's a present-sense
10 impression, Judge. I will not belabor it. That is
11 the argument I would present.

12 MR. LEE: If that is the extent of the
13 conversation, Jimmie Green saying he is fleeing, I
14 don't have a problem with that. I didn't know where
15 that was going.

16 Based on what she said the first time -- if
17 the statement is Jimmie Green told Shanaih that he
18 was fleeing, I don't have a problem with that,
19 Judge.

20 What I do have an issue with is -- I would
21 like to ask the Solicitor. Do you have any type of
22 statements by her? I am telling you; this stuff is
23 not in the discovery. It is a -- correct me if I am
24 wrong -- it is completely contradictory to what she
25 said in the police report.

1 This is me hearing it for the first time.
2 It directly impacts my client. I don't know what to
3 expect next.

4 MR. THORNTON: I don't believe it's
5 contradictory to what she has said. No. She didn't
6 give any further statements. We have talked to her
7 about it, but I don't think that is contradictory to
8 what she has said.

9 If there is something specific, we need to
10 deal with, we can. I don't believe there is
11 anything that is contradictory. It's not usual for
12 us to talk to witnesses at length sometimes, and
13 sometimes more than once.

14 I don't believe that Jimmie Green was
15 saying that he was fleeing to Orangeburg, I don't
16 think that is anything that is contradictory.

17 MR. LEE: I am talking about all the other
18 stuff. Her statement to the police begins -- she
19 picks it up that -- they told Stacy Void that they
20 were investigating a shooting that occurred not far
21 from her father's residence the evening before. I
22 advised her that the vehicle she had been traveling
23 in had been seen in the vicinity of the victim's
24 vehicle prior to the shooting incident.

25 Stacy Void explained that she had just

1 gotten into town that evening and traveled to
2 Wendy's with her sister and her brother and her
3 child. That is when she starts her story according
4 to what the police say. We were at Wendy's.

5 They backed her up for 10, 15 minutes
6 somewhere else, which fits their narrative. And
7 then saying things about my client that we have
8 never heard before about him overhearing all these
9 things.

10 The thing about the voice in the
11 background, she has never said that Judge.

12 I can cross-examine her and say, you are lying.
13 You made this stuff up. But that is important
14 testimony.

15 I think that we're entitled to that type of
16 evidence. If they know she was going to say that
17 because they de-briefed her and had interviews with
18 her and stuff, I think they have a duty to say, out
19 of an abundance of caution, her statement is a
20 little bit different from what you said.

21 You started at Wendy's on this. I don't
22 know that you are in for it. My initial thought is
23 to move to have all of her testimony stricken and
24 tell the jury to disregard all of her testimony.

25 This caught me completely off-guard. I

1 think we are entitled to explore these things and
2 know what we are facing to present a full and fair
3 defense. This is the first time that there has been
4 any motion that I know.

5 She heard Big 30's voice in the background.
6 I would love for the Solicitor to tell me where that
7 is in the discovery because I haven't seen it.

8 It's out there, it wasn't expected, and
9 it's extremely prejudicial, and it goes to the
10 absolute heart of our defense.

11 THE COURT: Well, my interpretation of Rule
12 5, Section A2, and I assume it deals with the
13 statements of witnesses. And that's the part that
14 they don't have to necessarily disclose to you until
15 -- if they have a statement of a witness, law
16 enforcement takes what is a written recorded
17 statement of that witness.

18 If that statement that the witness has
19 given is exculpatory, and says your client wasn't
20 there, your client didn't do it, they have to give
21 that to you as soon as they have knowledge of it,
22 but if they don't -- if there's no statement from
23 the witness prior to this, they don't have to give
24 it to you.

25 MR. LEE: That's Rule 5. We also have

1 Brady, and we have the right to due process, to be
2 advised of what the evidence that my client's
3 facing.

4 So it may be a strict rule in Rule 5, since
5 they didn't have her write it down, they can get
6 away with that, they've done enough, but the other
7 stuff is we are entitled to know what is to the best
8 of their ability, they can't -- they're not trying
9 to hide anything I think, but it's just -- it's a
10 huge surprise, because we haven't gotten it, and in
11 fairness we ought to have been provided with that,
12 if that's what we're facing at trial.

13 So it's -- yeah, strict Rule 5, maybe not,
14 because it's not exculpatory, but they have a great
15 deal more than that that they have to turn over
16 under the case law, under the due process clause of
17 the United States Constitution, the South Carolina
18 Constitution, you know, the fundamental right to a
19 fair trial, a fundamental right to present a full
20 and fair defense, to be advised of the evidence
21 that's gonna be brought against you by the State,
22 all of those things are relevant.

23 They're outside of Rule 5, and that's why
24 we filed a Rule 5/Brady motion, which is what every
25 one of them I sent out says.

1 But I made my point, and that's the motion
2 I would make a motion to strike all her testimony.
3 If that's denied, I'll make a motion for mistrial.

4 THE COURT: Okay. Denied.

5 I mean I don't know what she said before.
6 You can cross-examine her. If she -- if you get up,
7 and you point out some statement she made, and she
8 denies it, you can put it in. If she doesn't deny
9 it, it doesn't come in.

10 That's what the rules say. And unless
11 there's some exculpatory issue, unless it's
12 something your client said, I don't know of any rule
13 that requires them to give it to you.

14 Now, you can cross-examine her. I'll allow
15 the testimony, and I'll overrule the objection.

16 MR. LEE: I understand, your Honor, and I
17 appreciate you letting me be heard.

18 THE COURT: Yes, sir. Now, we're ready to
19 finish this witness?

20 MR. THORNTON: Yes, sir. I don't know
21 where Your Honor ruled. I think Mr. Lee indicated
22 he was not objecting to what I would consider to be
23 the last two things was, "That the wrong guy got
24 called, and I'm going to Orangeburg, I have people
25 there, from Jimmie Green. So I don't know if --

1 THE COURT: I didn't know -- my
2 understanding he withdrew his objection to that.

3 MR. THORNTON: Yes, and that's what I was
4 checking on before I asked the question.

5 THE COURT: Is that right, Mr. Lee?

6 MR. LEE: If that is the only substance of
7 what they say that conversation was, I withdraw it,
8 yes.

9 THE COURT: Okay.

10 MR. LEE: But also, again, reiterating,
11 please ask the Solicitor to quit leading the
12 witness.

13 THE COURT: Yes.

14 MR. LEE: I don't want to be an
15 obstructionist, but it's continuing, continuing --

16 THE COURT: Okay.

17 MR. LEE: -- and continuing.

18 THE COURT: You can't -- don't lead. I'll
19 note the objection, I'm gonna, you know, you've got
20 to let the witness testify.

21 MR. THORNTON: Understood, Your Honor.

22 MR. LEE: Your Honor, in the alternative --
23 well, I won't make that motion now, but at some
24 point, I may have to make a motion to cross-examine
25 someone from the Solicitor's Office, as far as when

1 statements were received, and what they said, and
2 all that kind of stuff, but I will save that for a
3 later time.

4 THE COURT: Okay, we'll cross that bridge
5 when it comes time. All right, bring the jury.

6 Do you need a break?

7 COURT REPORTER: Two minutes.

8 THE COURT: Huh?

9 COURT REPROTER: Two minutes.

10 THE COURT: Sure, absolutely, you're
11 working harder than anybody in here.

12 (RECESS)

13 **

14 **PROCEEDINGS CONTINUED**

15 THE COURT: Okay, bring in the jury.

16 MR. LEE: Real quick.

17 THE COURT: Uh-huh.

18 MR. LEE: I have asked the Clerk to make me
19 a copy of my Rule 5 that I sent, and I would like to
20 -- I would ask that that be included in the record
21 as a Court's exhibit on my --

22 THE COURT: Okay.

23 MR. LEE: -- last objection.

24 THE COURT: Okay.

25 MR. LEE: And I think it speaks for itself,

1 but it does specifically request any type of
2 material or information that is possibly favorable,
3 but also essential or important for the preparation
4 of my defense. So I would specifically ask for
5 that.

6 THE COURT: Okay.

7 MR. LEE: And that was done two-and-a-half
8 years ago, so I would just like to --

9 THE COURT: Sure.

10 MR. LEE: -- mark that as an exhibit.

11 THE COURT: Okay.

12 MR. LEE: All right, thank you, Judge.

13 THE COURT: Yes, sir.

14 (Court's Exhibit 2 admitted into evidence.)

15 (Jury enters the courtroom.)

16 BAILIFF: The jury's seated, Your Honor.

17 THE COURT: Thank you, sir.

18 Mr. Thornton?

19 MR. THORNTON: Thank you, Your Honor.

20 **

21 **DIRECT EXAMINATION BY MR. THORNTON CONTINUES**

22 BY MR. THORNTON:

23 Q. Ms. Void, I'm not sure exactly where we left
24 off, so let me ask you a couple of -- let me go back
25 just a minute and ask you a couple of questions.

1 At some point, did you walk into anyone's
2 room, other than your own?

3	A. Yes.

4 | Q. And whose was that?

5	A. Shanya's.

6 Q. And what, if anything, did you hear?

7 A. Jimmie had called Shanya and he said, you
8 know we shot the wrong people.

9 MR. LEE: I can't hear.

10 THE COURT: I can't either.

11 BY MR. THORNTON:

12	Q. Could you speak up a little bit?

13 A. Jimmie called Shanya, and he said, we shot
14 the wrong people.

15 Q. And did he say anything else?

16	A. No.

17 Q. Have you been charged with any crimes
18 associated with this incident?

19	A. No.

20 MR. THORNTON: Thank you. I have no
21 further questions.

22 Please answer any questions Mr. Lee may
23 have.

24 **

25 CROSS-EXAMINATION BY MR. LEE

1 BY MR. LEE:

2 Q. Did you hear your brother testify?

3 A. Yes.

4 Q. You were sitting right back there, right?

5 A. Yes.

6 Q. So you heard everything?

7 A. Yes.

8 Q. That's your story, right?

9 A. Yes.

10 Q. You heard me ask him why he had added stuff

11 that he had never said before to any police.

12 Do you remember that?

13 A. Yes.

14 Q. I'm going to ask you the same question,

15 ma'am.

16 Do you remember talking to the cops right
17 after this happened, and they said, your vehicle was
18 seen near this shooting.

19 Do you remember when they came to you and
20 said that?

21 A. Yes.

22 Q. You talked to them, didn't you?

23 A. Yes.

24 Q. You told them that - you started your story
25 with, we went to the Wendy's; right? That is

1 the point in time that you started your story,
2 right?

3 A. Yes.

4 Q. But today you went way, way back. You
5 started your story a lot earlier, right?

6 A. Yes.

7 Q. Okay. When did you change that, today, last
8 week, last month, last year, what?

9 When did you change it?

10 A. I'm not --

11 Q. When you talked to the Solicitor, or
12 investigator, or cop, or when did you change your
13 story, Stacy?

14 A. A couple.

15 Q. A couple, what, weeks ago, months?

16 A. No -- yeah.

17 Q. A couple months ago is when you changed your
18 story, right?

19 COURT REPORTER: Is that yes?

20 BY MR. LEE:

21 Q. Say yes.

22 A. Yes, it is.

23 Q. Okay, and who was with you when you changed
24 your story?

25 Was it Mr. Stone there, Mr. Thornton, or Mr.

1 Hightower, or Officer Fazekas?

2 Who was there when you changed your story?

3 A. I don't know.

4 Q. Who was there when you changed your story
5 two months ago?

6 A. I met with all three of them.

7 Q. All three of who? The guys sitting at the
8 table?

9 A. Yeah.

10 Q. Mr. Stone, Mr. Thorton and Mr. Hightower?

11 A. Yes.

12 Q. Okay, and that's when your story changed?

13 A. Yeah.

14 Q. Okay. Did they tell you that they had --
15 one of the gaps in their story was trying to put Ty
16 Leic Chaneyfield in that car?

17 A. No.

18 Q. They didn't? Okay, because you had never
19 told anybody about hearing Big 30, as you refer to
20 him, about hearing Ty Leic Chaneyfield's voice in
21 the back; you never said that before had you?

22 A. No.

23 Q. You had never said that before?

24 A. Yes.

25 Q. Is that correct?

1 A. Yes.

2 Q. Okay, but two months ago you said it, or at
3 least you're saying it today. I don't know.

4 Did you tell them that two months ago?

5 A. Yes.

6 Q. Okay. Because you know that's important for
7 them, right, to put Ty Leic in that car, right?

8 A. Yes.

9 Q. And for the two years and plus months
10 between March 5th, 2021, and the two months ago,
11 whenever it was that you changed your story, you
12 didn't tell him then, did you?

13 A. No.

14 Q. Okay. And the other thing that you didn't
15 tell anybody -- when did you change your story about
16 seeing what looked like a gun was a gun?

17 When did you -- same day, or was that a
18 different day that you changed that story?

19 A. No, I told them.

20 Q. The same day --

21 A. Well --

22 Q. -- about the gun?

23 A. No, I had told him.

24 Q. You had told who?

25 A. Them people at the table.

1 Q. Whose them?

2 A. The --

3 Q. Those three?

4 A. Yeah.

5 Q. Okay, and how many times did you meet with
6 them?

7 A. More than once.

8 Q. More than once?

9 A. Yes.

10 Q. So which meeting with those three did you
11 change your story to say, "Oh, yeah, I forgot I saw
12 him with a gun?"

13 A. I'm not sure.

14 Q. You're not sure?

15 A. No.

16 Q. Okay. When did you change your story to say
17 for the first time that you overheard a conversation
18 between Shanya and Jimmie about Jimmie fleeing to
19 Orangeburg?

20 The first time, second time, third time
21 meeting with them, or what? Which one?

22 A. No. I don't -- I had told them that he had
23 -- that Jimmie was on the phone with Shanya.

24 Q. You told them that when?

25 A. I'm not sure when it was.

1 Q. Well, I know when you didn't tell them was
2 when they brought you in, and said, "Hey, your car
3 is around the shooting," you didn't tell anybody
4 anything then, did you?

5 A. No.

6 Q. You just said, "We went to Wendy's," and
7 then you started from there, right?

8 A. Yes.

9 Q. Okay. And then you said the line in the
10 drive-thru was too long, so you went onto 170, and
11 then you saw a vehicle speeding past and observed
12 fire coming from the suspect's vehicle towards the
13 victim's vehicle?

14 A. Yes.

15 Q. That's your story, right?

16 A. Yes.

17 Q. You're just at the wrong place, wrong time?
18 You didn't tell them about that it was Jimmie's car,
19 we had seen him before, Jimmie is my sister's ex-
20 boyfriend, he was bringing her weed, I was bringing
21 my six-month-old to the weed deal.

22 You didn't tell any of them that, did you?

23 A. Yes.

24 Q. Yes, you did?

25 A. I told them that --

1 Q. You told Ryan Fazekas when you had an
2 interview for the first time about all that stuff I
3 just said.

4 A. Yes.

5 Q. Okay.

6 A. And I told him --

7 THE COURT: Can you speak up a little bit? Talk
8 a little louder.

9 BY MR. LEE:

10 Q. All you told him the first time was there
11 was a Wendy's, his car sped by, and you saw fire
12 coming out of it, right?

13 A. Yeah.

14 Q. Okay. And they didn't like that, or you
15 decided that wasn't good enough, and they said you
16 were lying, or what?

17 A. No. They just wanted me to tell the truth.

18 Q. Okay, so you find -- you told them the truth
19 right after that?

20 A. After they talked to me again.

21 Q. After they what?

22 A. Talked to me again.

23 Q. That same day?

24 A. At the police station.

25 Q. At the police station. Between the second

1 one where you said you told more of it and the
2 meetings with these guys, did you talk to them any
3 in between that, those two years or so?

4 A. No.

5 Q. Okay, so you just met with them prior to
6 this trial, right?

7 A. Right.

8 Q. Okay. In fact, one of those meetings -- you
9 met with them a bunch, one of those meetings is when
10 you first told them about -- saw a gun, or what I
11 thought was a gun on Chaneyfield, right?

12 A. Right.

13 Q. Okay. And it was also the first time that
14 you said anything about, "Oh, yeah, here's
15 something, when we were on the phone, when Jayden
16 and Shanya were calling Jimmie to look for the ops,
17 I heard his voice, 'cause I'd just -- I'd met him
18 before, and I recognized Big 30's voice."

19 That's the first time you said that, right?

20 A. Right.

21 Q. Okay. And the only reason you changed your
22 story is because you talked to them, right?

23 A. Right. Right.

24 Q. And your brother and sister got charged as
25 accomplices in this under the mob statute, right?

1 A. Right.

2 Q. And you didn't, and you were right there in
3 the car, right?

4 A. Right.

5 Q. You had all this information. You knew what
6 was going down, right?

7 A. (No audible response.)

8 Q. Don't look at them.

9 You know what was going down, right?

10 A. Not exactly.

11 Q. What? Not exactly? What didn't you know?

12 I mean, according to your story, people have got
13 guns, people are talking on the phone, and all that
14 kind of stuff.

15 What didn't you know, Stacy?

16 A. Yeah, I didn't know about them --

17 Q. You didn't know about them; I don't know
18 what that means.

19 A. Jimmie and the other two.

20 Q. You didn't know about them?

21 A. No.

22 Q. You didn't know about them what? You didn't
23 know about them what?

24 A. (No audible response.)

25 Q. You didn't know about them what, Stacy?

1 A. (No audible response.)

2 THE COURT: Okay, you need to answer that.

3 BY MR. LEE:

4 Q. You need to answer. I'm using your words
5 that you just repeated. I repeated them three
6 times, and you have looked at the prosecutor's
7 table, you've looked at the Judge, and you've looked
8 in the audience, and you have not answered the
9 question. Will you please answer the question?

10 And the question was you didn't know what
11 about them?

12 A. I had -- I saw them with the gun and
13 everything --

14 COURT REPORTER: I didn't hear the end part.

15 BY MR. LEE:

16 Q. You saw them with the guns? That's what you
17 just said?

18 A. Yeah.

19 Q. Okay, so now you've changed your story
20 again, because you said before that Chaneyfield had
21 a gun --

22 A. Yes.

23 Q. So now How many guns are we talking about?
24 A few hundred?

25 A. No, just one.

1 Q. Just one?

2 A. Uh-huh.

3 Q. Well, you said, "I saw them with the guns."

4 A. I said I said guns.

5 Q. Well, guns usually means more than one gun,
6 doesn't it?

7 A. Right.

8 Q. And them usually means more than one person?

9 A. Yeah.

10 Q. Okay. So you're not changing it today?

11 A. No.

12 Q. You don't mean to say you saw them with the
13 guns, you mean to say, "I saw him with a gun."

14 A. Right.

15 Q. Okay. And the first time you said that was
16 meeting with all three of these gentlemen, whatever
17 meeting it was, getting ready for trial, right?

