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SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Greenville County

Honorable Alex Kinlaw, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

JASMINE LIZ MARIE ROBINSON,

APPELLANT

APPELLATE CASE NO. 2023-000830

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STATE OF SOUTH CAROLINA	)	
	)	COURT OF GENERAL SESSIONS
COUNTY OF GREENVILLE	)	2021-GS-23-04474
	)	2021-GS-23-04475
	)	
	)	
	)	
STATE OF SOUTH CAROLINA,	)	
	)	
vs.	)	TRANSCRIPT OF RECORD
	)	
JASMINE LIZ MARIE ROBINSON,	)	
DEFENDANT.	)	
_____	)	

May 8, 9, 11, and 12, 2023
Greenville, South Carolina

B E F O R E:

THE HONORABLE ALEX KINLAW, JR., JUDGE; and a jury.

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Circuit Court Reporter

I N D E X

(SW) - Denotes State's Witness
 (DW) - Denotes Defense Witness
 (IC) - Denotes In Camera

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(WHEREUPON, State's Exhibit Nos. 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, and 58 were marked for identification only.)

PRE-TRIAL MOTIONS

THE COURT: This is in the interest of the State vs. Jasmine Liz Marie Robinson.

Mr. Hamilton is here. Ms. Gazer [sic] is here.

Counsel for the Defendant has indicated on the record that he has served the State with a motion of continuance. And it is imperative that the Court hear the motion at the current time.

Your motion, Mr. Hamilton. I'll be glad to hear from you.

MR. HAMILTON: May it please the Court.

THE COURT: Yes, sir.

MR. HAMILTON: Your -- Your Honor, this case is involving my client, who is the mother of a terribly sick child. And there is scheduled tomorrow an MRI and other -- and in my motion, Judge, to the Court --

THE COURT: You filed a written motion?

MR. HAMILTON: A written motion, Judge.

1 THE COURT: When did you file it? I don't have a
2 copy of it.

3 MR. HAMILTON: I filed it --

4 MS. GASSER: Your Honor, may I approach? I have a
5 copy for you.

6 THE COURT: All right. You served a copy -- you gave
7 the Court a copy, Mr. Hamilton? I never saw it.

8 MR. HAMILTON: It's -- it's filed in the -- I don't
9 have it.

10 THE CLERK: Judge Kinlaw, it is filed in the clerk's
11 office.

12 THE COURT: Okay. It just hasn't -- it just hasn't
13 gotten up here yet.

14 Go ahead, Mr. Hamilton.

15 (WHEREUPON, there was no response.)

16 THE COURT: Go ahead, Mr. Hamilton.

17 MR. HAMILTON: And what -- what the Court is looking
18 at is a -- a letter from the child's doctor documenting
19 the particulars involving that child. And that the mother
20 is an extreme important caregiver in this process. And
21 that her and her family, her team needs to be with this
22 child, which is only a year old and is going through
23 tremendous medical conditions. And that her life depends
24 on sufficient proper care.

25 And the doctor has related to the Court the

1 importance of her being available. And we're just asking
2 for some humane consideration in this matter.

3 THE COURT: All right.

4 MS. GASSER: May it please the Court, Your Honor.

5 I do have the State's filed response to this motion.

6 THE COURT: Okay.

7 MS. GASSER: Additionally, I have some documents that
8 may shed additional light.

9 Here you go.

10 Your Honor, this case was on the status docket that
11 was heard by the Honorable Judge Gravely back on
12 December 9th, 2022. It was set for the May term of court.

13 I've handed up to you an e-mail correspondence
14 between myself and Defense Counsel, Mr. Hamilton. You can
15 see there on that e-mail response that I did notice him of
16 the status conference at 9:30, and to, please, notify his
17 client. He did respond saying that he had notified his
18 client.

19 Your Honor, it has come to our understanding that
20 this child was, actually, born in February of 2022. And
21 at no time during that status conference -- excuse me --
22 was this child's medical care brought up.

23 Additionally, Your Honor, Mr. Hamilton came to my
24 office with an original letter, which you'll see that I
25 handed up to you from the doctor. It included no dates.

1 And it, also, listed that the grandmother is a sufficient
2 caregiver for the child.

3 Your Honor, then they filed this motion for
4 continuance on April 18th, 2023, which was the first
5 official notice of a request for a continuance. At no
6 time prior to this, after the State as well as the victims
7 families have been preparing for this case, did they bring
8 up this sick child. It is my understanding that the child
9 has been sick since birth. And, again, at no point in a
10 year and a half did they bring up this child's sickness.