18 A. Yes, sir.

19 Q. That's correct.

20 A. Yes.

21 Q. At any point, did law enforcement or the
22 prosecutor's office, Stacy, ever indicate to you
23 that you might be in trouble, and that you might
24 could get charged?

25 A. That's correct.

1 Q. That's correct? Tell me about those
2 conversations.

3 When did they tell you, "Hey, Stacy, you're
4 in trouble possibly, talk to us."

5 A. When I first -- when we first to the police
6 station to talk to them.

7 Q. When you first went to the police station;
8 right?

9 A. And talked to them.

10 Q. Okay, because you -- and you lied to them,
11 right? Well, according -- I guess today you're
12 saying you lied about it, right, or didn't tell
13 everything right?

14 A. Uh-huh, right.

15 Q. Right.

16 At any other point, did they threaten to
17 charge you anything in any of these meetings with
18 these three guys? Did they ever threaten to charge
19 you with something like they did your brother and
20 sister who were in the same car you were?

21 A. No.

22 Q. Okay. Did they ever threaten to charge you
23 with any type of child neglect by having a six-
24 month-old in the back of a car for a weed deal where
25 there is a shooting getting ready to happen?

1 A. No.

2 Q. They didn't ever say? They didn't call DSS,
3 or anything like that?

4 A. No.

5 Q. Okay. So did you have -- did you just have
6 some type of moral decision that you made one day
7 that you were gonna all of a sudden start telling
8 this story that you knew that you had never said
9 before?

10 A. No.

11 Q. Okay. Had they just not asked you the right
12 questions; is that it?

13 A. No, they asked me everything they wanted to
14 know.

15 Q. Did you have some type of memory loss after
16 this that prevented you from remembering about the
17 new things you added with these three guys two years
18 later?

19 Did you suffer from amnesia or memory loss
20 or anything?

21 A. No.

22 Q. Okay. Did you just happen to remember those
23 important details two-plus years later?

24 A. No.

25 Q. Okay. Did you not think it was important to

1 bring up facts like that?

2 A. No.

3 Q. You thought it was important, or it was not
4 important?

5 A. It is important.

6 Q. You did. You knew yourself it was
7 important?

8 A. Yes.

9 Q. Okay, yet you sat on this for two-plus years
10 before you met with them?

11 A. Yes.

12 Q. So Jimmie Green picked it up and booked it
13 back to Orangeburg, right?

14 A. Yes.

15 Q. Where you live, where you stay, right?

16 A. I live in Orangeburg.

17 Q. Okay. You know Ty Leic Chaneyfield didn't
18 go anywhere, did he? He stayed here, did you know
19 that?

20 A. No, I didn't.

21 Q. Okay. Do you know he turned himself in?

22 A. I heard it on the news.

23 Q. Right. So you saw it on the news --

24 A. Yes.

25 Q. -- on Facebook, or the news, or CNN, or FOX,

1 or what?

2 A. No. I only know the news down here.

3 Q. The news down here?

4 A. I saw an article.

5 Q. So do you like to follow the Beaufort

6 Gazette on your phone or something to check out the

7 news down here?

8 A. No.

9 Q. Okay, so where did you get the information?

10 A. It was, like, on Google.

11 Q. On Google, okay. And when did you find out
12 that information? Right after it happened?

13 A. No. I'm not sure.

14 Q. Okay. That might have been a good time to
15 come forth with this story. You saw Ty Leic
16 Chaneyfield has a warrant for him, that might have
17 been a good time right then to come forth and
18 produce all this information that you produced a few
19 months ago, and you produced today, wouldn't it?

20 A. Right.

21 Q. Okay, but you decided to just talk to them,
22 and then once you came in here?

23 A. Yes.

24 Q. Okay. Is there anything else that's new,
25 that's just --

1 A. No.

2 Q. -- you just thought of that could really
3 help their case, since you're a State's witness?

4 Is there anything else that you want to say
5 today that can really help their case, that you
6 haven't said before?

7 A. No, I don't have anything else to say.

8 Q. You don't have anything else to say?

9 Did you tell them thank you for not
10 charging you?

11 A. No.

12 Q. What did your brother and sister do that you
13 didn't do? They're charged and you're not.

14 What did they do that you didn't do?

15 A. They lied.

16 Q. They lied. What did they lie about?

17 A. About when.

18 Q. About what?

19 A. When.

20 Q. About what happened? Okay. But you didn't
21 lie?

22 A. No, I told the truth.

23 Q. You told the truth. When, today? Two
24 months ago?

25 A. No.

1 Q. A year ago, two years ago? When did you
2 tell the truth?

3 A. At the police station.

4 Q. At the police station, okay.

5 Do you realize that lies can be just as bad
6 if you leave out information?

7 Lies of omission are just as bad as lies of
8 commission? If you leave something out, it can also
9 be a lie?

10 A. Right.

11 Q. And you left out a lot of stuff, didn't you?
12 When you first talked with police, you left a lot of
13 stuff; did you not?

14 A. No.

15 Q. No?

16 A. No.

17 Q. You left out the most important things the
18 State needs you to come testify about, which is, "I
19 saw a gun or what looked like a gun, and I heard Ty
20 Leic's voice in the background."

21 Two-plus years you never said anything
22 about it, did you?

23 A. No.

24 Q. Can you point me to a time or a statement or
25 anything that you said between the time that you met

1 with those three gentlemen where you said anything
2 about what -- about a gun, or about hearing a voice?

3 A. I'm not -- I'm not sure. I -- I'm not sure.

4 Q. You don't know?

5 A. No.

6 Q. Where did you meet with them?

7 A. At Station 300.

8 Q. You met these three guys at Station 300?

9 A. Oh, no. I met -- I can't remember where it
10 was.

11 Q. Was it in Bluffton? Was it in Beaufort?
12 Was it in Orangeburg?

13 A. I don't remember the address.

14 Q. I don't need the address, Stacy, I want to
15 know where.

16 Was it their office? Was it the police
17 station? Was it tennis courts?

18 A. It was --

19 Q. Was it a bowling alley?

20 A. It was like an office.

21 Q. An office? And just the four of you'all
22 were there?

23 A. Uh-huh.

24 Q. Did you have a lawyer there?

25 A. Yes.

1 Q. You did?

2 A. Yes.

3 Q. Okay. Who's your lawyer?

4 A. Don.

5 THE COURT REPORTER: What?

6 BY MR. LEE:

7 Q. What?

8 A. Don -- Don.

9 Q. Don Pierce?

10 A. Don Peterson.

11 Q. Don Peterson. Did they ask you to write
12 anything down?

13 A. Like what?

14 Q. A statement when you were talking to them
15 two years later, did they have you write anything
16 down?

17 A. No, I just told them what I knew.

18 Q. You told them what they wanted to hear,
19 didn't you, Stacy, to help their case; didn't you do
20 that?

21 A. No.

22 Q. Your story to them was a lot better than the
23 one you gave to the police, wasn't it?

24 A. No.

25 Q. No? Okay.

1 MR. LEE: Nothing further, Your Honor.

2 THE COURT: Any further questions?

3 MR. THORNTON: Just briefly, Judge.

4 **

5 REDIRECT EXAMINATION BY MR. THORNTON

6 BY MR. THORNTON:

7 Q. Earlier Mr. Lee asked you what had done or
8 what hadn't done that your brother and sister
9 did.

10 Did you call Jimmie Green to tell him where
11 the ops were?

12 A. No.

13 Q. Did Jimmie -- did Jayden call?

14 A. No, my sister did.

15 Q. Your sister.

16 A. Shanya Boyd.

17 Q. All right, sister, Shanya Boyd.

18 Did you ever call Jimmie?

19 A. No. No.

20 Q. Did you ever attempt to set anybody up for
21 the ops?

22 A. No.

23 Q. Did you ever try to set up a shooting?

24 A. No.

25 MR. THORNTON: I don't have anything

1 further, Judge.

2

**

3

RECROSS-EXAMINATION

4

BY MR. LEE:

5

Q. Did you withhold information from the

6

police?

7

A. No.

8

Q. Did you obstruct justice?

9

A. No.

10

MR. THORNTON: Objection, Your Honor,

11

that's not recross. He's already --

12

MR. LEE: I followed his questions. I'm

13

just asking, what did you do.

14

THE COURT: You don't get a second shot.

15

MR. LEE: I'm sorry?

16

THE COURT: You don't get a second shot

17

under the rules.

18

MR. LEE: On recross?

19

THE COURT: Yeah.

20

MR. LEE: If he opens up the door.

21

THE COURT: Well, he didn't open up the

22

door. You can't open up a door that he didn't open.

23

He was fine. All right.

24

MR. LEE: Yes, sir.

25

THE COURT: Okay, any reason we can't stop for

1 today?

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

3 MR. LEE: No objection.

4 (Jury enters courtroom.)

5 THE COURT: All right, ladies and gentlemen,

6 we'll start back at 9:30 in the morning. I'll

7 remind you don't discuss this case.

8 And I know you're going home tonight,

9 everybody's gonna know what you've been doing all

10 day, and if your family's like my family, they will

11 have an opinion as to what you should do.

12 You can't tell them until this is over

13 with, because they haven't been here.

14 Don't talk about it; don't do any research.

15 I'll see you at 9:30. If you have any emergency,

16 then call into the clerk's office.

17 (Jury exits the courtroom.)

18 (At 5:06 p.m. the trial was continued until

19 the following day without interruption.)

20 **

21 **END OF VOLUME II**

22

23

24

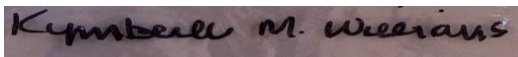
25

CERTIFICATE OF REPORTER*******

I, Kymberlee M. Williams, Certified Shorthand Reporter/Registered Professional Reporter for the 14th Circuit of the State of South Carolina do hereby certify that the foregoing is a true, accurate and complete transcript of the proceedings held in this case, relative to appeal, in the General Sessions Court for Beaufort County, South Carolina on the 26th Day of September 2023.

I do further certify that I am not related, of counsel, or interest to any party hereto.

This, the 17th day of March 2024.



Kymberlee M. Williams, CSR/RPR

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INDEX

PROCEEDINGS	373
WITNESS: WALKER MICHAUD	
Direct Examination (T)	389
WITNESS: MARK AMOS	
Direct Examination (S)	391
Cross-Examination	400
WITNESS: COURTNEY DANIELS	
Direct Examination (S)	403
WITNESS: DEREK NELSON	
Direct Examination (S)	406
Cross-Examination	412
WITNESS: DYLAN HIGHTOWER	
Direct Examination	420
Cross-Examination	479
Redirect Examination	509
WITNESS: HAROLD ROGERS	
Direct Examination (S)	516
Cross-Examination	536
WITNESS: MICHAEL BAIER	
Direct Examination	557

INDEX - CONTINUED

WITNESS: JACKLYN MCKAY	
Direct Examination	570
Cross-Examination	597
WITNESS: MEGAN FLETCHER	
Direct Examination	591
Cross-Examination	597
WITNESS: MICHELLE EICHENMILLER	
Direct Examination	598
Cross-Examination	611
Redirect Examination	612
Recross-Examination	613
PROCEEDINGS CONTINUED	106
CERTIFICATE OF REPORTER	107

* * *

EXHIBIT LIST

ITEM NUMBER	DESCRIPTION	PAGE
S-09	Shell Casing	605
S-10	Shell Casing	605
S-12	Shell Casing	605
S-13	Shell Casing	605
S-15	Shell Casing	605
S-19	Shell Casing	605
S-21	Shell Casing	605
S-22	Shell Casing	605
S-24	Shell Casing	605
S-25	Shell Casing	605
S-26A/B	Photo	605
S-27	Shell Casing	605
S-28	Shell Casing	605
S-30	Shell Casing	605
S-32	Shell Casing	605
S-46	LPR Santa Fe	605
S-47	Photo	514
S-48	DMV Santa Fe	397
S-49	Cell phone records	406
S-50	Cell Tower Map	428
S-51	Buccal Swab	477
S-52	Buccal Swab	477
S-60	Photo	578
S-61	Photo	578
S-62	Photo	578
S-63	Photo	578
S-64	Photo	578
S-65	Photo	578
S-66	Photo	578

EXHIBIT LIST - CONTINUED

ITEM NUMBER	DESCRIPTION	PAGE
S-67	Photo	578
S-68	Photo	578
S-69	Photo	578
S-70	Photo	578
S-71	Photo	578
S-72	Photo	578
S-73	Photo	578
S-74	Photo	578
S-75	Photo	578
S-76	Photo	578
S-77	Photo	578
S-78	Photo	578
S-79	Photo	578
S-80	Photo	578
S-81	Photo	578
S-82	Photo	514
S-83	Photo	514
S-84	DNA Swabs	576
S-85	DNA Swabs	576
S-86	DNA Swabs	576
S-87	DNA Swabs	576
S-88	DNA Swabs	576
S-89	GSR	576
S-90	GSR	576
S-91	Autopsy bullet	608
S-92	Autopsy bullet	608
S-102	DVD Void Interview	390
S-103	Projectile	590

PROCEEDINGS

WEDNESDAY, SEPTEMBER 27, 2023

BEAUFORT, SOUTH CAROLINA

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

**

THE COURT: Please be seated.

MR. THORNTON: Thank you, Your Honor.

Your Honor do you want me to go ahead and put this first matter on the record?

THE COURT: Yes, sir.

MR. THORNTON: Your Honor, during yesterday's proceeding Stacy void testified. During her testimony, there were several things that Mr. Lee pointed out with her testimony, two things in particular, that he claimed were the first time that -- she said these things on the stand were that, number one, she didn't identify Mr. Chaneyfield.

She said the person introduced to her as Big 30 or 30 had what appeared to be a gun or a long gun stuffed under his jacket or hoodie. The other thing she said was that during the call, during the phone calls with Shanya when

1 she was calling Jimmy Green to let them know
2 that the ops were at Wendy's, that she heard a
3 voice that she recognized as the guy she had
4 just heard from, 30.

5 When they were at Station 300, she heard
6 his voice as well as Jimmy Green's during that
7 phone call at Parkers. Mr. Lee on cross-
8 examination intimated that those statements were
9 made.

10 MR. LEE: I am not testifying. I am asking
11 questions.

12 He is suggesting that I am saying things or
13 representing things. I am asking questions to
14 the witness what form I ask them in, she still
15 has a chance to respond. I am the one asking
16 the questions not answering the questions.

17 THE COURT: Go ahead.

18 MR. THORNTON: During the testimony, he
19 asked questions and asked her things. I believe
20 he did intimate the way he asked the questions -
21 - Mr. Lee and I can respectfully disagree on
22 that -- that she had never said these things
23 before and she had met with the Solicitor's
24 office and they helped fill in the blanks. I
25 think that is the word he used in her testimony.

1 After last night's proceedings, if you
2 recall during the argument when all of this is
3 going on outside the presence of the jury, she
4 had made some indication about hearing a voice;
5 that was consistent with her testimony during
6 that phone call.

7 I was not sure about the long gun comment.
8 I wanted to be sure about that representation to
9 the Court I looked at her videotaped statement
10 last night. It is, in fact, on there.
11 That was done on March 6, 2021, the day after
12 this incident occurred. I believe it was in the
13 afternoon.

14 Certainly, the allegations by Mr. Lee
15 brought out in his questioning were that, number
16 one, this was a recent fabrication; number 2,
17 there was an improper motive to do it. She was
18 basically working with the Solicitor's office to
19 fill in the blanks of her statement.

20 That is certainly not true. We have a
21 videotape of her interview to show which I would
22 introduce that under 801(b)(1)(b), which
23 indicates that a prior consistent statement is
24 used for that purpose is not hearsay, then we
25 fall back to whether it is relevant.

1 I think clearly based on her testimony and
2 the questions by Mr. Lee, I would use Walker
3 Michaud to put that in. The video -- he was one
4 of the two people in the room with her when she
5 made that statement.

6 THE COURT: Yes.

7 MR. LEE: We all heard whatever that
8 testimony was yesterday. She never once said on
9 March 6, I said this and that.
10 On cross-examination, I asked her -- I am not
11 telling her anything. I am not testifying. I
12 am not intimating anything or saying anything.
13 I am asking questions.

14 The response to my question about whether -
15 - did you say this? Her response, right or
16 wrong, remember/not remember was, when I met
17 with these three guys. That was her answer to
18 my question. She is the one who answered the
19 questions that way.

20 I was like, so you didn't say this, until
21 you met with them. She provided the information
22 on the stand that that was the time that she
23 provided information to the Solicitor office,
24 she met with these three guys.

25 That is when she -- in trial preparation a

1 couple of months ago, she already said that.
2 That is her testimony.

3 I know they don't like that. That may not be
4 consistent with what their case is or what
5 anything shows. That is the question, and that
6 is how she answered. Darn right I ran with
7 that. That is her response. I don't have to
8 say, I have reviewed a video from March 6.

9 It appears that you said something close to
10 this on March 6. Do you want to fix your
11 answer?

12 Of course I made a big deal about it. Of course
13 I did. That was the witness' testimony. After
14 the fact they want to go back and say, that
15 wasn't right. She actually said something on
16 March 6.

17 We have a video to show what we think is
18 her saying that somewhere in their interview.
19 That is the problem. I am not accusing her of
20 implied or improper statement against a
21 declarant. She answered the question that way.
22 I had to pursue it and go down that road.
23 I didn't know what her answer was. Now that the
24 answer doesn't fit into the narrative, they say,
25 looking back, it appears that she said something

1 on the March 6. I am not going to correct her
2 when she answers a question that way. She has
3 met with them.

4 She is their witness. They have had plenty
5 of time to talk about it. That was her response
6 to the question.

7 I can make a big deal about it, as we all know.

8 For them to say, this was -- he is all of a
9 sudden saying she recently made this stuff up to
10 get it out of hearsay, number one, it doesn't
11 fit with an 801(d)(1)(b), even if they tried to
12 somehow squeeze it in there.

13 I don't think that is the proper way to do
14 this -- the way they are asking -- call an
15 investigator who talked to her on March 6. This
16 is what she said, and this is a video. I think
17 they could have, should have, I wish they would
18 have.

19 On redirect, they did ask some questions on
20 redirect. Hey, I want to get -- I quantity to
21 get this in. I want you to clarify in fact on
22 March 6 is when you said something having a long
23 gun and you heard somebody saying something
24 about something.

25 My objections are really three-fold. One

1 is, she said it, he was leading her. She said
2 it.

3 I responded to it. I made a big deal about
4 it. It's favorable to our case, number one. I
5 think they are stuck with that.

6 Number 2, I don't believe it fits within
7 the rule, for the reasons I have stated.

8 Number 3, if you find that I am wrong on
9 both of those, I don't think the appropriate way
10 is for them to call an investigator. They have
11 gone and pulled the video essentially to
12 reconstruct her testimony that arguably was not
13 favorable for the State. If they want to do
14 that, let's get her back up on the stand and
15 maybe she can do a little bit better today and
16 understand questions better and say exactly what
17 meant to say and see if there is any discrepancy
18 about that.

19 That is our position. I don't think it is
20 appropriate. It opens up Pandora's Box. I
21 don't know how long the video is. Playing part
22 of it. I haven't reviewed the tape since last
23 night or since this morning. I don't know if
24 it's appropriate for me to do ask for the rule
25 of completeness to ask for certain excerpts of

1 that. I don't have time to do that. I don't
2 have it memorized. I think that there would be
3 things in there that may be helpful to us that
4 they may open the door into, and that will
5 further complicate all the issues.

6 For all of those reasons,
7 Judge, their motion to play that video and
8 do it the way they want to do it is
9 unfounded. I don't think I opened the
10 door. I think she opened the door. You
11 can't say that your own witness opened a
12 door that allows you to bolster their
13 testimony.

14 THE COURT: Okay.

15 How long is this tape that you want to have
16 admitted?

17 MR. THORNTON: The part where they call her
18 back in to talk to her is 14 minutes. I told
19 Mr. Lee that the whole thing is 14 minutes that
20 we would play. How long is the whole video?
21 Maybe 25 minutes total.

22 I offered to play it for Mr. Lee this
23 morning. We did not have time, Your Honor,
24 before we got to the back.

25 THE COURT: Okay.

1 MR. LEE: If I could add one more thing.
2 The only thing I can see if they are allowed to
3 do it this way and if I have any response or
4 follow-up to what comes out, if she is not on
5 the stand, I can't cross-examine her.

6 For example, there is a picture, the one
7 that I objected to with the guys flipping the
8 bird. The guy in the blue sweatshirt very well
9 may have had a sweatshirt. He has a big baggy
10 sweatshirt with some kind of bulge in it or
11 something like that. That is the other guy.

12 I can't ask her, are you not talking about
13 this guy with the blue sweatshirt and not my
14 client? I can't ask her because they want to
15 sanitize it by having an officer come up and
16 say, I was there and that is what she said.
17 It opens up other areas I have no ability to
18 confront and respond to that I think would be
19 appropriate if that issue is now allowed to come
20 back in.

21 Where is this going to stop? We just keep
22 going and fixing things and changing things.
23 These things come up at the last minute. It's a
24 little bit after 9 o'clock when I got here.

25 I think looking at the big picture, it

1 opens up too many doors, doors that we are not
2 able to respond to because she is not up here.

3 If they want to call her, let's go. If she
4 had trouble understanding yesterday, she can go
5 up there and testify again. I don't have an
6 objection to that.

7 MR. THORNTON: Judge, that is not what the
8 rule says. I need to respond really quickly to
9 a couple of things.

10 Number one, Mr. Lee keeps bringing up, this
11 is late. I just brought it up this morning.
12 Mr. Lee had this video. It was sent to him. I
13 believe it was April 27 of 2021. He has had it
14 for some time. This isn't new information.

15 I have the prior statement. That is the
16 reason for the rule. This kind of statement is
17 not hearsay. We just go back to the regular
18 rules of evidence, which is, is it relevant
19 evidence? Is it more probative than
20 prejudicial, all of which it satisfies. What
21 that rule is designed to do is take that prior
22 consistent statement and say, it's not hearsay.
23 It doesn't say do it on redirect or ask her to
24 clean it up. I am not trying to clean anything
25 up. He and I may just respectfully disagree on

1 this.

2 It's the State's position that he certainly
3 alleged by his questions and comments, both that
4 this is a recent fabrication and improper
5 influence. I have a right to put a statement in
6 to fix that. It's the truth, and it's a
7 videotape that he has had since 2021.

8 MR. LEE: No question I have had it. No
9 question. I looked at it. She testified on the
10 stand that in a meeting two, three months ago
11 with these guys that that is when she said it.
12 That is her testimony. That is their witness.

13 I didn't tell her that. I didn't do that.
14 Yeah, she said that, so I responded to that.
15 They can't now fix it because their witness
16 didn't testify according to the truth or what
17 they believe the truth is. That is improper. I
18 have no way to respond to this. It's done.

19 The time to do it if you are going to do it
20 is when she is on the stand, just like it was a
21 prior inconsistent statement. That is the time
22 to do it. They missed the boat.

23 They had this. They knew about it. He led
24 her into saying these things. She wasn't going
25 to say on her own, I might have seen something

1 that might have been a long gun. She was led
2 all along.

3 Her response -- I know they don't like it,
4 but her response is what it is. They are not
5 trying to say that she -- trying to word it the
6 right way. It's not a prior consistent
7 statement because she never said it. She never
8 said on March 6, I said this, this, and this.
9 She says, in August of 2023, I said this.

10 She hasn't -- it's not like somebody says,
11 it was a red car. I go on cross-examination and
12 say she is lying and prove this stuff. Then
13 they come back and say, didn't you tell somebody
14 two years ago that it was a red car? That is
15 how it's used. It's not a prior consistent
16 statement.

17 They are trying to get in is an
18 inconsistent -- something that was said at a
19 different time. She said on the stand, which is
20 what you have to concentrate on, her testimony
21 on the stand, she said that two months ago --
22 this is it when she said this. They don't like
23 that she messed up the date, according to them.

24 THE COURT: The date is not the statement
25 that is at issue here. The statement was the --

1 the statements that you were really concerned
2 about is the fact that she had identified 30's
3 voice and that he had some long gun.

4 MR. LEE: Right.

5 THE COURT: Then you went in great detail
6 and implied to the jury that she was lying
7 because she omitted that when she talked to the
8 police on March 6. That she omitted that, and
9 therefore it was a lie because she didn't tell
10 the police that.

11 MR. LEE: That was her testimony. She said
12 when she said it.

13 THE COURT: I understand. The fact that
14 she said it, then you went into great detail
15 about the fact that she had told the two
16 prosecutors and Mr. Hightower this prior to
17 trial.

18 Most prosecutors always question their
19 witnesses to see what they are going to testify
20 to. You implied that she had lied because she
21 had never told the police that back in January.

22 MR. LEE: She agreed. She is the one that
23 gave the time of it. She is the one that agreed
24 that that --

25 THE COURT: She agreed. She didn't tell

1 the time. You asked her did you tell it to --
2 MR. LEE: She said, Yes. The first time I told
3 it to them. That is what she said.

4 THE COURT: I understand that. The real
5 statement is -- you implied that she was lying,
6 not when she told it, it was a lie. You were
7 implying that she never said anything about 30
8 speaking or the long gun. She had never said
9 that to anybody until she gets on the stand, or
10 maybe she told the prosecutors that.

11 Now they seem to have a tape that in the
12 beginning she told the police the same thing
13 that you implied she was lying about because she
14 didn't do that. I think it fits squarely under
15 801(b)(1).

16 MR. LEE: Consistent with the declarant's
17 testimony. That is not consistent with the
18 declarant's testimony, what they want to put in.

19 THE COURT: My understanding of what they
20 want to put in, she said that she heard 30
21 speak, and that she saw a long gun. That is
22 consistent with her testimony. That is what she
23 told them.

24 That is what caused you all this concern,
25 that you had never heard that before and that

1 now she has identified your client's voice.

2 MR. LEE: She testified on the stand when
3 she said it.

4 THE COURT: The issue is you implied that
5 she had never said that to the police at any
6 time before that in her statement. You didn't
7 have it, and that therefore, the only time she
8 come up with it was on the stand.

9 MR. LEE: That was her words, not mine.
10 That she said it for the first time to these
11 gentlemen.

12 THE COURT: I understand. I think it comes
13 in under the rule. You have objected for the
14 record. I will allow them to play it, assuming
15 -- I haven't seen this evidence.

16 MR. THORNTON: I was going to suggest we do
17 that, Your Honor. I can go ahead and play it.
18 The section that I will play -- the problem is,
19 the volume is not great. I will probably need
20 to speed this up. Mr. Lee may need to come up
21 here so that you can hear it.

22 THE COURT: The jury is going to be able to hear
23 it?

24 MR. THORNTON: I will wheel it up to them
25 as close as I can.

1 THE COURT: As long as my court reporter
2 can hear it.

3 MR. THORNTON: I was making a suggestion
4 that maybe Your Honor wants to hear it now to
5 make sure that Mr. Lee does so he knows what I
6 am playing.

7 THE COURT: That is probably the safest
8 thing to do. Any objection to me telling the
9 bailiff to tell the jury to hold up just a
10 little bit longer?

11 MR. STONE: Not from the State.

12 MR. LEE: Not from the defense.

13 MR. THORNTON: That would be what I would
14 like to propose to play, Your Honor.

15 MR. LEE: Your Honor, at this time we are
16 going to withdraw our objection to the
17 publishing of that portion of video.

18 THE COURT: Okay. Anything before we bring
19 in the jury?

20 MR. STONE: Not from the State.

21 MR. LEE: No, Your Honor.

22 THE BAILIFF: The jury is entering the
23 courtroom, Your Honor.

24 (Jury enters courtroom).

25 THE BAILIFF: The jury is seated, Your

1 Honor.

2 THE COURT: Ladies and gentlemen, I am
3 sorry. I did it to you again, and it was worse
4 today. In trials there are certain legal
5 matters that come up that are not predictable
6 that I have to deal with outside of your
7 presence.

8 That is what just happened with this delay
9 this morning. We have been working all morning
10 to resolve those issues.

11 Now we are at a point where we can continue the
12 trial and you can hear the evidence.
13 Solicitor.

14 MR. THORNTON: State calls Walker Michaud.

15 **WALKER MICHAUD,**
16 **being first duly sworn testified as follows:**

17 * * *

18 **DIRECT EXAMINATION**

19 BY MR. THORNTON:

20 Q Mr. Michaud, who do you work for?

21 A Currently the Hardeeville Police
22 Department.

23 Q How long have you worked for Hardeeville
24 Police Department?

25 A Since I left Bluffton, about two-and-a-half

1 years ago.

2 Q So back in March of 2021, who did you work
3 for?

4 A Bluffton Police Department.

5 Q In what capacity?

6 A As a detective.

7 Q Hand you what has been marked as State's
8 Number 102. I will ask if you can identify
9 that.

10 A Yes. That is the audio/video recording of
11 my interview with Stacy Void.

12 Q Did you review that and make a notation on
13 the disk?

14 A I did.

15 Q Is that a fair and accurate representation
16 of a portion of that interview?

17 A It is.

18 MR. THORNTON: Your Honor, at this time, I
19 would ask that State's Exhibit 102 be moved into
20 evidence.

21 MR. LEE: No objection.

22 THE COURT: Without objection.

23 (State's Exhibit 102 was admitted into
24 evidence.)

25 (Video being played.)

1 MR. THORNTON: I'm sorry, Your Honor. It
2 will take a little bit of time to get this
3 working. Let's move on to the next witness and
4 come back to Mr. Michaud a little bit later.

5 THE COURT: Okay.

6 You can step down.

7 Call your next witness.

8 MR. STONE: Your Honor, the State calls
9 Mark Amos.

10 THE COURT: Okay

11 **MARK AMOS,**

12 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

13 *******

14 **DIRECT EXAMINATION**

15 BY MR. STONE:

16 Q All right, Mr. Amos, let me get you to
17 pull your mic a little bit closer to you.

18 A Okay.

19 Q Where do you work, sir?

20 A I'm currently employed at SLED.

21 Q And SLED is the State Law Enforcement
22 Division; is that correct?

23 A Yes, sir.

24 Q How long have you been at SLED?

25 A I've been at SLED since 2018.

1 Q And what do you do in your capacity with
2 SLED?

3 A I wear two hats, I'm an Intelligence
4 Analyst, Senior Agent, out of the Fusion Center,
5 and then I also am the LPR Coordinator for the
6 State.

7 Q Okay, what is the Fusion Center exactly?

8 A The Fusion Center is essentially the --
9 it's based in Columbia, it's conglomerate of a
10 bunch of different agencies that all work
11 together, and, basically, offer help and assist
12 other agencies with requests.

13 Q Okay, does that give you access to
14 public information as well?

15 A Open Source and other applications that
16 the State purchased.

17 Q When you said LPR, what exactly is a
18 LPR?

19 A LPR is a Licensed Plate Recognition
20 system. There's many different companies that
21 do that. SLED manages the NDI system, so that's
22 the system I'm in charge with at SLED.

23 Q All right, tell me what that is exactly.

24 A What the LPR system is?

25 Q Yeah, I mean what does it do?

1 A Basically, it's a camera system that
2 takes pictures of the license plates of cars, as
3 they drive by fixed mobile and vehicle systems
4 that have that technology attached to them.

5 Q All right, these fixed cameras are they
6 throughout the State in particular areas?

7 What -- how do --

8 A No, the system that SLED manages they're
9 all inside South Carolina. They're in various
10 locations, from Beaufort to Myrtle Beach up to
11 Rock Hill, Columbia, Charleston.

12 Q Are you familiar with the LPRs, the
13 License Plate Readers? Am I saying that right,
14 License Plate Reader?

15 A Yes, sir.

16 Q All right. Are you familiar with the
17 ones in Beaufort County?

18 A I am.

19 Q Excuse me, and also I guess in Jasper
20 County as well?

21 A Yes, sir.

22 Q So all of those are on that same
23 network?

24 A Yes, sir.

25 Q And that is what you manage?

1 A Yes, sir.

2 Q All right, sir. I was standing in front
3 of this yesterday, so let me just move out of
4 the way.

5 Can I get you step off the stand just
6 briefly?

7 What I'm showing you is State's Exhibit 1,
8 which we've already referenced is in the
9 Bluffton/Beaufort County area. Tell me about
10 the License Plate Readers in these areas.

11 A So on this particular map, this system
12 is on the highway, so this is on our system,
13 which is, essentially, just a fixed camera
14 system that takes pictures of all the cars that
15 travel on this roadway.

16 Q All right, when you say fixed camera
17 system, I'm familiar with there are some that
18 are mobile, and some that are stationary --

19 A Correct.

20 Q -- is that correct?

21 A Correct. There are some that are
22 attached to radar trailers, there are some that
23 are on pole-mounted cameras, and then there's
24 others that are attached to the vehicles, so
25 some police cars have them attached.

1 Q Okay, the one referenced on this, which
2 it looks like it's on Highway 46, which one --
3 what type of camera is that?

4 A That's a fixed location.

5 Q So does it pick up every car that comes
6 through?

7 A So LPR is not a 100 percent technology,
8 but it has a very high rating. I would say that
9 the affixed system is basically statically
10 installed, so it is staring at the same location
11 for the targets to drive through.

12 So any cars that drive that roadway there
13 is an extremely high probability that the tag is
14 going to be captured.

15 Q Does it capture both ways? In other
16 words, I know this road goes -- obviously, you
17 have two lanes one way, and -- or one lane one
18 way and one lane the other, does it capture on
19 both ways?

20 A If I recall, that particular purpose of
21 that camera they are shooting -- there's two
22 cameras, one's shooting the eastbound on 46,
23 one's shooting west.

24 Q Okay. While you are there, let me hand
25 you what has been marked as State's Exhibit 46,

1 and ask if you can recognize that?

2 A Yeah, this is, essentially, an export of
3 a capture, so this is what we would export
4 whenever we search a tag in the database. On
5 this it's gonna show the two pictures, one is
6 the color, essentially, the black and white, but
7 it's going to be the color capture, which is
8 your standard camera, the other one's an
9 infrared capture which takes pictures of the
10 plate.

11 They work side-by-side with each other, so
12 those are both on there. And then on here it's
13 gonna show the date and time the capture was
14 read, and the system that it was captured on.

15 Q And this is on the system that you're
16 talking about now; is that correct?

17 A Yes.

18 Q All right, now let me show you what's
19 been marked as State's Exhibit 48.

20 Can you tell us what that is, please?

21 A So this is a DMV registration printout,
22 that's certified through the DMV.

23 Q The Department of Motor Vehicles?

24 A Correct.

25 Q That's also information you have access,

1 I guess, through the Fusion Center?

2 A 100 percent.

3 Q Okay.

4 MR. STONE: Your Honor, at this time we
5 offer State's Exhibit 46 and 48 into evidence.

6 THE COURT: What says the defense?

7 MR. LEE: No objection.

8 THE COURT: Okay, entered without
9 objection.

10 (State Exhibits 46 and 48 admitted into
11 evidence.)

12 BY MR. THORNTON:

13 Q And I'm going to put this on the screen.
14 All right, so tell me now what this -- first of
15 all, let me go to -- do you have State's Exhibit
16 48?

17 All right, I'm sorry, go back to 46, that's
18 fine. Okay, tell me what that is, and tell the
19 jury what that is, please.

20 A So that's the overview that we --
21 that's the export that we would get whenever we
22 export the capture that comes out of the system.
23 On that reading it's gonna show that it has a
24 license plate of 55PN-2069, it's a South
25 Carolina plate. As you can see on the infrared

1 picture it says South Carolina right there on
2 the bottom.

3 This was captured on March, sorry, March
4 5th, 2021 at 10:24 p.m. The system was Okatie
5 Highway. Like I said, the cameras, you can see
6 it's Okatie Highway, but it's the eastbound
7 camera.

8 Q All right, and eastbound camera meaning
9 that this vehicle was traveling this way; is
10 that correct?

11 A Yes.

12 Q All right. Now, I'm looking at your
13 license plate, and I'm trusting you, but tell
14 me, it doesn't seem -- I can't see it on the
15 actual photograph itself.

16 Can a camera pick that up better than the
17 naked eye can, or how does that work?

18 A And so this is how the camera system
19 works. There's two cameras other than these, so
20 it's a one-camera system, but there's two
21 cameras. One is an infrared camera, which is
22 looking for the reflection of the plate, and the
23 other one is an overlay color camera, so when
24 the vehicle travels through the targeted
25 infrared then it captures that plate, and it

1 instantly takes a picture of the cover overlay,
2 so you get one on top of the other, so that's
3 what you would get.