11 Additionally, Your Honor, from my reading of the
12 documents from the doctor, it seems like this child is not
13 necessarily going to get better from one doctor's
14 appointment.

15 So it is the State's position, Your Honor, that it is
16 inappropriate to grant this continuance at this time.
17 This has been set by a status docket. He has had
18 sufficient time to prepare this case. And this seems like
19 a last ditch effort to try to get this case continued.

20 There is no end in care for this child,
21 unfortunately. But this case cannot be continued
22 indefinitely, Your Honor. That is the State's position.

23 MR. HAMILTON: Your Honor, when you're dealing with
24 medical issues, there is no pre-advance warning of when
25 necessary and critical care is needed.

1 This came up, just as the doctor said. This needs to
2 happen. This procedure that they're going through didn't
3 come up until now.

4 THE COURT: All right. Mr. Hamilton, in the letter
5 that -- the one that's from -- I've got two letters. One
6 of them's dated April 12th, 2023. And the other one's
7 dated April 8th, 2023. They're both from -- it looks like
8 Prisma Health.

9 But in the letter -- the most recent letter in the
10 first paragraph, it says, M.R. [REDACTED] is always at risk for
11 res -- respir -- respiratory compromise. And it is
12 required that any caregiver have specific training to care
13 for her. It is my opinion that M.R. [REDACTED]'s mother,
14 Jasmine, and her grandmother have done an excellent job
15 with her care.

16 So why -- it appears to me -- and I understand -- and
17 I don't want you to think I'm not sensitive to this at
18 all. I am. But I think the thing that strikes me more
19 than anything else is this child did not have an
20 alternative caregiver. And, apparently, her grandmother
21 is able to do that as indicated in this letter.

22 MR. HAMILTON: Yes, sir.

23 THE COURT: From -- from the -- if that was not the
24 case, certainly, the Court would look at it possibly a
25 little different. But the child does have a caregiver who

1 the -- who the doctor himself has indicated has done an
2 excellent job with the care of the child.

3 So based upon that, I'm going to go ahead and deny
4 your motion for continuance. And the trial will move
5 forward.

6 MR. HAMILTON: Thank you, Your Honor.

7 MS. GASSER: Thank you, Your Honor.

8 THE COURT: All right. Madam Court Reporter, we can
9 go off the record.

10 (WHEREUPON, a break was taken.)

11 THE COURT: This is the State vs. Jasmine Liz Marie
12 Robinson, indictment number 2021-GS-23-04474; 75. The
13 indictment charges the Defendant with murder, possession
14 of a weapon during a violent crime, and attempted murder.

15 Ms. Gazer, Mr. Hamilton began to raise an issue with
16 the Court. You were not present. I would not hear it.
17 Because, as I told him, you needed to be present before I
18 heard anything. Because I did not want it to be any kind
19 of ex parte communication.

20 So, at this time, Mr. Hamilton, I'm going to let you
21 raise with -- what you raised before we went to jury
22 qualification regarding your client.

23 MR. HAMILTON: May it please the Court.

24 Your Honor, during the pre-trial motion or the
25 proceeding we had in reference to the motion for

1 continuance, I failed to recognize that -- the Court
2 pointed out that there was adequate care. In the letter
3 to the Court, it is my position -- and when I asked the
4 Court to allow me to readdress the issue -- and the issue
5 is that -- the appearance that the grandmother and the
6 daughter was taking good care of the child.

7 THE COURT: That's what the letter said.

8 MR. HAMILTON: Huh?

9 THE COURT: That's what the letter that you gave me
10 said.

11 MR. HAMILTON: That's right. And then -- and
12 that's -- and that's the indication that -- the procedure
13 that takes -- involved in this requires more than one
14 person. So together the two of them have been going
15 through the procedure.

16 I've showed this picture before to the Prosecutor as
17 to what -- the seriousness of it. Can I -- and I just ask
18 the Court to look at it. It takes more than one person
19 to -- to help this lady.

20 May I approach?

21 THE COURT: Have you seen what he's getting ready to
22 show me?

23 (WHEREUPON, there was no response.)

24 THE COURT: Have y'all seen what he's getting ready
25 to show me?

1 MS. GASSER: No. He just showed me his phone --

2 MR. HAMILTON: I showed you that when I brought the
3 letter.

4 MS. GASSER: But I have not seen -- no. I have not
5 seen this photo --

6 MR. HAMILTON: When I brought you the letter --

7 MS. GASSER: No. I never saw -- you never showed me
8 a photo. I -- you brought me a letter --

9 MR. HAMILTON: I -- I showed you the picture --

10 (WHEREUPON, the attorneys were talking over each
11 other.)