4 So the color photo, the one on the left,
5 and the infrared photo is the one on the right.

6 Q And this car went through this at what
7 time?

8 A 10:24 p.m.

9 Q And then on State's Exhibit 48, who is
10 this car registered to? And I'll hand you that.

11 A Yes.

12 Q I apologize.

13 A This car is registered to it looks like
14 Dell Pringle.

15 Q At what address?

16 A [REDACTED] Magnolia Circle in Hardeeville.

17 Q Okay. Now, through your system, both
18 the Fusion system, as well as your -- I'm sorry,
19 I was gonna say A -- it used to be ALPR, I keep
20 saying -- to kind of skip it.

21 Through all that did you also look to see
22 whether any cars registered to a Houston
23 Chaneyfield, Tahara Beton, or Ty Leic
24 Chaneyfield went through either that or other
25 LPR that you had that night on March the 5th?

2 Q I'm sorry?

5 Q All right. And one other question too,
6 I had one photograph of this car, of the Pringle
7 car coming in. Did you get a capture of it
8 coming out?

10 Q Okay, so it went in this way, but we
11 don't know how it came out?

13 Q Okay. I don't have any further
14 questions. Please answer any questions Mr. Lee
15 may have.

17	Q Yeah.

19	0 Yeah.

20 * *

21	CROSS-EXAMINATION

22 BY MR. LEE:

23 Q Is it Special Agent Amos?

24 A It would be a technical Senior Special
25 Agent Amos, but --

1 Q All right.

2 A -- you can just call me Amos.

3 Q Okay, all right. Thank you. Did you
4 bring any notes or anything with you today? I
5 want to ask you when you were contacted by the
6 Solicitor's Office, or when you kind of came
7 into this case; do you know?

8 A When I came into the case?

9 Q Yes, sir.

10 A Specifically, a month ago that I was
11 notified and subpoenaed to come in.

12 Q Okay. And you weren't the actual one
13 that -- well, let me say this, the Solicitor's
14 Office can run and get this information, the
15 same information that Mr. Stone had you
16 identify, right?

17 A I believe so, yes.

18 Q Okay. And are you aware that the
19 defense that we filed -- asked the Solicitor's
20 Office on February 2nd, through a specific Brady
21 motion, to go through this process; are you
22 aware of that?

23 A Not off the top of my head.

24 Q Okay. And are you aware that we asked
25 for any LPR readings on a Honda Santa Fe, a

1 black Acura, a blue Accord and a green Acura,
2 and provided all of those license plates?

3 A I didn't pull this.

4 Q Did you run any of the license plates?

5 A I ran the license plates that belonged
6 to the --

7 Q That they asked you to run?

8 A Correct.

9 Q Okay.

10 A That belonged to the family member.

11 Q Okay. And this Mr. Hightower, the
12 investigator in the Solicitor's Office, he has
13 access to the system, he can pull things up,
14 correct?

15 A I believe so, yes.

16 Q Okay. Did you discuss with him any of
17 the results from the LPR analysis that we
18 requested?

19 A No, sir.

20 Q Are you aware that one of the returns
21 that Mr. Hightower got was actually an incorrect
22 license plate number, it was like one digit or
23 one number off; are you aware of that?

24 A I'm not aware.

25 Q And did that surprise you there might be

1 a misread or one that may not be --

2 A No, that can happen.

3 Q Okay, all right. And so other than
4 getting called by the Solicitor's Office saying,
5 "Hey can you come to Court to testify," you
6 really don't know anything about this case, or
7 much about it, right?

8 A Yes, sir.

9 Q Okay.

10 MR. LEE: All right, Judge, that's all I
11 have, thank you.

12 MR. STONE: thank you.

13 THE COURT: You can step down, thank you,
14 sir.

15 MR. STONE: The State calls Courtney
16 Daniels.

17 **COURTNEY DANIELS,**

18 **BEING DULY SWORN TESTIFIED AS FOLLOWS:**

19 *******

20 **DIRECT EXAMINATION**

21 BY MR. STONE:

22 Q Ms. Daniels, what do you do, ma'am?

23 A I'm a Senior Analyst for Verizon
24 Wireless.

25 Q All right, and in that context, what is

1 your job exactly? A Senior Analyst, what is
2 that?

3 A I'm a custodian of record for civil as
4 well as criminal cases. I also handle any small
5 claims mediations, arbitrations, as well as any
6 executive complaints or agency complaints that
7 come to our office.

8 Q Okay, do you also -- and as a part of
9 that, are you also responsible for keeping the
10 records on all -- I guess they're call for
11 service telephone records for cell phones, that
12 type of thing?

13 A As part of the custodian of records I do
14 have access to those records.

15 Q So if I've got a cell phone through
16 Verizon, you have my phone records, you've got
17 my number, my subscriber information, and then
18 any calls I had; is that correct?

19 A There's a database that keeps that. So
20 once those records are requested, I will have
21 access to them.

22 Q Okay. Those records are kept I'm
23 assuming in the ordinary course of Verizon's
24 business?

25 A Yes.

1 Q Okay. Let me show you what's been
2 marked as State's Exhibit 49, and ask if you
3 could identify those, please, ma'am?

4 A These are the call details, as well as
5 subscriber information for five target numbers
6 that were requested.

7 Q Could you tell me what numbers those
8 are, please?

9 A The numbers are [REDACTED]-9974.

10 Q And who is that number -- who pays the
11 bill on that?

12 A Well, the account is listed under Dell
13 Sandra Pringle.

14 Q Okay.

15 A The second number is [REDACTED]-1370.

16 Do you want the name?

17 Q Yes.

18 A So the name under this account would be
19 -- and I may be saying it wrong, Tahara Beton.

20 Q Okay.

21 A The third number is [REDACTED]-0297. The
22 account is listed under Stacy Void.

23 The next number, the fourth number is [REDACTED]
24 [REDACTED], yes, [REDACTED]-2218, that account is listed under
25 Andrew Thompson.

1 And then the last number is [REDACTED]-0330,
2 and that account is listed, again, under Stacy
3 Void.

4 Q Okay.

5 MR. STONE: At this time, Your Honor, we
6 move State's Exhibit 49 into evidence.

7 THE COURT: Any objection?

8 MR. LEE: No objection.

9 THE COURT: Okay, entered without
10 objection.

11 (State's Exhibit 49 was admitted into
12 evidence.)

13 BY MR. STONE:

14 Q. Okay, thank you, ma'am I don't have any
15 further questions. Answer any questions Mr. Lee
16 may have.

17 MR. LEE: No questions.

18 THE COURT: Okay, you can step down.

19 MR. STONE: The State calls Derek Nelson to
20 the stand.

21 DEREK NELSON,

22 BEING DULY SWORN TESTIFIED AS FOLLOWS:

23 ***

24 DIRECT EXAMINATION

25 BY MR. STONE:

1 Q And who do you work for, Mr. Nelson?

2 A I work for the Fourteenth Circuit
3 Solicitor's Office.

4 Q And what do you do for the Solicitor's
5 Office?

6 A I am a Digital Forensic Examiner.

7 Q And in the context of that, do you work
8 at all for the law enforcement agencies, as
9 well?

10 A I do. I'm also an investigator and
11 Class 1 Law Enforcement Officer status in South
12 Carolina as well.

13 Q As part of your job assisting law
14 enforcement, as well as the Solicitor's Office,
15 is part of that job extracting information from
16 cell phones?

17 A It is.

18 Q Can you tell me how you do that? And
19 did I use the word extraction; is that correct?

20 A Yes, sir.

21 Q What exactly does that mean.

22 A Since I use a software or hardware, or
23 any software combination, that's designed by a
24 company we call Cellebrite, who is probably the
25 world's leader in mobile forensics. And using

1 that technology, and then based off of the
2 individual phones that are given to me by the
3 law enforcement agencies, I extract as much data
4 as possible of them, in accordance with any
5 search warrants, or whatever.

6 Q Okay.

7 So this information that you're able to
8 extract, would that include phone call records,
9 various things, what would that include; or does
10 it depend particularly on the phone and the year
11 of the phone?

12 A It does. It's a case-by-case basis on
13 the particular model of the phone, the operating
14 system in the phone, and then what data that we
15 are looking for essentially.

16 Q Okay. Did you extract Shanya Void's
17 cell phone?

18 A I did.

19 Q And Jayden Void's cell phone?

20 A I did.

21 Q Also Stay Void's cell phone; is that
22 correct?

23 A Yes, sir.

24 Q And also Ty Leic Chaneyfield's cell
25 phone?

1 A That's correct.

2 Q And the extraction of those cell phones,
3 and let me, I guess, first go to State's Exhibit
4 41 or 42, and I'll show this to you up here, but
5 it's gonna be on the monitor; is this an example
6 of the extraction that you were able to get?

7 A Yes, this is an image file that's pulled
8 off the phone.

9 Q And is that part of -- and I always get
10 this wrong, is that Snapchat, is that --

11 A This particular file came from Snapchat,
12 yes, it's a jpeg file that is stored in the
13 phone as a photo, but it comes from the Snapchat
14 database.

15 Q Okay, all right.

16 MR. LEE: Your Honor, I object to that
17 photo, for obvious reasons, and I would renew my
18 objection to publish this to the jury, based on
19 42.

20 THE COURT: Okay.

21 BY MR. STONE:

22 Q. Now, along with the extractions, you
23 can also get, I think, Facetime information from
24 that as well?

25 A Yes, sir, it -- Facetime falls and

1 relative data is all stored within the device as
2 well.

3 Q Okay. On some of these devices were you
4 also able to get Facetime information?

5 A Yes, sir. There is a call log listed as
6 Facetime calls.

7 Q Okay. And did you provide that to
8 Dyland Hightower?

9 A I did.

10 Q Okay, and I'm assuming the extraction is
11 the same way; is that correct?

12 A Yeah, the complete contents of the phone
13 extractions were all turned over to Mr.
14 Hightower.

15 Q When somebody makes a telephone call on
16 their cell phone, where is that recorded?

17 A Well, it can be on the phone itself,
18 cellular calls are recorded into the, basically,
19 what's called the cell record database, and then
20 also they're recorded with the cell phone
21 providers as well.

22 Q So this --

23 A Cell phone service providers.

24 Q I'm sorry.

25 A Cell phone services providers like

1 Verizon as well.

2 Q Okay, so it's gonna be on your cell
3 records, but it's also going to be on your
4 phone, as well; is that correct?

5 A Correct.

6 Q Did you also -- and I believe you --
7 this was with the consent of Mr. Lee, at my
8 request, did you retrieve Ty Leic Chaneyfield's
9 cell phone?

10 A I did, I --

11 Q And whom did you get it from?

12 A I got it from Mr. --

13 Q Scott Lee?

14 A Yes, sir.

15 Q Okay. And were you able to extract, or
16 get any information from the phone?

17 A Yeah, I was able to do an advanced
18 logical extraction on the device and pull as
19 much data as the cell record provided.

20 Q Okay. Were you able to get any
21 information as to cell phone calls?

22 A I did, however, in the incident
23 timeframe related to this incident, there were
24 no phone calls on the phone.

25 And then a further search of the database

1 that contains those records, showed that there
2 was a missed -- it was out of sequential order,
3 which is common for when cell phone calls are
4 deleted.

5 Q Okay, so on March the 5th any cell phone
6 calls at all on Ty Leic Chaneyfield's handheld
7 device?

8 | A No.

9	Q Okay.

10 Please answer any questions Mr. Lee may
11 have.

12	A Certainly.

13 * *

14	CROSS-EXAMINATION

15 BY MR. LEE:

16 Q Mr. Nelson, I don't have the date, but
17 we voluntarily offered the phone to you; did we
18 not at least?

19	A You did, correct.

20 Q Okay, and you came to the office to pick
21 it up?

22	A Yes.

23 Q Okay. Do you know when that was?

24 A That was -- I believe it was April.

25	Q April 23ish?

1 A April 22nd.

2 Q Okay, all right. And there was no
3 Judge's order, there was no -- nothing mandating
4 us to do that, was there?

5 A That's correct.

6 Q Okay. And, in fact, let's talk a little
7 bit about these codes, the passcodes to these
8 Apple phones have on them.

9 Can you have a four or six-digit passcode;
10 is that right?

11 A You can.

12 Q Okay, and Apple is very -- I don't know
13 what the right word is, but they're very
14 protective of their customers, and Apple won't
15 reveal that passcode to you, will they?

16 A That's correct, they wouldn't know it
17 anyway.

18 Q They wouldn't?

19 A No.

20 Q Okay. Who would?

21 A Only the individuals that --

22 Q Okay.

23 A -- own the phone.

24 Q But Apple the company essentially as law
25 enforcement as far as keeping track of those,

1 and then providing them to law enforcement,
2 correct? Would you agree with that?

3 A As far as just for passwords?

4 Q Yeah.

5 A Yeah, they've always been like that.

6 Q And the way a lot of those phones are
7 set up, including the way that, apparently, Mr.
8 Chaneyfield's was, is that you only get a
9 certain amount of guesses at the password,
10 before it locks you out for a day, right?

11 A That's correct.

12 Q How many do you get a day?

13 A Ten.

14 Q Ten?

15 A I'm sorry, a day?

16 Q A day.

17 A Well, it's a state multi-stage process.
18 After a certain number, about four unlocks you
19 get -- or four miss unlocks then you get a time
20 out, so to speak --

21 Q Yeah.

22 A -- for a few minutes. And then once you
23 get up to, depending on how the phones are set
24 up, it can get to -- once you get to ten
25 amounts, or excuse me, ten failed attempts, it

1 could potentially lock the entire phone.

2 Q Okay. So if there's like a six-digit
3 code passcode, and you don't know what it is, to
4 open a phone, you've got to try to guess it,
5 right?

6 A I wouldn't.

7 Q Okay.

8 A That would take quite a while.

9 Q Because you only get a certain amount of
10 guess per day, and if you have six digits, which
11 his was, what's that, 99,999 possibilities that
12 it would be?

13 A That sounds about right.

14 Q Is that right? Yeah. Excuse me, that's
15 more than 99,000?

16 A Yeah, I don't know the math on it.

17 Q Okay, all right, but anyway it can take
18 literally years, if someone is just inputting
19 numbers to get that passcode, right?

20 A That's correct.

21 Q Okay, but, fortunately, you didn't have
22 to do that, did you?

23 A No, I did not.

24 Q We provided the six-digit passcode to
25 you, it was 843571, and that worked; did it not?

1 A It did.

2 Q Okay. Now, are you familiar with any
3 type of geofencing? Do you know what the term
4 geofencing means?

5 A I do.

6 Q Okay. And, basically, you throw a big
7 net, or a big circle around a certain area, and
8 you search for cell phone activity coming out of
9 a certain area, correct? Why don't you explain
10 it, I --

11 A I mean geofencing is every -- the
12 concept is everything from people that can get a
13 radio collar for their dog and set it around
14 their house, or you can set up -- there are
15 softwares out there that use geofencing
16 technology, to search social media hits in a
17 certain particular area. So it's just a very
18 broad software.

19 Q It's also used sometimes in law
20 enforcement to circle an area, to see what cell
21 phone activity was in a certain area, at a
22 certain time, right?

23 A I've never -- I personally don't know of
24 them using --

25 Q Okay.

1 A -- geofencing in that way. I --

2 Q Okay.

3 A -- think they go about that in different
4 methods.

5 Q Okay, all right. And what could be said
6 is true is you never really can erase
7 anything --

8 A No.

9 Q -- from your phone?

10 A No, there's usually -- there's a way to
11 find the evidence or evidence.

12 Q And in reviewing -- how long between
13 when March 5th, 2021, and was it April of 2023
14 when you got the phone, when we gave it to you?

15 A Correct.

16 Q So that's two years, right?

17 A Correct.

18 Q Okay. Do you know what was done to that
19 phone between 2021 and 2023, as far as who used
20 it, who had it, who made phone calls?

21 A No, I wouldn't be able to tell that, no.

22 Q Okay. Who might have deleted things,
23 who might have added things, who might have put
24 apps on it, taken apps off, you don't know who
25 did that, do you?

1 A No, I can't say anything about who did
2 anything.

3 Q Okay.

4 A We just report the data.

5 Q Or when?

6 A Oh, correct.

7 Q Okay.

8 Does it appear that his phone was used
9 after March 9th, when he turned himself into the
10 Beaufort County Detention Center?

11 A It was.

12 Q Okay, but you don't know who did that?

13 A Who was using it after?

14 Q Yeah

15 A No.

16 Q Yeah.

17 A I do not.

18 Q Okay, and you don't know if there's any
19 type of Cloud software that would allow somebody
20 to remotely come into his phone? You don't know
21 that?

22 A There's Cloud software that you can
23 access the data on the phone through backups --

24 Q Okay.

25 A -- but it --

1 Q If you had that password?

2 A You would have to have passcodes, in
3 order to get into the --

4 Q Right.

5 A -- online software to do that.

6 Q But if somebody had the password,
7 somebody else could go in his phone, right?

8 A Not directly.

9 Q Okay.

10 A That's not the way that the backup
11 systems work.

12 Q Okay.

13 A It's not a direct access, so you're not
14 jumping through the internet into the phone,
15 that's not the way it works.

16 Q Okay, all right.

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

18 THE COURT: Okay,

19 MR. LEE: Thank you.

20 MR. STONE: thank you.

21 THE COURT: You may step down.

22 MR. STONE: The State calls Dylan
23 Hightower.

24 DYLAN HIGHTOWER,

25 BEING DULY SWORN TESTIFIED AS FOLLOWS:

DIRECT EXAMINATION

BY MR. STONE:

Q And what do you do, sir?

A I'm an Investigator with the Fourteenth Circuit Solicitor's Office. I also supervise the Criminal Intelligence Unit at the Fourteenth Circuit Solicitor's Office.

Q And as part of that job does it also involve you assisting law enforcement agencies throughout the Fourteenth Circuit?

A It does, as well as outside the Fourteenth Circuit. I also serve on the ATF Taskforce out of Charleston and work alongside local state and federal agencies in criminal agencies, also with an emphasis on cell phone forensics, historical cell site analysis, and anything dealing with cellular call records.

Q All right, and that's exactly what I was gonna ask you. So in the context of cellular forensics, tell me how that breaks down exactly.

A In what sense?

Q Well, so what are you able to do, and in which ways you will assist law enforcement when

1 it comes to cell phone records, and things like
2 that?

3 A So in any criminal investigation,
4 obviously, the digital forensic aspect is pretty
5 important, especially in the day and age. In
6 every case that we currently prepare for trial,
7 we assist in these active investigations early
8 on, when arrests are made or incidents occur.

9 We assist those local agencies with
10 whatever digital acquisition we need, you know,
11 dealing with phone records, cellular phone
12 extractions, any other additional type of
13 digital media or digital evidence that could
14 possibly be useful during that timeframe.

15 And, obviously, work with that information,
16 understand it, and then prepare that for, you
17 know, a criminal trial.

18 Q And there would be levels, I guess, of
19 complexity of this; is that not true?

20 A Every case is completely different. You
21 have different pieces, additional evidence, so,
22 yes, it varies from case-to-case.

23 Q All right, so if -- in your capacity as
24 a forensics cell phone examiner, at least in
25 that capacity of your work with Intelligence,

1 cell phone records, is that part of what you
2 study and analyze?

3 A Yes, sir, my background is primarily
4 focused on cell phone records, call detail
5 records, anything that a provider provides in
6 response to a search warrant.

7 Q All right, so let me hand you what's
8 been marked as State's Exhibit 49, which we've
9 actually put into evidence, as from the Verizon
10 representative.

11 Are these the cell call detail records that
12 you're talking about?

13 A Yes, sir, these are the call detail
14 records that I used to conduct my analysis on
15 this case.

16 Q Okay. And while we're here, we have
17 numbers on this as well. Are you familiar with
18 the numbers?

19 A Yes, sir I am.

20 Q And I said numbers, I'm talking about
21 cell numbers; is that correct?

22 A Yes, sir.

23 Q All right, so who are those cell phone
24 numbers -- we already know who they're listed
25 to. What relation do they have to the people in

1 this case?

2 A So the first number, [REDACTED]-9974, the
3 subscriber on that account is Dayle Sandra
4 Pringle. Throughout this investigation, we were
5 able to determine that is Jimmie Green's phone.
6 The second number is [REDACTED]-1370, with the
7 account name being Dell Pringle, which is Ty
8 Leic Chaneyfield's mother, and that one came
9 back to Ty Leic Chaneyfield's phone number.

10 Q And I know we just had Derek Nelson, I
11 think, testify as to what would be in that
12 phone; does that match up as well?

13 A Yes, sir, I got all these cell phone
14 extractions as well in this case --

15 Q Okay.

16 A -- and compared that with --

17 Q We'll get to that in just a second.

18 A [REDACTED]-0297, that phone -- the account
19 was under Stay Void. It actually is Stacy
20 Void's phone. Stacy and her father both share
21 the same name of Stacy, just spelled
22 differently, and this is in the father's name.
23 The account is in the father's name.

24 The fourth number is [REDACTED]-2218, that is
25 also Verizon number, under the account Andrew

1 Thompson, that cellular number comes back to
2 Shayna Void. We learned that information from,
3 obviously, a digital extraction, as well as her
4 interview.

5 The last number is [REDACTED]-0330, that
6 account was under Stacy Void, Stay Void and
7 Jayden Void's father, and that phone number was
8 determined to be Jayden Void's cellular number.

9 Q Now, other than cell call details, which
10 is what was provided by Verizon, in your
11 capacity what else are you able to do?

12 A So what I determine is, as the data
13 comes in I review the Excel spreadsheets, that's
14 basically just the standard list of columns of
15 letters and numbers, with a lot of significant
16 information that allows me, through my training
17 and experience, to determine and decipher what
18 the records mean, determining income and
19 outgoing calls, the cell towers that are
20 utilized to process those calls, as well as the
21 sector or the site of the tower that was
22 utilized to process those calls.

23 Q All right, so I'm gonna stop you there.
24 Now, when it comes to the cell towers, that's
25 the cell tower, I think you mentioned earlier,

1 cell tower location information, or what is that
2 exactly?

3 A Historical cell site analysis or CSLI,
4 there's two different terminologies for it, so,
5 yeah, cell site location information and
6 historical cell site analysis, it's ideally the
7 same thing.

8 Q What kind of training have you received,
9 in order to allow you to do this cell -- let me
10 see if I can get it right, the cell site
11 location information data, and work with, as
12 well, the call detail logs? What type of
13 training have you had?

14 A Yes, sir. So in 2010 I graduated from
15 the University of South Carolina with a Bachelor
16 of Arts Degree in sociology. In 2011 I attended
17 a five-week on-the-job training at the SLED
18 Fusion Center in Columbia, South Carolina,
19 learning all aspects of intelligence analysis.
20 Obviously that encompasses cell phone
21 information as well.

22 And later in 2011 I attended a SLED program
23 call analysis training school, which is a
24 program and a hardware/software that allows you
25 to extract call detail records, dump them into

1 the software, determine that information, and
2 what towers were in use, what sectors were in
3 use, income and outgoing calls.

4 In 2013 I attended the South Carolina
5 Criminal Justice Academy, became a Class 1 Law
6 Enforcement Officer. In 2014 I attended BTS
7 Fundamentals of Call Detail Records Analysis in
8 North Carolina.

9 Again, very similar type of training, where
10 you go through all the different cell phone
11 service providers, what the records look like,
12 understand how to decipher them, what the
13 records mean, be able to determine that device's
14 general location based off the cell tower
15 activity.

16 In 2015 I attended a class for a software
17 SecurView cellular extraction software. It's a
18 system similar to Cellebrite, which is what we
19 use today, being able to extract contents or
20 data off of a physical device.

21 In 2015 I attended a Gladiator Forensics
22 Course, ESPA, and GARR, which stands for
23 Enterprise Sensor Processing and Analytics --

24 MR. LEE: Your Honor, I'm willing to
25 stipulate his education and experience,

1 training.

2 We're only in 2015. I'm happy to stipulate
3 his expertise as an expert in cell phone
4 extractions analysis, or whatever.

5 MR. STONE: That'll be fine, Your Honor.

6 In that case, we move for him to be an expert in
7 the field of forensic cell phone analysis, in
8 particular, cell phone records, as they relate
9 to cell phone towers, the location services, and
10 the analysis that comes from that, which I think
11 also is part of his training as well.

12 THE COURT: Will you stipulate to that?

13 MR. LEE: Yes, Your Honor.

14 THE COURT: Okay. Then the Court so finds
15 him to be an expert in the field of forensic
16 cell phone analysis.

17 BY MR. STONE:

18 Q That is going to be State's 50, but let
19 me, first of all, show you State's 50; is this
20 one of the I guess programs that you created, or
21 one of --

22 A It is.

23 Q -- the exhibits that you created through
24 your programs?

25 A That is correct, yes, sir.

1 Q Okay.

2 MR. STONE: This is State's 50, Your Honor,
3 and we would move that into evidence.

4 THE COURT: What say the defense?

5 MR. LEE: No objection, sir.

6 THE COURT: Okay.

7 BY MR. STONE:

8 Q Let me ask you to come off the stand,
9 please sir.

10 THE COURT: It's entered without objection.

11

12 (State's Exhibit 50 was admitted into
13 evidence.)

14 BY MR. STONE:

15 Q Okay. All right, you mentioned earlier
16 towers as well as, did you say sectors?

17 A Yes, sir.

18 Q What's the difference?

19 A So a perfect example of what a sector
20 would look like, it represents 120 degrees of a
21 360-degree circumference tower.

22 So if you break down each individual tower,
23 most towers that we deal with around here in the
24 southeast are going to be the standard three-
25 sector type towers.

1 So this would represent the northbound
2 sector being utilized to process this call
3 through this tower. So these two sectors would
4 not be utilized, hence, why it's not on the map.

5 All the other red dots that you see
6 represented here are other Verizon cellular
7 towers that were not in use, but were actually
8 active during this timeframe.

9 Q All right, so if you are standing -- and
10 let me just use, I don't know, tower 208, for
11 instance, well, let's use one that has just one
12 sector, tower 213. If you were standing at this
13 -- behind this, would it hit the same tower?
14 Would it hit a different sector?

15 How does that work exactly?

16 A Yeah, so, again --

17 Q When I say you, let's talk about --
18 let's assume you have a cell phone, you're
19 bouncing off of a tower, does your placement to
20 that tower make a difference, or can you tell
21 the difference in that?

22 A Yes, sir. The only time it ever comes
23 into consideration is when you're right on the
24 line of the sector. In most scenarios, when the
25 phone is in use, you may an outgoing call, you

1 receive an incoming call, and you're in this
2 general area here, you're going to utilize the
3 north sector of this specific tower.

4 So the phone itself would be in use in this
5 general vicinity. Another thing you would look
6 at is other towers that were in the area that
7 were not in use in that scenario.

8 So these are all broken down into specific
9 individual phone calls, and this specific
10 device's use on the Verizon network.

11 Q All right, let me show you, while you're
12 standing there, State's Exhibit 1. There is a
13 tower, and tell us about that, please.

14 A Yes, sir. So this is a general location
15 of all the known locations that are referred to
16 previously to this case.

17 Obviously, when coming into the Town of
18 Bluffton, the Parker's and Wendy's right here
19 near Evan Way. The Lawton Station where the
20 Reolink camera was located.

21 Station 300, where the video surveillance
22 footage was provided earlier, and then tower
23 283. Tower 283 was utilized by Ty Leic
24 Chaneyfield's phone.

25 I can't actually say if he was in use of

1 the phone, but his device connected to this
2 tower at 11:31 p.m. Tower 283 is facing this
3 sector in this general area here.

4 Q And this arm that comes out here, is
5 that sort of the cutoff line from -- in other
6 words, if the call was either made or received
7 over on this side, it would be looking in a
8 different direction; is that correct?

9 A Correct.

10 So this represents, again, 120 degrees, so
11 that would be sector three in this scenario. So
12 they're generally labeled one, two and three, or
13 alpha, beta, charlie, and what set of records
14 you would be looking at.

15 So you're looking at the northern most
16 sector, would be generally sector one. The
17 southern most sector would generally be sector
18 two. And then anything else outside of that, on
19 the opposite side, would represent sector three.
20 So a device in use in these areas during this
21 timeframe would not utilize this sector here.
22 It would have to utilize the sector on this side
23 of the tower.

24 Q All right. Now, from -- what difference
25 does it make, if there are other towers around?

1 A So, obviously, in urban environments and
2 more rural environments, tower technology
3 differs, it changes.

4 There's a lot more activity on the network
5 within an urban area. So your downtown area
6 you're gonna have a lot of towers, just to make
7 sure the network is stable, you know, you as a
8 customer for Verizon or AT&T actively can access
9 the network, make phone calls, not get dropped
10 calls.

11 So you would see in a more urban
12 environment a lot more towers in that specific
13 area. When you move out into the country, out
14 to the rural areas, those towers ae gonna be the
15 same technology, the same concept, but will
16 cover more ground, because the network is as
17 active or not as busy, so, yes.

18 Q All right, and so when we go to State's
19 Exhibit 50, these are all the other towers that
20 are available to these customers?

21 A Right, and that's the importance here.
22 This generally shows all of the towers that are
23 in the Bluffton area, all the towers that are in
24 the Beaufort area, a portion of St. Helena, all
25 the towers in the Tillman, Ridgeland and

1 Hardeeville area.

2 You can see how they're much closer here,
3 versus what they are out here. There's more
4 customers in these areas, versus customers out
5 in these areas.

6 So, again, you being a happy customer for
7 Verizon and AT&T, you want to make sure your
8 phone works. Not as likely to use as well in
9 the country, but, obviously, as good as it can
10 get.

11 Q And so this works if you're on Verizon,
12 and you're hitting a Verizon tower, but there
13 are other cell site providers also on those
14 towers?

15 A Yes. So towers are either privately
16 owned, or specific vendor owned, and each of
17 those towers could represent a specific cell
18 service provider.

19 So you could have one tower that has
20 Verizon antenna, AT&T Antennas, Sprint Antennas.
21 If you look at the tiered sector, if you ever
22 look at a Verizon tower, you can see seven
23 antennas, and there will be one, two or three
24 different rows of them.

25 Those all represent different cell site

1 providers.

2 Q All right, now, before we get
3 specifically to these maps, let me ask you a
4 question, do you have a rundown through the
5 records from Verizon on phone calls either to or
6 from Jimmie Green, Shayna Void, Stacy Void,
7 Jayden Void, as well as Ty Leic Chaneyfield?

8 A Yes, sir. So, again, in this
9 investigation I was provided each set of
10 cellular phone records for each of those, Stay
11 Voic, Jayden Void, Shayna Void, Ty Leic
12 Chaneyfield and Jimmie Green. I went into
13 determine the general location, as to where each
14 of those devices were, as it was active on the
15 network.

16 Q All right, so in these individual calls,
17 and along with the extractions, I guess, is also
18 included in that; is that correct?

19 A All forms of digital pieces of evidence
20 were obviously analyzed for this case, and I
21 kind of put them all into a digital timeline.

22 Q All right, so do you have that available
23 as a digital timeline?

24 A I have a hard copy, as well as a
25 virtual --

1 Q Okay, I'll hand you all that, if I
2 could, please?

3 A Yeah.

4 Q All right, and this is still in military
5 time; is that correct?

6 A Yes, sir, it is.

7 Q I'm gonna ask you to explain it to me.

8 A Okay, all right. It starts at 8:26 p.m.

9 Q You also have -- is this in digital
10 format, or would it be easier to put it on the
11 board? We can do it either way.

12 A So we have two different variations of
13 it, of the towers that were used in the digital
14 format, as well as the hard copy format.

15 Q Okay. Let's go with the hard copy
16 first, and I'll hand this back to you. Starting
17 at -- what's the first point?

18 Give me the first reference point that you
19 have.

20 A So, again, this represents all the
21 digital phone extractions that were involved in
22 this case, all the different cell phone records,
23 call details records. The 911 call, because
24 it's timestamped.

25 The surveillance videos that we got from

1 the surrounding businesses, as well as other law
2 enforcement reports that were used to establish
3 those times. The initial reference I have on
4 here is at 8:26 p.m., based off of Shayna Void's
5 extraction of her device. Shayna iMessages
6 Jimmie Green.

7 Q How do you spell Shayna?

8 A S-H-A-Y-N-I-A-H.

9 Q To Jimmie Green?

10 A Yes.

11 Q What is a iMessage?

12 A An iMessage is an Apple to an Apple
13 device. It comes up as blue if you're an iPhone
14 user. In this scenario, they both utilized
15 iPhones. And in this message, which Shayna sent
16 to Jimmie Green, she's asking to FaceTime. She
17 says, "FT?"

18 Q Okay, what's the next one?

19 A At 8:26, a couple or 30 seconds later,
20 Jimmie Green responds back, and we know this
21 from Jimmie Green's -- or Shayna's voice
22 extraction, he says, "Yeah."

23 Q Okay. Next?

24 A At 8:27, so, approximately a minute
25 later a FaceTime call was initiated from

1 Shayna's phone to Jimmie Green.

2 Q And I'm gonna put FT as FaceTime. The
3 difference between FaceTime and just a normal
4 cell call when it comes to these records?

5 A So FaceTime would be logged on the On
6 Apple.

7 So if I were to go and request a search
8 warrant on your specific device, I wouldn't be
9 able to determine you actually used FaceTime as
10 part of that source. What Verizon tells you is
11 it was actually a phone call, text message,
12 things of those nature. It does not pull
13 anything Apple-related.

14 Q Okay, so FaceTime, you're gonna get that
15 from the actual phone itself, I guess --

16 A Yes.

17 Q -- is that correct?

18 A Correct.

19 Q All right, next one?

20 A At 9:02 p.m., this is from Jimmie
21 Green's call detail records, there was an
22 outgoing call from Jimmie Green's phone
23 utilizing tower 94, which is in Hardeeville.

24 Q Okay, go ahead and show that.

25 A Tower 94 is here, again, in these

1 records, this is Ty Leic Chaneyfield's device.
2 This is not records in Jimmie Green's device,
3 but they both utilize the same tower, Tower 94
4 at different times.

5 Q Okay. All right, next?

6 A At 9:11 p.m. from Ty Lei Chaneyfield's
7 records, he made an outgoing call from tower
8 216.

9 Q Go and pull that.

10 A Which is in Ridgeland.

11 Q Tower what?

12 A 216.

13 MR. STONE: If everybody can see that.

14 BY MR. STONE:

15 Q That's here, and that is in Ridgeland?

16 A Yes, sir.

17 Q Okay. Next?

18 A At 9:13 p.m., from Ty Leic Chaneyfield's
19 call detail records, again, another outgoing
20 call that utilized tower 216, the same time
21 which is referenced.

22 Q Next?

23 A 9:17, from Jimmie Green's phone call
24 detail records, he made an outgoing call at
25 tower 94 in -- down here in Hardeeville.

1 Q Let me ask you one other question too.
2 The information on Dell Pringle that was
3 introduced earlier, that is a specific location
4 in Hardeeville, and Dell Pringle was Jimmie
5 Green's mother; is that correct?

6 A Yes, sir, that's correct.

7 Q All right, is that in the vicinity of
8 tower 94?

9 A It is, yes.

10 Q Okay.

11 A It's just south of [REDACTED], if I go in a
12 circle, which is Jimmie Green's residence.

13 Q Okay, next one?

14 A At 9:25 p.m., from Jimmie Green's call
15 detail records, he made an outgoing call
16 utilizing tower 94, again, in Hardeeville.

17 Q All right.

18 A At 9:27 we have two references here,
19 because we have two sets of records that are in
20 communication with each other. So we have
21 Jimmie Green receiving an incoming call from Ty
22 Leic Chaneyfield.

23 Q Okay, and what tower was Green's phone
24 hitting off of?

25 A Green's was still at tower 94.

1 Q Okay, and --

2 A And Chaneyfield was --

3 Q And I'm assuming you've got a 9:27 from
4 Chaneyfield's number.

5 A Yes, sir.

6 Q Basically, the same call.

7 A The same thing, yeah, at tower 231,
8 which is up here in northern portions of
9 Ridgeland. And Ty Leic's residence was in
10 between here during this timeframe.

11 Q Okay, tower what?

12 A Tower 231 in Ridgeland.

13 Q All right.

14 A Moving onto 9:43 p.m., again, we have
15 two sets of records in communication with each
16 other. This was an incoming call from Ty Leic
17 Chaneyfield to Jimmie Green.

18 Q Okay.

19 A At this point, Jimmie Green's device was
20 at tower 94 in Hardeeville. Ty Leic
21 Chaneyfield's device was -- this call was routed
22 through tower 208, which is down here in the
23 downtown area of Ridgeland.

24 Q Okay.

25 A 9:50 p.m., this was a communication

1 between Shayna Void and Jimmie Green. This was
2 off of Shayna's cellular extraction. Shayna
3 texted Jimmie Green and said, "Yo."

4 Q Okay. All right.

5 A At 9:50 p.m., just a few second later,
6 Jimmie Green responds back to Shaynia Void
7 saying, "What's up?"

8 Q Okay, what's the next one?

9 A All right. A few second later, again,
10 on 9:50 or at 9:50 Shayna Void iMessages Jimmie
11 Green, "Can you leave the house?"