12 MR. HAMILTON: It requires more than one person to --
13 to -- to do that procedure when it has to be changed out
14 at an interval.

15 THE COURT: What's going on in this picture?

16 MR. HAMILTON: Pardon me?

17 THE COURT: What's going on in the picture?

18 MR. HAMILTON: It's showing the apparatus that -- it
19 takes a person to hold the baby still and another person
20 to connect the apparatus. The procedure that they're
21 trying to do is get off this -- this machine and -- and
22 the process --

23 THE COURT: Mr. Hamilton let me ask you this, since
24 this matter is before the Court and it's four years old,
25 when do you think the matter should be tried?

1 MR. HAMILTON: I was going by the -- the --

2 THE COURT: Give me -- give me a time that you think
3 the matter -- nothing's going to change. So give me a
4 time that you think the matter should be tried.

5 Since this -- the situation you described is always
6 going to be ongoing. So, in your opinion, when do you
7 think the matter should be tried?

8 I mean, I understand what you just said to me. But
9 the -- the letter that you submitted to the Court earlier
10 that I have --

11 And I'm going to ask Madam Court Reporter to make it
12 a Court's Exhibit. And I'm going to give it to her. Here
13 you go. Make it a Court's Exhibit.

14 (WHEREUPON, Court's Exhibit No. 1 was marked for
15 identification and admitted into evidence.)

16 THE COURT: All right. The letter that you gave me
17 earlier did not indicate anything that you just said. It
18 just said -- and I'll repeat it, It is my opinion that
19 M.R. [REDACTED]'s mom, Jasmine, and her grandmother have done an
20 excellent job with her care.

21 The procedural thing that you just mentioned, that's
22 not in the letter. I mean, the letter just says mom and
23 grandmomma are both able to take care of the child.

24 But -- so my question to you -- and you hadn't
25 answered me. If we -- we don't try the case this week,

1 when do you think we should? This situation is not going
2 to change.

3 MR. HAMILTON: It -- but it's going to get better
4 because --

5 THE COURT: We don't know when that is, Mr. Hamilton.

6 MR. HAMILTON: Well, and that may -- you're right
7 Judge. And all I'm saying is that allow the -- the dates
8 that's listed in there, the process --

9 THE COURT: There's no dates listed in here.

10 MR. HAMILTON: It is in the --

11 THE COURT: In your letter, it just says -- it asks
12 for a long period of time. But no dates.

13 MR. HAMILTON: Oh, I'm sorry.

14 THE COURT: It says -- it says, If possible that her
15 mother Jasmine's court date is delayed for as long as
16 possible in order for M.R. [REDACTED] to have more time to
17 complete her test. That's the language in the letter you
18 just gave me. That's what this Dr. Stoichita said.
19 There's no specific time.

20 And we've got a case that's four years old. So my
21 question to you is -- I just asked, you know, when do you
22 think the case -- because y'all have been back and forth
23 with this matter for a little while. You've been doing
24 discovery. You've been exchanging discovery. You've been
25 exchanging letters. I'm sure at some point, there was

1 a -- a preliminary hearing.

2 MR. HAMILTON: What's on file, Judge -- the letter
3 that you're referring to is not what's been filed as a
4 motion. In this letter --

5 May I pass this up, Judge?

6 The dates of scheduled procedures that we believe
7 will put the child in a position to be taken off the
8 thing -- and then that's where we need to get to.

9 THE COURT: These are -- are characterized as office
10 visits, appointments. These aren't -- these aren't
11 surgical appointments.

12 MR. HAMILTON: They're -- they're -- it's my
13 understanding, Judge, that those are things that they need
14 to accomplish.

15 THE COURT: That's not what it's saying,
16 Mr. Hamilton. It says she has appointments on these
17 dates. It doesn't say -- and let's see. July 6th, 2023,
18 it says, Surgery.

19 MR. HAMILTON: Surgery.

20 THE COURT: But the grandmother is available.

21 MR. HAMILTON: But it takes two -- two people to get
22 to that point.

23 THE COURT: How does it -- how -- two people to -- to
24 attend all these -- all these appointments?

25 MR. HAMILTON: No. To take care of the child.

1 THE COURT: Who's taking care of the child right now?

2 MR. HAMILTON: But the procedure that --

3 THE COURT: Who's taking care of the child right now?

4 MR. HAMILTON: I -- somebody -- they're not in the
5 family --

6 Who's taking care of the child?

7 DEFENDANT ROBINSON: My sister and my daughter.

8 THE COURT: Okay. So you've got two other people
9 that's taking care of the child right now, her sister and
10 her daughter. Right now, she's not taking -- she's in the
11 courtroom. She's not with the child.