12 Q Okay.

13 A Again, later on at 9:50 Jimmie Green
14 responds to the previous question, saying,
15 "Yes," or, "yeah."

16 Q All right.

17 A Again, at 9:50, Shaynia Void iMessages
18 Jimmie Green, asking, "Want to meet at Station,
19 if I go?"

20 Q Okay.

21 A Again, a few second later Jimmie Green
22 responds back to Shayna Void saying, "Yeah, I
23 can."

24 Q Okay.

25 A A few second later Jimmie Green sends

1 Shayna another message, "T-H-O. 9:50, once
2 again, Shayna Void iMessages Jimmie Green, "I'll
3 tell you when to leave."

4 Q Okay.

5 A 9:51 Jimmie Green iMessages Shayna Void
6 saying, "Ight," I-G-H-T.

7 Q Okay.

8 A 9:51 p.m. Shayna Void iMessages Jimmie
9 Green, "Are you going to bring my weed too?"

10 Q Okay.

11 A Again, 9:51 Jimmie Green responds to
12 Shayna Void, "Yes."

13 Q Now, these are iMessages, so we don't
14 have tower notes on that; is that correct?

15 A No.

16 Q Okay. All right.

17 A 9:51 Shayna Void iMessages Jimmie Green,
18 says, "Okay."

19 Q Okay.

20 A 9:52 Jimmie Green iMessages Shayna Void,
21 "Ight," I-G-H-T.

22 Q Okay.

23 A At this time the next thing on the
24 timeline is at 10:00 p.m., D. J. Fields' black
25 Acura pulls into the Parker's gas station, which

1 was referred to before when they walked in, he
2 and Kylan Simmons, had gotten a fountain drink
3 from inside. At 10:01 from Shayna Void's
4 extraction, Shayna Void iMessages J. Green,
5 Jimmie Green, "Leave," L-E-A-V-E.

6 Q Okay.

7 A I'm gonna skip Parker's on here.

8 Q Yeah, let's just go with the cell, we're
9 gonna stay on the cell phone right now.

10 A All right. 10:01 p.m. Shayna Void makes
11 an outgoing call, utilizing tower 275, which is
12 right here in the Bluffton area. This will be
13 the tower just south of Station 300, it's in
14 there, which her residence was less than two
15 miles away.

16 Q Okay, and that's tower what?

17 A 275 in Bluffton.

18 Q Okay.

19 A Shayna Void makes an outgoing call
20 utilizing tower 287, which is in Bluffton.

21 Q Okay.

22 A At 10:10 from Shayna Void's extraction
23 Jimmie Green iMessages Shayna, "Okay," in
24 response to the weed.

25 Q Okay. All right.

1 A At 10:10 p.m. from Ty Leic Chaneyfield's
2 records, that device made an outgoing call
3 utilizing tower 257, which is down here in
4 Hardeeville.

5 Q Okay, now, Chaneyfield is hitting off of
6 what tower at that point?

7 A Tower 257.

8 Q Okay, which is in Hardeeville?

9 A In Hardeeville.

10 Q Okay.

11 A At 10:20 Shayna Void's extraction,
12 Shaynia Void iMessages Jimmie Green, "WAY,"
13 where you at?

14 Q Okay.

15 A At 10:20 from Shayna Void's extraction
16 Jimmie Green iMessages Shaynia Void, "On the
17 long road."

18 Q Okay.

19 A Again, at 10:20 p.m. from Shayna Void's
20 extraction, Shayna iMessages Jimmie Green,
21 "Okay."

22 Q All right.

23 A At 10:24 p.m. is when the Hyundai Santa
24 Fe crossed through the automatic license plate
25 reader on Broad River Road, May River, which is

1 referenced on this map here back here.

2 Q All right, at 10:24 it hits that ALPR
3 reader?

4 A Correct.

5 Q Okay, and then I will say that the last
6 witness, a couple witnesses ago, we introduced
7 State's Exhibit 46. This also references the
8 owner of this car as Dell Pringle at 1016
9 Magnolia Circle.

10 So do you know whose car that is?

11 A I do, yes.

12 Q And whose car is that?

13 A It says Dale Sandra Pringle, which is
14 Jimmie Green's mom.

15 Q Okay.

16 A -- on this case.

17 Q All right, next?

18 A At 10:34 p.m. from Shayna Void's
19 extraction, Jimmie Green iMessages Shayna Void,
20 "WYA," again, where you at?

21 Q Okay, is this Void to Green, or Green to
22 Void?

23 A Jimmie Green to Shayna Void, "Where you
24 at?"

25 Q Okay.

1 A 10:34 Shayna Void responds and says,
2 "k."

3 Q Okay.

4 A At 10:40, based off of the Ace Hardware
5 surveillance video, the burgundy Hyundai Santa
6 Fe came into the back entrance area of Station
7 300 through the Ace Hardware location.

8 Q And at Station 300, and we've got that
9 -- I think that's already on here. Again, this
10 is going to be State's Exhibit 43. Ace
11 Hardware's located here, the car's coming in at
12 what direction at this point?

13 A At 10:40 p.m. it comes from this
14 direction, takes a right here, goes all the way
15 over here, and this is where it's hard to see in
16 the Station 300 video, but it parks in this
17 location over here, in the back lot into the
18 parking lot.

19 Q Okay, and that is Jimmie Green's mother
20 who's calling? That's that Hyundai?

21 A Yes, sir.

22 Q Okay, next?

23 A 10:42 p.m. Jimmie Green iMessages Shayna
24 Void saying, "Ight," I-G-H-T.

25 Q What is it again?

1 A I-G-H-T.

2 Q Okay.

3 A 10:44 Jimmie Green calls Shayna Void.

4 So, again, we have three sets now, because we
5 had Shayna Void's extraction, and we have Jimmie
6 Green's call detail records, and Shayna Void's
7 call detail records.

8 So we have three records as to this phone
9 call taking place. At 10:44 p.m., at this time
10 Jimmie Green's call detail records show that his
11 phone is utilizing tower 275, which is, again,
12 the one just south of Station 300, as well as
13 Shayna Void's call detail records putting her at
14 that location as well.

15 Q And so this is the cell tower,
16 basically, servicing Ace Hardware, Station 300
17 and the like?

18 A Yes.

19 Q Okay.

20 A It's less than a half a mile away, it's
21 just behind there.

22 Q All right, and what time was that? I'm
23 sorry.

24 A Tower 275.

25 Q Okay.

1 A 10:44 p.m. from Shayna Void's detail
2 records, she receives an incoming call.

3 Q Okay.

4 A Again, utilizing tower 275.

5 Q Okay.

6 A Approximately 50 seconds later at 10:44
7 from the Ace Hardware surveillance video, we see
8 the blue Honda appearing and pulling into
9 Station 300.

10 Q And that would be the Void car?

11 A That blue Honda, yes, sir.

12 Q Okay, all right.

13 A At 10:48 p.m. from Ty Leic Chaneyfield's
14 call detail records an outgoing call was made,
15 utilizing tower 275, facing the northern most
16 sector, again, at Station 300.

17 Q Okay.

18 A 10:49 p.m., based off of Shayna Void's
19 extraction, is when the Snapchat video was
20 recorded on Shayna's phone.

21 Q Okay.

22 A At 10:53 Jimmie Green's call detail
23 records, his phone's receiving an incoming call
24 utilizing tower 275 in Bluffton, again Station
25 300 area.

1 Q All right.

2 A 10:57 p.m., from Ty Leic Chaneyfield's
3 call detail records, there's an outgoing call
4 made utilizing tower 275.

5 Q All right.

6 A 11:03 p.m. Ty Leic Chaneyfield's call
7 detail records made an outgoing call.

8 Q I'm sorry, it was Chaneyfield?

9 A Yes.

10 Q Okay.

11 A Outgoing call utilizing tower 275.

12 Q All right.

13 A 11:03 p.m., based off of Ace Hardware
14 surveillance video, again, the blue Honda Accord
15 exits Station 300.

16 Q Okay.

17 A At 11:05 p.m., from the Station 300
18 video, we can follow the burgundy Hyundai Sante
19 Fe from that parking area, go the back route
20 around Station 300, back towards the Bluffton
21 Parkway area, Innovation Drive.

22 Q So it leaves?

23 A Yes, and that's with the conversion, so
24 that's converting the original timestamp on the
25 Station 300 video. The video was turned off

1 because of the Ace Hardware video, and,
2 essentially, I went in and merged the two files
3 together, identified the Ace Hardware video time
4 was accurate, and followed those vehicles as
5 they were on two different cameras, so two
6 separate locations, one being at Station 300,
7 one being Ace Hardware, and determining the
8 timestamp based off Ace Hardware.

9 Q Okay, next?

10 A 11:08, from Shayna Void's call detail
11 records, an outgoing call utilizing tower 275.

12 Q Okay.

13 A 11:11 p.m. Shayna Void's call detail
14 records incoming call --

15 Q Okay.

16 A -- at tower 275.

17 Q Okay.

18 A 11:12 p.m. Shayna Void's call detail
19 records outgoing call tower 287.

20 Q Where is tower 287?

21 A I'll have to refer back to my other map
22 for Shayna Void.

23 Q Oh, okay, don't worry about it, let's
24 just go on.

25 A It's one of the ones that's not on these

1 records.

2 Q Okay.

3 A At 11:12 Shayna Void's call detail
4 records, tower 224.

5 Q Okay.

6 A These two towers are still in Bluffton.

7 Q Okay.

8 A there.

9 Q Down here?

10 A Yes.

11 Q Okay, all right.

12 A So 11:14 the blue Honda's obviously
13 moving, we saw it leave Station 300, Ace
14 Hardware, and enters the Parker's gas station at
15 11:14 p.m. Hence, why mobile towers were in use
16 during that timeframe.

17 At 11:15 is when the blue Honda Accord
18 parks in the Parker's parking lot on the corner,
19 that you saw referenced earlier in multiple
20 exhibits.

21 Q Okay.

22 A 11:21 p.m. from Shayna Void's
23 extraction, as well as Shayna Void's call detail
24 records, as well as Jimmie Green's call detail
25 records, Shayna Void called Jimmie Green. Her

1 device is at tower 287, Bluffton, which is the
2 servicing tower for the Parker's gas station,
3 where we see her on video in the blue Honda.
4 She makes an outgoing call to Jimmie Green at
5 that time.

6 Jimmie Green's tower that was utilized was
7 the May River Road servicing area, basically,
8 the back way going towards Parker's. So May
9 River Road where it intersects --

10 Q Yeah, I got that. Going to State's
11 Exhibit 1.

12 A So the servicing tower is right in this
13 general vicinity here, tower 287. Shayna was
14 facing this sector towards the Parker's, Jimmie
15 Green was, again, the same tower facing this
16 sector.

17 So this is May River Road, this would be
18 the back reference I was referring to back over
19 here.

20 Q Okay, coming along the 46, which is May
21 River Road; is that correct?

22 A That's correct.

23 Q Okay. All right. Next?

24 A Tower, excuse me, 10:44 p.m. -- I'm
25 sorry, I skipped that.

1 Q Okay.

2 A This one.

3 Q 11:21.

4 A 11:21. 11:22 p.m. at the Parker's gas
5 station, this black Acura that D. J. Fields was
6 operating left Wendy's.

7 Q Okay.

8 A 11:22:54, this is the Reolink timestamp
9 of the footage of the audio of the shooting, you
10 could hear in the background, that timestamp was
11 off between probably two to four minutes slow,
12 based off of what they testified to.

13 Q Okay.

14 A 11:27 p.m. Shaynia Void extraction, she
15 FaceTime calls Jimmie Green.

16 Q Okay.

17 A 11:28 and 20 seconds the 911 call was
18 made by Kylan Simmons.

19 Q All right.

20 A 11:31 from Ty Leic Chaneyfield's call
21 detail records, his device received an incoming
22 call utilizing tower 283.

23 Q Hang on just a second. All right, tower
24 what?

25 A 283.

1 Q Okay, all right. State's Exhibit 1.

2 A Okay.

3 Q And where is that tower?

4 A This tower is considered John Smith
5 Lane, it's behind the retirement community right
6 there at Buckwalter and 278, we could then see
7 in that general area. Again, this is the sector
8 facing towards 278 heading out of Bluffton. The
9 phone did not utilize any other sector within
10 that tower at that time.

11 Q Okay, and what time was that?

12 A 11:31 p.m.

13 Q Okay. And the 911 call came in at what
14 time?

15 A 11:28:20.

16 Q And we've got two to four minutes off of
17 the -- so we're --

18 A The Reolink camera.

19 Q And the timeframe on that would be
20 somewhere between -- I guess that's 11:22:54,
21 that's gonna be -- it's actually right at 23, so
22 23, 24, 25, something in those areas? Okay.

23 A Yes.

24 Q All right. I'll put we don't know
25 exactly what time. Okay.

1 A 11:33 p.m., from the Ace Hardware video,
2 the blue Honda appears back going towards
3 Station 300.

4 Q Okay. Okay.

5 A 11:36, from Shayna Void's extraction,
6 Shayna FaceTime calls Jimmie Green.

7 Q Okay.

8 A 11:41 p.m. Shayna Void's call detail
9 records, an outgoing call utilizing tower 275.

10 Q Okay.

11 A Jumping to 11:55 p.m. from Ty Leic
12 Chaneyfield's call detail records, an outgoing
13 call was made.

14 Q Utilizing what tower?

15 A Tower 94 in Hardeeville.

16 Q Can you tell who that call was made to?

17 A The outgoing call was made to Tahara
18 Beton, which is Ty Leic Chaneyfield's mother.

19 Q Okay, next one?

20 A 11:59 p.m. Ty Leic Chaneyfield's call
21 detail records, an incoming call.

22 Q Okay.

23 A Utilizing tower 294.

24 Q Again, that's in Hardeeville?

25 A Hardeeville. And that was an incoming

1 call from his father, Houston Chaneyfield.

2 Q All right.

3 A 12:18 a.m., so now we're into March 6th.

4 Q Okay.

5 A Jimmie Green -- this is based off of
6 Shayna Void's extraction, Jimmie Green FaceTime
7 called Shaynia Void.

8 Q Okay.

9 A 12:28 a.m., from Ty Leic Chaneyfield's
10 call detail records, an outgoing call was made,
11 utilizing tower 94 in Hardeeville.

12 Q Okay.

13 A From 12:36 to 12:37 there's a series of
14 messages between Jimmie Green and Shayna Void,
15 iMessages. And it just says, "Jimmie, yes.
16 None, what are you doing?" At 12:52 a.m. on
17 March 6th Ty Leic Chaneyfield's call detail
18 records, an incoming call was made, utilizing
19 tower 94 in Hardeeville. 12:54 a.m., from
20 Shayna Void's extraction, Jimmie Green FaceTime
21 called Shayna Void.

22 Q All right.

23 A 12:59 a.m. Shaynia Void call detail
24 records, an outgoing call was made, utilizing
25 tower 275.

1 Q Okay.

2 A At 1:00 a.m. on March 6th, this is from
3 Shayna Void's phone extraction, Shayna Void
4 FaceTime calls Jimmie Green. At 1:06 a.m., from
5 Ty Leic Chaneyfield's call detail records, an
6 outgoing call was made utilizing tower 271,
7 which is in the Tillman area, basically, just
8 west of Ridgeland --

9 Q All right.

10 A -- as referenced on that letter.

11 Q On this one, State's Exhibit 50.

12 A Tower 271 is over in this general area,
13 this is Highway 321, it takes you towards
14 Estill.

15 Q Okay.

16 A 1:10 a.m. Ty Leic Chaneyfield's call
17 detail records, an incoming call utilizing tower
18 290.

19 Q Where's that?

20 A Just south of downtown Ridgeland.

21 Q Okay.

22 A Just off of 95.

23 Q Okay.

24 A 1:18 a.m. Ty Leic Chaneyfield's call
25 detail records, an outgoing call was made

1 utilizing tower 208, which is the downtown tower
2 for Ridgeland. 1:46 a.m. Ty Leic Chaneyfield's
3 call detail records, an outgoing call was made
4 utilizing tower 216, which is further east from
5 tower 208.

6 This tower is right next to the Cooler's
7 Grocery Store on 462 and Highway 336.

8 Q So is that in -- what area would you
9 call that?

10 A It's considered Ridgeland. 462 is
11 the --

12 Q It's 462 and the intersection?

13 A 462 and 336.

14 Q Okay.

15 A 1:47 a.m. Ty Leic Chaneyfield's call
16 detail records, an incoming call utilizing tower
17 216.

18 Q Okay.

19 A 1:51 a.m. Ty Leic Chaneyfield's call
20 detail records, an outgoing call was made
21 utilizing tower 216.

22 Q Okay.

23 A At 1:52 a.m. --

24 Q Yep.

25 A -- Chaneyfield's call detail records, an

1 outgoing call was made utilizing tower 219. And
2 this area is the area where 462 and Highway 170
3 come together, which is here.

4 Q Okay. All right.

5 A 2:08 a.m. Ty Leic Chaneyfield's call
6 detail records, incoming call, tower 227. 227
7 is in Burton, as referenced here.

8 Q Where is that? Okay. All right.

9 A Tower -- excuse me, 2:11 a.m. Ty Leic
10 Chaneyfield's call detail records, outgoing
11 call, tower 227.

12 Q Okay.

13 A 2:12 a.m. Ty Leic Chaneyfield's call
14 detail records, outgoing call, tower 227. 2:15
15 a.m. Ty Leic Chaneyfield's call detail records,
16 outgoing call, Tower 227.

17 Q Okay.

18 A 2:36 a.m. --

19 Q Okay.

20 A -- Ty Leic Chaneyfield's call detail
21 records, outgoing call, tower 227. 2:39 a.m. Ty
22 Leic Chaneyfield's call detail records, incoming
23 call, tower 213. And tower 213 is just south of
24 tower 227 in the Burton area.

25 This is the Broad River Bridge, crossing

1 over Broad River on 170, and this is all the
2 Burton area in Beaufort County.

3 Q So the other calls are hitting over
4 here, and then this one's hidden back on the
5 same road?

6 A Correct.

7 Q Okay. All right.

8 A Those are 2:39?

9 Q Yep.

10 A 3:18 a.m. this is the last outgoing call
11 that was shown in the records, was provided to
12 us by Verizon. Ty Leic Chaneyfield's call
13 detail records, an outgoing call utilizing tower
14 216.

15 Q And where is 216?

16 A Back, again, we're talking about the
17 Cooler's Grocery store on Highway 336 and 462.

18 Q Okay.

19 A And that's the last bit of activity that
20 we have on Ty Leic Chaneyfield's call detail
21 records.

22 Q Now, let me ask you a question on
23 Green's call records and Stacy Void's call
24 records, are there records for them
25 communicating the next day?

1 A Yes.

2 Q And about what time were those
3 communications taking place?

4 A It started at approximately 7:00 a.m.
5 the next morning from Shayna Void's extraction,
6 we can see a series of FaceTime calls between
7 Shaynia Void and Jimmie Green.

8 Q Okay. At some point in time did the
9 towers that Jimmie Green -- walk us through a
10 little bit of the towers that Jimmie Green was
11 hitting. First of all, when he made those
12 calls, and then later on that day.

13 A So in the morning time it was all around
14 the general Hardeeville area. Later on in the
15 afternoon at -- I'll give you the exact
16 timeframe. Jimmie Green on March 6th of 2021, I
17 could see, based off of his records, that he was
18 moving north.

19 He was utilizing a series of cell towers
20 along Interstate 95, and then jumping off -- I
21 forget the actual roadway, but it's the back way
22 into Orangeburg. And then later on in that
23 evening at 6 o'clock p.m. I saw the records that
24 his device was using an Orangeburg tower.

25 Q And that's March the 6th, that's the

1 next day, correct?

2 A Correct.

3 Q Okay. All right, let me ask you, did
4 you take all of this and put it into a digital
5 -- basically, a digital map like --

6 A Yes, sir. So I -- obviously, I analyzed
7 the data, utilized Google Maps to identify the
8 sectors and the towers that were used, and it
9 encompassed a lot of other forms of digital
10 evidence that we had, to kind of create that
11 timeline.

12 Q And let me go back, and I forgot to ask
13 you this question, going back to State's Exhibit
14 1. The 911 call at 11:28, the shooting
15 somewhere around :23, :24, :25, this tower at
16 283, 11:31, are there any other towers along
17 this way as well?

18 A So, yes, there's one tower here that we
19 referenced before, which is -- you can kind of
20 see where the gap is, this would be tower 275,
21 that we referenced before when they were at
22 Station 300.

23 Along this area for a Verizon network
24 there's one tower in Sun City, obviously, a lot
25 of residents in Sun City, that tower's heavily

1 utilized. I wouldn't -- in most scenarios, I
2 wouldn't think that a device would utilize that
3 tower, if it's traveling in this general area on
4 that Highway 278 and Highway 170.

5 The next Verizon tower is up behind New
6 River Auto Mall, which is where it comes into
7 Highway 278, and that's the only other Verizon
8 in this general vicinity before you get into
9 Hardeeville.

10 Q Now, I know you can't give us an exact
11 location, but the Chaneyfield cell phone hitting
12 off 1131, how far away from this tower could
13 that call have occurred?

14 A Again, it's very tough to determine
15 exactly where that device was, as it was in use.
16 Every tower is different, however, based off of
17 my previous experience in dealing with this type
18 of scenario, in this scenario, I would not
19 anticipate anywhere past the Sun City area,
20 maybe closer to the USC-Beaufort area, in that
21 general vicinity, once you reach that point, the
22 device would connect in most scenarios to the
23 tower behind New River Auto Mall.

24 Q About how many minutes is that from that
25 tower to when it would be picked up at the next

1 one?

2 A Multiple drive tests were done on this
3 during this timeframe by me, and this -- I'd
4 have to reference my notes exactly, but I
5 believe it was around six minutes or so.

6 Q Okay.

7 A Yes.

8 Q But I'm saying when you drove this, was
9 this at night?

10 A Yes, I mirrored it exactly as close to
11 the timeline that we previously know, based off
12 of the data we had gotten.

13 Q Okay. From a drive time, do you know
14 how long it takes to get somewhere around the
15 incident location up to this tower?

16 A I would have to refer back to my
17 specific notes, but --

18 Q Well, do that, I want to make sure you
19 -- if you've got them with you.

20 A They're on the --

21 Q Sure.

22 A Am I allowed to reference my work
23 product?

24 Q Yes.

25 A Okay.

1 Q Sure. And I don't need the full, I just
2 need -- using your notes, tell me from the
3 incident location past Station 300, I know it
4 connects to Buckwalter Parkway up here, the
5 timeframe for that.

6 A So the Parker's to incident location,
7 which would be driving this route, Highway 170
8 to here, was 2.8 miles. It took four minutes
9 and three seconds to -- three minutes and 44
10 seconds at night.

11 Q From Parker's to the incident location?

12 A Yes.

13 Q How many minutes?

14 A Three minutes and 44 seconds driving the
15 speed limit.

16 Q Okay. From incident location to
17 Buckwalter and, roughly, to tower 283?

18 A It was just over four miles, but the
19 routes that I took encompassed other things as
20 well.

21 Q From the incident location to the
22 intersection at 278 and Buckwalter, is that
23 about four miles; is that what --

24 A About four and-a-half miles, yes, sir.

25 Q All right. And that is tower 283?

1 A Yes, sir.

2 Q Okay. All right. You don't have an
3 exact time on that one?

4 A No, sir.

5 Q Okay. All right. I'll tell you what,
6 let me get you -- one other thing before we go,
7 go ahead and take the stand, if you would. All
8 right, in going back to the line, did you sort
9 of overlay this over Google Earth, to be able to
10 establish sort of that digital timeline to
11 describe those towers that you were referring
12 to?

13 A Yes, sir, I did.

14 Q Okay, and do we have that on a disk, or
15 do you have that just --

16 MR. STONE: We're using this, Your Honor,
17 as a demonstrative, we're not gonna introduce it
18 into evidence, but we have shown it to Mr. Lee.

19 THE COURT: Okay.

20 BY MR. STONE:

21 Q This is a summary, basically, of the Ty
22 Leic Chaneyfield phone; is that correct?

23 A Yes, sir.

24 Q Can you turn it from there?

25 A No, I'll have to go to my computer.

1 Q Go ahead and do that.

2 A So, again, this is a digital overlay of
3 all the towers that were in use by Ty Leic
4 Chaneyfield's device, by his cellular phone.
5 Because this gets a little too cumbersome and
6 very confusing, I like to do this as well, to
7 kind of detail and point, as to what the device
8 is doing.

9 MR. STONE: Can everyone see this?

10 BY MR. STONE:

11 Q Yeah, if you need to come over here, you
12 can do that.

13 A So, again, this is the area of
14 Ridgeland, downtown Ridgeland's here. 9:27 p.m.
15 tower 231 in Ridgeland, Ty Leic Chaneyfield to
16 Jimmie Green, which we referenced before. This
17 is, again, the general location of where Ty Leic
18 Chaneyfield's device was. Tower 208 in
19 Ridgeland, 9:43 p.m., Ty Leic Chaneyfield to
20 Jimmie Green.

21 Q All right. And this is time sequenced;
22 is that correct?

23 A Yes, sir.

24 Q Okay. Excuse me.

25 A 10:10 p.m., tower 257 in Hardeeville,

1 this is all Exit 5 area up off I-95, Ty Leic
2 Chaneyfield's device made an outgoing phone
3 call, utilizing that tower in that sector.
4 10:24 p.m., this is -- you can pause it there.
5 You can actually see, if you cross through this
6 intersection at any point, there's two towers
7 pointing both eastbound and westbound with bit
8 black arm bars, that's the ALPR setup, just
9 outside of Bluffton as you go the back way into
10 Hardeeville.

11 Q And you said towers, you mean --

12 A Sorry, the ALPR, Automatic License Plate
13 Reader.

14 Q This is the camera for that?

15 A Yes. 10:24 p.m., the Automatic License
16 Plate Reader picking up Jimmie Green's vehicle
17 coming into Bluffton. This is the capture,
18 again, March 5th, 2021 at 10:24. This is tower
19 275 previously referenced.

20 This is Station 300 here, and this is Ace
21 Hardware here. The Bluffton Police Department
22 is back over here. The Publix and all that is
23 all in this general area.

24 So this is from 10:44 to 11:03, again, what
25 we referred to before. There's a lot of

1 activity on multiple people's phones that are in
2 play with this case. During that timeframe Ty
3 Leic Chaneyfield made three outgoing calls
4 utilizing tower 275. This sector is pointing
5 towards Station 300.

6 Jimmie Green made one outgoing call to
7 Shayna Void, and one incoming call to Shayna
8 Void, again, utilizing tower 275 in Bluffton in
9 this sector. At 10:49 p.m. the timestamp on
10 Shayna Void's extraction, determining when that
11 Snapchat video was recovered, the timestamp was
12 10:49 p.m. Can you back that up a little bit?
13 Again, to what was previously testified to, from
14 the Station 300, clearly this is the backside of
15 Station 300.

16 The blue SUV we see in the Station 300
17 video, representing that same general color of
18 Shayna Void's vehicle, as also seen in this
19 background. Knowing Station 300, that's exactly
20 where this obviously was -- video was taken,
21 okay? That's from 10:44 to 11:03 p.m. Moving
22 down to the Parker's on Evan Way, the Parker's
23 and Wendy's off of Highway 170, 11:21 to 11:22
24 p.m., Shayna Void makes an outgoing call to
25 Jimmie Green.

1 And during this same timeframe, we have
2 Shayna Void's vehicle parked here, D. J. Fields,
3 E. J. Graham and Kylan Simmons leaving the
4 Wendy's parking lot here. As they're pulling
5 out, this vehicle applies the brakes and starts
6 to back out, and then another vehicle falls in
7 here at a high rate of speed.

8 The blue Honda falls in behind that other
9 vehicle, all three appear to take a right on
10 Highway 170. It's from 11:21 to 11:22 p.m.
11 Pause it there. So this is all the Hampton Lake
12 area, this is, obviously, under construction at
13 this point.

14 All of this area is Lawton Station. Lawton
15 Station is where the Reolink camera was
16 recovered, where we were able to determine the
17 audio of 170. 11:23 to 11:26, within that
18 timeframe they stop, it's a tiny discrepancy we
19 have on the surveillance video.

20 At 11:28 p.m. is when the 911 call was
21 made. Moving on to -- pause it there. Tower
22 283, which is -- this is Buckwalter Parkway and
23 Highway 278. Tower 283 facing -- based off of
24 that sector. Go ahead. It's 11:31 p.m., there
25 was an outgoing -- or an incoming call from Ty

1 Leic Chaneyfield's device.

2 This is from 11:55 to 11:59, this was one
3 outgoing call and one incoming call utilizing
4 tower 94 from Ty Leic Chaneyfield's records.
5 This is the phone calls records earlier to
6 mother and father, his mother and father. 12:28
7 to 12:52 a.m. tower 94 in Hardeeville, using
8 this sector, Ty Leic Chaneyfield had one
9 outgoing call, one incoming call.

10 Jimmie Green's [REDACTED] Magnolia Circle is
11 right here, just off of Highway 321. Again,
12 moving further northwest in the Tillman area,
13 there's a straight-up Highway 321, this is the
14 tower just outside of Ridgeland facing -- the
15 sector facing more towards downtown Ridgeland.
16 It's at 1:06 a.m., this is an outgoing call made
17 by Ty Leic Chaneyfield.

18 Moving further into south Ridgeland, 1:10
19 a.m., this is tower 290, there was an incoming
20 call by Ty Leic Chaneyfield -- from Ty Leic
21 Chaneyfield. Tower 208, downtown Ridgeland,
22 1:18 a.m., an outgoing call made off of
23 Chaneyfield's call detail records, utilizing
24 this sector.

25 Again, going back to what was referenced

1 before, the device doesn't necessarily have to
2 be right here, the device could be in this area,
3 as it's in use and still processing right
4 through this sector in this town. The scaling
5 doesn't represent where the device is, it just
6 tells you the direction of the side of the tower
7 that's utilized to process that call.

8 So 1:46 to 1:51 a.m., this is tower 216 in
9 Ridgeland, Ty Lei Chaneyfield's call detail
10 records show two outgoing calls and one incoming
11 call, utilizing this tower and this sector
12 during this timeframe. Moving further south,
13 this is Highway 462, coming in here this is
14 Highway 170, going towards Beaufort.

15 At 1:52 a.m. tower 219, Chaneyfield's call
16 detail records show an outgoing call. Highway
17 170 towards Beaufort, Broad River here, this is
18 the Burton area, the Marine Corps Station is up
19 here. This is from 2:08 to 2:36, we have a
20 series of seven calls, incoming and outgoing.

21 All of those seven calls were utilizing
22 tower 227 in Burton from 2:08 a.m. to 2:36 a.m.,
23 and there was multiple sectors. You can see it
24 move from the northern most sector to the
25 southern most sector as well.

1 This encompasses all activity in the same
2 tower, just different sides of the tower were
3 used. Moving further south, just before the
4 Broad River Bridge, tower 213 at 2:39 a.m., one
5 incoming call on Ty Leic Chaneyfield's records.
6 And at 3:18 a.m. tower 216 in Ridgeland,
7 Chaneyfield's call detail records show one
8 outgoing call.

9 Q And that's the last one?

10 A That's the last call that we have in the
11 call detail records.

12 Q All right.

13 THE COURT: Is there any reason we can't
14 stop at this point in time, Mr. Stone?

15 MR. STONE: No, sir.

16 THE COURT: Okay, I'll see you back at
17 2:30. Remember, don't discuss the case.

18 (Jury exits courtroom.)

19 THE COURT: Mr. Lee, do you intend on
20 cross-examining this witness?

21 MR. LEE: Yes, sir.

22 THE COURT: Okay, well, the only reason I'm
23 asking is that you can't discuss your testimony
24 off the stand.

25 WITNESS: Yes, sir, I understand.

1 THE COURT: And if you weren't, I was going
2 to let him stay.

3 WITNESS: Okay.

4 MR. LEE: Are you going to be finished with
5 him?

6 MR. STONE: Not, not quite, but --

7 MR. LEE: Okay.

8 MR. STONE: -- it won't be too much longer.

9 THE COURT: I'm sorry, I thought you were
10 finished.

11 MR. STONE: It was a breaking point, we've
12 got --

13 THE COURT: I'll see you'all -- we had --
14 have we got any legal issues now?

15 MR. STONE: I don't think we do.

16 THE COURT: I didn't want to have the jury
17 sitting back there for another hour. Okay.

18 MR. LEE: Not that I know right now.

19 MR. STONE: The only thing we may use Mr.
20 Hightower for is the speaker thing that we're
21 gonna try to work through.

22 THE COURT: Okay.

23 MR. STONE: And I don't need to talk to him
24 at all about that.

25 THE COURT: As long as he doesn't talk

1 and Jimmie Green, Sr.

2 Q Okay, and what was seized at that
3 location?

4 A Multiple handwritten letters from Jimmie
5 Green from the Beaufort County Detention Center
6 to his sister, Olivia Green.

7 Q And do you remember how many letters
8 there were?

9 A I believe there were eight that were
10 collected from Oliva Green's bedroom.

11 Q Okay, all right. As part of your work
12 on this case as well, did you collect -- and I
13 think I'm pronouncing this right, buccal swabs;
14 is that correct?

15 A Yes, sir, that is correct.

16 Q And what are buccal swabs?

17 A So it's, essentially, a DNA swab. I
18 would go and have a buccal swab collection kit.
19 I would go and swab each side of the cheek, both
20 the right and the left, two different samples
21 for each particular person onsite.

22 Q I'll hand you what has been marked as
23 State's Exhibit 50 -- let me start with 52. Do
24 you recognize that?

25 A Yes, sir, I do.

1 Q And that's an envelope containing the
2 buccal swab that you just referred to?

3 A Yes, sir, that is correct, two buccal
4 swabs.

5 Q And when you took those buccal swabs,
6 who did you take those buccal swabs from?

7 A M.A. [REDACTED] .

8 Q Okay. Let me hand you State's Exhibit
9 51, and tell us what that is, please.

10 A These, again, are two buccal swabs that
11 I obtained from Ty Leic Chaneyfield.

12 Q Okay.

13 MR. STONE: At this time, Your Honor, we
14 move State's 51 and 52 into evidence.

15 MR. LEE: No objection, sir.

16 THE COURT: They're entered without
17 objection.

18 (State's Exhibits 51 and 52 were admitted
19 into evidence.)

20 BY MR. STONE:

21 Q In taking these buccal swabs from
22 M.A. [REDACTED] and Ty Leic Chaneyfield, what
23 did you then do with them?

24 A So M.A. [REDACTED] I obtained those
25 buccal swabs from him in Anderson, South

1 Carolina. I took possession of them, they
2 stayed in my custody.

3 I took them directly to the Beaufort County
4 Forensics Lab at the Beaufort County Sheriff's
5 Office, which they have a DNA lab, and I
6 submitted them into evidence with the DNA clerk,
7 which then, ultimately, went to a DNA analyst
8 for analysis.

9 Q Did you change or alter it in any way in
10 your possession?

11 A No, sir, not at all.

12 Q Okay, and the sealing and all of that,
13 was that done by you, or somebody else?

14 A The sealing was done by me, yes, the red
15 seal.

16 Q Okay.

17 A The red seal.

18 Q All right, and then State's Exhibit 52?

19 A I might have been confused, the
20 original --

21 Q No, I'm sorry, you were correct, I gave
22 you -- I referred to the wrong one. State's
23 Exhibit 51.

24 A State's Exhibit 51 was from Ty Leic
25 Chaneyfield. I obtained that here in Beaufort

1 County. Once I obtained these swabs, I went
2 straight to the Forensics Lab here in Beaufort
3 County and submitted them into the lab.

4 Q This sealing as well, is that something
5 you did?

6 A Yes, sir, it has my initials on it, and
7 the date of when I sealed it and brought it.

8 Q Did you change or alter that in any way?

9 A No, sir, I did not.

10 Q Do you see the individual you took this
11 buccal swab in the courtroom today?

12 A I do.

13 Q And could you point him out, please?

14 A It's the gentleman in the blue shirt,
15 light blue shirt, with the dark blue and gray
16 tie.

17 Q Okay.

18 MR STONE: Your Honor, let the record
19 reflect he's identified Ty Leic Chaneyfield.

20 We don't have any further questions at this
21 time for this witness.

22 THE COURT: All right, Mr. Lee?

23 **

24 **CROSS-EXAMINATION**

25 BY MR. LEE:

1 Q Mr. Hightower, would you consider
2 yourself the lead investigator in this case?

3 A No, sir, I would not. It was a
4 combination of multiple agencies involved. We
5 all worked together to get to this point.

6 Q As is expected. Now, let me ask you
7 about Detective Fazekas with the Bluffton Police
8 Department.

9 Is he head of detectives over there, or was
10 he on March 5th, 2021?

11 A He was the lead investigator from
12 Bluffton Police Department on this case, he was
13 a Sergeant at the time.

14 Q Okay. Is he still around?

15 A Yes, sir, he was recently promoted to
16 Lieutenant over Investigations.

17 Q So he's still in Bluffton PD though?

18 A Yes, sir, he is.

19 Q Okay. And you'd agree that one of the
20 many items of evidence in this case is a 62-page
21 report from the Bluffton Police Department, that
22 Fazekas, essentially, put together from other
23 officers and stuff?

24 Are you familiar with the 62-page report
25 that Ryan Fazekas prepared for this case?

1 A Yes, sir, among others.

2 Q Okay. And, certainly, part of your job
3 in the case is, you're familiar with what other
4 officers are doing on the case, right?

5 A For the most part, yes. I mean I was
6 involved early on in this investigation, March
7 6th, to be exact.

8 Q Right.

9 A I was involved with a couple of the
10 interviews with Shayna Void and Stacy Void. At
11 that point in time, I worked alongside Bluffton
12 Police Department, among other agencies, and
13 then, ultimately, just reviewed evidence as it
14 came through our office.

15 Q Is there anything that Detective Fazekas
16 would know regarding the case, that you wouldn't
17 know, that's important that this jury ought to
18 know about that you know of?

19 A Not that I know, no, sir.

20 Q And do you feel like you are properly
21 familiar with what he did in his report, and
22 that sort of thing, having reviewed it over the
23 past two and half years; is that right?

24 A Yes, sir, I've reviewed it.

25 Q All right. And beside doing the

1 investigative part of what you're doing, you
2 talked about the phone stuff, which we'll talk
3 in a minute, but you also kind of worked on the
4 trial preparation team in this case with Mr.
5 Thornton and Mr. Stone, right?

6 A Yes, sir, I did.

7 Q And you attended meetings with them, and
8 interviews with potential witnesses, and that
9 sort of thing, correct?

10 A Yes, sir.

11 Q Okay.

12 A We meet in-person with every person we
13 generally put on the stand, and I'm involved
14 with setting those meetings up.

15 Q Okay, and you attend those?

16 A I do, that's correct.

17 Q And isn't it safe to say that on this
18 case, and most cases, that you and Mr. Stone and
19 Mr. Thornton, in this case, would have what I
20 would call strategy sessions, where you kind of
21 spitball stuff out, and talk about things that
22 need to be looked into, or legal issues, or
23 investigative issues, that sort of thing?

24 I mean you'all work together quite a bit,
25 right?

1 A Yes, sir.

2 Q Okay. And I think that we'll see it
3 later, I think you got the video fixed that we
4 had trouble with this morning, right?

5 A Yes, sir, I believe so.

6 Q And it looks like -- you were at that
7 interview, correct?

8 A I was, yes, sir.

9 Q All right. All right, so you -- I don't
10 want to call you the technology guy, but your
11 job, a bit part of it is working with
12 technology, as we've seen the stuff you've
13 prepared and testified to on direct, right?

14 A And clearly fail sometimes, yes, sir.

15 Q Well, that was my next question, I mean,
16 clearly, technology is not perfect, and clearly
17 there's bugs and there's problems with it, you
18 know, that happen, right?

19 A Yes, sir, I mean there's a delay.

20 Q Such as -- maybe you can tell me, why
21 does my phone always seem to drop a call right
22 when I get on the Broad River Bridge?

23 A Well, I mean there's a lot of different
24 issues that can cause that.

25 Q Yeah, okay. And balancing between

1 towers, and going from one tower to another can
2 be an issue, right?

3 A It could.

4 Q Okay. All right, so let's talk about --
5 the last thing Mr. Stone talked about was what's
6 called a buccal swab, where you get like a Q-
7 tip, and go inside someone's cheek and get
8 samples; is that correct?

9 A Yes, sir.

10 Q Okay. And as an investigator or
11 officer, you can't just go up to somebody,
12 whether they're charged with something, or on
13 the street, and say, "Hey, open your mouth, I'm
14 getting ready to scrape the inside of your
15 mouth," right?

16 A No, sir.

17 Q Okay. You have to have a Court order,
18 what's called a Schmerber hearing; you've seen
19 one of those before?

20 A Yes, sir.

21 Q What's the other way that you can get a
22 buccal swab?

23 A A search warrant, or a consent.

24 Q Yeah, okay. And in this case Ty Leic
25 Chaneyfield consented to the buccal swab; did he

1 not?

2 A After a Schmerber was scheduled, yes.

3 Q Okay, but that's the way you'all say we
4 want it is, file a motion, and then we say you
5 can have it, right? And he voluntarily gave it
6 to you, right?

7 A I just collect the swab. I'm not
8 involved in the legal process.

9 Q Okay, all right.

10 A I know a Schmerber was filed and --

11 Q Okay.

12 A -- so --

13 Q All right. So he turned that over, he
14 turned over his phone to Derek Nelson, right?

15 A After we didn't know about it, about
16 two-and-a-half years later, yes.

17 Q Okay.

18 A Two years later.

19 Q Okay.

20 A Excuse me.

21 Q Everybody's got a phone nowadays, don't
22 they pretty much?

23 A Yeah, but obtaining certain physical and
24 digital pieces of evidence at the time of the
25 crime being committed you don't always get it.

1 Q But you got it, we gave it to you,
2 turned it over, you'all had a chance to do a
3 phone dump, right?

4 A A partial phone extraction, yes.

5 Q Okay. All right, let's talk about the
6 cell site analysis that we talked about. First
7 of all, there were a lot of dates and times that
8 had to be woven together on that; would you
9 agree with that?

10 A With all aspects of the report?

11 Q That presentation you did with the --
12 yeah, with all aspects of it, with the timeline,
13 where Mr. Stone wrote everything on the board.
14 That took a lot of combination of weaving
15 together a lot of dates and times, particularly
16 time, right?

17 A Yes, sir, absolutely.

18 Q And time is very important when doing
19 that, right?

20 A That's correct.

21 Q Okay.

22 A Yes.

23 Q So there's lot of times, there's lots of
24 variables, there's lots of data, there's lots of
25 information that goes into what you call a cell

1 site analysis summary, I guess. That may not be
2 the right phrase, but the presentation that you
3 did.

4 A Yeah.

5 Q You got a bunch of stuff and put it into
6 one, right?

7 A I would refer to it as a digital
8 timeline. It's encompassing a lot of different
9 forms of digital evidence.

10 Q Okay. Is it true that your digital
11 timeline encompassed a lot of digital evidence?

12 A Yes, sir, it is.

13 Q Okay, and there were some things that
14 you had to make adjustments on, right?

15 A Yes, sir, I did.

16 Q Particularly times?

17 A That's correct.

18 Q Okay, all right. And one of the -- are
19 you familiar with a summary that Officer Noss
20 from the Bluffton Police Department did early on
21 in this case regarding the timestamps for the
22 Parker's video, the Station 300 video?

23 Are you familiar with that?

24 A Yes, sir, I am.

25 Q And you've seen that?

1 A I have, yes.

2 Q Okay, and what it is, is a summary, and
3 it has the exact time to the second, and
4 describes what event is taking place, and the
5 video that it's talking about, right?

6 A Based off the timestamp on the video,
7 yes, sir.

8 Q Okay, all right. Now, I guess the final
9 word on the Station 300 video is, that it's 19
10 minutes and 54 seconds off according to what
11 we've heard, right?

12 A According to the comparison, comparing
13 the Station 300 video to the Ace Hardware video,
14 yes, that --

15 Q Okay.

16 A -- was off 19:54.

17 Q And you're aware that when Detective
18 Michaud prepared this summary that he sent to us
19 as evidence, regarding the Station 300
20 timestamps, he wrote on there, "There's
21 approximately a 30-minute time difference from
22 the recording versus their live stream." Are
23 you familiar he did that?

24 A Yes, sir, I am.

25 Q Okay. So he thought it was 30, or he

1 was told it was 30, but for some reason he wrote
2 down there was approximately a 30-minute lag on
3 it, not 19 minutes, 54 seconds, right?

4 A Correct.

5 Q All right.

6 A He did.

7 Q And then --

8 A That's what he --

9 Q What's that?

10 A That's what he referenced, yes.

11 Q Okay, and then -- and, again, he's one
12 of the investigators in the case, and you're one
13 of the lead investigators, and you're familiar
14 with his research and his reports, and that sort
15 of thing, right?

16 A I believe his only responsibility in
17 this investigation was collecting the
18 surveillance video.

19 Q Okay. And doing it accurately, and
20 making the right assumptions and adjustments you
21 would hope, right?

22 A Generally, I would hope so.

23 Q Okay, yeah.

24 A Yes.

25 Q All right. So that's one thing, that we

1 know time is off Parker's. The fellow that came
2 in with --

3 A The Station 300 number.

4 Q I'm sorry, you're right, Station 300.
5 The guy that came in and testified about the
6 Marine Corps video. Up until he testified
7 yesterday, it was your understanding that that
8 was one to two minutes off; is that correct?

9 A Well, when I met with him prior to, as I
10 believe, March of this year --

11 Q Uh-huh.

12 A -- and had him authenticate the video --

13 Q Uh-huh.

14 A -- we discussed it, and made the
15 determination that it could be anywhere between,
16 what he told Bluffton PD was one to two minutes,
17 what --

18 Q Yeah.

19 A -- he told me was two to four minutes.

20 Q Okay. Now, the long time timeline that
21 you went through from 10:00 p.m. until the next
22 day with Mr. Stone, that is also -- you also
23 prepared a written summary of that, right?

24 A Are you referring to the digital
25 timeline that you were following?

1 Q Yeah.

2 A Yes, sir, the timeline of events?

3 Q I want to make sure, yeah. The timeline
4 of events, yes. And that's what you were
5 reading off of when Mr. Stone was writing the
6 stuff on the whiteboard, right?

7 A Yes, sir, that's correct.

8 Q Okay. I assume you didn't memorize the
9 whole thing?

10 A Absolutely not.

11 Q All right. And when you get down to the
12 -- and when did you prepare this? The last
13 couple days?

14 A No, this was -- I'll probably have to go
15 back to the date modified in the file, but I
16 would say three to four, five months ago.

17 Q All right. All right, because it says
18 at 11:22:54 Derek Church video, in parentheses
19 it says, "Owner says video is one to two minutes
20 off," right? Is that what yours said, but you
21 adjusted it when you talked to Mr. Stone and
22 testified? It's March 5th, one, two, three,
23 four, the fifth entry down. I'll be glad to
24 hand you the one I was --

25 A Yes, sir.

1 Q Okay.

2 A Reolink camera.

3 Q And it says, "Owner says video is one to
4 two minutes off?"

5 A Yes, sir.

6 Q Okay. And then the owner came in and
7 said it was two to four minutes off, but it
8 actually is somewhere three or more, right? Was
9 that the testimony you heard?

10 A It's - yes, sir, that is.

11 Q Okay.

12 A It's tough to determine exactly --

13 Q Right.

14 A -- but that's why I'm trying to use the
15 range.

16 Q Okay. And, obviously, it makes your job
17 a little more challenging, if those variables
18 bounce around a little bit, right? Do you agree
19 with that?

20 A Absolutely, yes, sir.

21 Q Yeah. All right, and also when we're
22 talking about these cell site analysis, to quote
23 some of your testimony, I know it's not -- I
24 won't use that word, but you talked about, "This
25 is -- I can locate the general vicinity;" is

1 that safe to say when you're talking about these
2 cell tower sectors, you can talk about where a
3 phone is in the general vicinity?

4 A General vicinity of that tower and --

5 Q Right.

6 A -- its sector, yes.

7 Q That's right, okay. And you also said,
8 to quote you, "That sometimes it's tough to
9 determine, because every tower is different," do
10 you stand by that statement?

11 A I mean it all depends on where that
12 tower is. I wouldn't say they're different
13 technologies, or different ways of collecting
14 that data, but the only thing that is different
15 is when you look at the rural versus the more
16 urban environment --

17 Q Okay.

18 A -- as far as the distance.

19 Q So you're saying every tower is
20 different, that isn't true?

21 A I mean if I said that, that's probably
22 improper --

23 Q Okay.

24 A -- but, yeah.

25 Q Okay. And the reason that some are

1 different is, those towers sometimes have
2 different capacities and different ranges, and
3 different usage rights, correct?

4 A There's a series of minimal changes
5 between one tower and the other, the position of
6 the antennas --

7 Q Okay.

8 A -- you know tree coverage around it,
9 bodies of water, it all varies.

10 Q All right. So, in fact, every tower
11 might be different, based on those type of
12 variables?

13 A It's possible, yes.

14 Q Okay, all right. And to demonstrate
15 that, I think you testified about one of the
16 entries, that you said that was -- that you
17 didn't think tower -- I'm not sure which one it
18 was, would pick it up, because it was near Sun
19 City, and you would have thought that the USBC
20 or New River tower would pick something up. Do
21 you remember talking about that?

22 A Yes, sir, I do.

23 Q Okay, and so was there a tower you would
24 have expected to pick something up that it
25 didn't?

1 A I mean --

2 Q I didn't understand exactly what you
3 meant by, "I wouldn't think tower so and so
4 would pick it up," but then you said something
5 about it being near Sun City.

6 A Correct, so --

7 Q Now -- okay, go ahead.

8 A Should I explain it?

9 Q Yeah.

10 A Okay. In most scenarios, your phone is
11 going to be connected to the nearest tower, the
12 nearest cellular tower. In some cases, if that
13 nearest tower is overloaded, or too much
14 activity on that tower, it would go to the next
15 closest tower in most scenarios.

16 And in that case, I wouldn't think it would
17 utilize the Sun City tower, because it's further
18 south off of Highway 170, or, excuse me, off of
19 Highway 278, and then moving further towards
20 down 278, there's a tower behind the New River
21 Auto Mall, that would be in play.

22 Q Okay. You would think it would, but
23 you're saying to pick up a tower it may have
24 surprised you, or you said, "That was a tower I
25 didn't think it would pick up?"

1 A The phone call that came in was six
2 seconds long.

3 Q Uh-huh.

4 A So for that -- his device and the person
5 calling his device had to connect to the network
6 for six seconds for it to register to that
7 specific tower and that specific sector.
8 Obviously, if it was minutes or hours, we would
9 see multiple towers in use at that time, but we
10 only saw one tower in use, and it was that tower
11 right there at Buckwalter and 278.

12 Q And you may be surprised it was not what
13 you expected to see at that tower, right? Is
14 that safe to say?

15 A I have no expectations of what a phone
16 is doing, as I'm looking through the data, so,
17 no.

18 Q Well, your word was, "I wouldn't expect
19 a tower, whichever one it was, would pick it
20 up." You said, "I wouldn't think the tower,"
21 whatever tower, I don't have that number written
22 down, "would pick it up," right?

23 A If he was further down -- if the device
24 was further down Highway 278 towards Argent, New
25 River, all of the Okatie, all that area, I would

1 think if the device was in that area, or further
2 past that area, it would utilize that tower.

3 Q You would think. Well, I mean do you
4 think at 12 o'clock or 11:40, whatever it was,
5 do you think that the people at Sun City were up
6 and using their cell phones a lot, or partying,
7 or something, is that why it bounced off of Sun
8 City's tower?

9 A It's impossible to say that, I have no
10 idea.

11 Q Okay, all right. And the difference
12 between -- if you have one tower right here, and
13 one tower right here, that you talked about the
14 general vicinity and stuff, the difference
15 between being on one tower and another tower
16 isn't necessarily the proximity of the two
17 actual towers, is it?

18 A No, sir, it's not.

19 Q Okay, because you could be that way on
20 this tower miles away, or you could be miles
21 away on this tower, right?

22 A Yes, sir.

23 Q So even if they're adjacent towers and
24 close together, because it's a big city, not an
25 urban, that doesn't mean that just because it's

1 on the next tower means it's really, really
2 close, right?

3 A No, sir.

4 Q Okay.

5 A It would be within that vicinity.

6 Q Right. Does your software tell you, if
7 there's any type of problems with the tower,
8 about, you know, maybe the capacity is somehow
9 compromised, or there's some kind of work being
10 done on it?

11 Does your software tell you that?

12 A No, sir, it does not.

13 Q So if the capacity of a tower was
14 compromised, and it didn't pick up a call that
15 you'd expect it would pick up, you wouldn't
16 really know why, right?

17 A I mean it's kind of a strange question.

18 Q Yeah.

19 A No, I mean if a tower -- so when you
20 execute a search warrant on a phone, for
21 instance, you get a series of Excel spreadsheets
22 that come back to you. And one of those Excel
23 spreadsheets is called a Carolina Southside,
24 that tells you that latitude, longitude of every
25 tower within North and South Carolina.

1 Pinpoints to the call details records,
2 which I did in this case, and verify the tower
3 that was in use, the sector that was in use, and
4 the area or the center point of the sector that
5 was in use. There's no way of knowing exactly -
6 -

7 Q Yeah.

8 A -- the tower technology is separate.

9 Q And you're at the mercy of the data that
10 you put in, whether it's right or wrong, right?

11 A Yes, sir, that's correct.

12 Q Yeah. It seems that -- so, you know,
13 you almost did the entire timeline, but I think
14 it would be -- what helps me is trying to narrow
15 things down, so let's talk about this case, not
16 Jimmie Green. We've spent a lot of time talking
17 about Jimmie Green, Jimmie Green, Jimmie Green.
18 And Jimmie Green's already pled guilty, right?

19 A Yes, sir, he has.

20 Q Okay, so we're here for Ty Leic
21 Chaneyfield, right?

22 A That's correct.

23 Q Okay. There's a phone call, that
24 according to the time that's listed in your
25 report, is at 11:31 p.m., right?

1 A Yes, sir.

2 Q Okay. At 11:31 p.m. where was Ty Leic
3 Chaneyfield's phone, according to -- well, at
4 11:31, according to the report, where was Ty
5 Leic Chaneyfield's phone?

6 A It was processed and utilized through
7 tower 231, it was that six-second call that we
8 just referred to, right at the intersection of
9 Buckwalter and 278. Again, that can encompass a
10 series of miles down the road. It's hard to
11 determine exactly where that device was.

12 Q East, west --

13 A Yeah.

14 Q -- northwest? I mean it's --

15 A It would definitely be west at that
16 location because --

17 Q Okay.

18 A -- it's heading towards the Hardeeville
19 area.

20 Q But we don't know. You can't say it was
21 at the corner of the first street that was --

22 A I never said it was on the corner, I
23 said the tower was at the corner of Buckwalter
24 and 278; however, that tower coverage and that
25 sector coverage would be Buckwalter moving west