12 So my question is, so there is other people to help
13 with the child?

14 MR. HAMILTON: And -- and watch the child as the
15 child is now. But when it come time to change out -- it
16 has to be changed out periodically at a scheduled time.
17 And it takes more than one person to do that, to hold the
18 child. It may take three. But --

19 THE COURT: And how often is this done, Mr. Hamilton?

20 MR. HAMILTON: It's once a day. And then once a
21 week, they have to do something even more --

22 THE COURT: All right. So who's going to do it
23 today? She's here, so who's going to do it today?

24 MR. HAMILTON: They can -- they can do it after
25 court. We're not going to be here all night, Judge.

1 She's going to do it when she leaves the courtroom today.

2 THE COURT: My question, Mr. Hamilton, is this, is a
3 case that's four years old -- you've not provided the
4 Court -- it's not -- you know, we had a -- we had a status
5 conference on this case. I don't know if you appeared or
6 not. But we had a status conference on the case for the
7 case to be set. As a matter fact, I did the status
8 conference.

9 MR. HAMILTON: That's correct.

10 THE COURT: And you did not indicate at the status
11 conference anything that you're telling me today --

12 MR. HAMILTON: And -- and -- as medical procedures
13 go, Judge, this came up after the status conference. Had
14 it been in existence at that time -- these appointments,
15 they are well after the status conference.

16 THE COURT: What's your position from the State?

17 MS. GASSER: May it please the Court, Your Honor.

18 I'd just like to note, for the record, that the
19 victims, both the deceased victim, Desmond Parks family is
20 here, as well as the surviving victim of the attempted
21 murder, Patience Parks. They are in the gallery.

22 Your Honor, it is our position that this child was,
23 unfortunately, born with all of these health issues. This
24 child was born in February of 2022. The health issues
25 were known to the Defense Counsel and the Defendant at the

1 time of the status conference on December 9th, 2022.

2 At no point in time did they bring that up at the
3 status conference. They agreed to the May term of Court.
4 This is a case that is getting older. This has been set.
5 This has been docketed as a first-up case, Your Honor.

6 Additionally, we did not -- there was no notice of
7 this continuance request until April 18th, well after the
8 State and these victims had been preparing for months for
9 this trial term.

10 Additionally, Your Honor, she does have another child
11 for which she was already given the benefit of home
12 incarceration for the entirety of her bond. And during
13 that bond while she was out on these murder charges is
14 when she got pregnant with this now sick additional child.
15 It is State's position that that was not treated as a home
16 incarceration.

17 It is unfortunate that this child has these medical
18 disabilities. However, it appears that there are people
19 to take care of the child. As she has stated, her sister
20 is home taking care of the child now. In both of those
21 letters, the grandmother was indicated as a caretaker for
22 the child. She has, also, brought a large gallery of
23 people here in support. She, clearly, has a support
24 system, Your Honor.

25 It is the State's position that justice has to move

1 forward. We cannot continue to indefinitely push this
2 case off. It is unfair to the victims. And it is unfair
3 to the State who, also, has a right to a fair trial term.

4 And, Your Honor, that is the State's position is that
5 we continue with this case as the State is ready. The
6 victims are ready. And I believe that justice calls for
7 this case to be -- to be called today, as -- based on the
8 age of the case.

9 Thank you.

10 THE COURT: Anything else, Mr. Hamilton?

11 MR. HAMILTON: Nothing further, Judge.

12 THE COURT: All right. I've heard the arguments from
13 both sides. I've read the letters from Prisma Health as
14 it relates to the care of this child. The Court is very
15 sensitive to -- obviously, to the -- to the child's well
16 being.

17 But I'm referring to what has been labeled as Court's
18 Exhibit No. 1 and -- two things. It says in the -- at the
19 end of the first paragraph, It is my opinion -- and this
20 is Dr. Stoichita. It's S-T-O-I-C-H-I-T-A. It is my
21 opinion that M.R. [REDACTED]'s mom, Jasmine, and her grandmother
22 have done an excellent job with the care of the child.

23 I've, also, been apprised by Counsel for the
24 Defendant, as well as the Defendant herself that today,
25 which is the date that the trial is to commence, that the

1 child is being cared for by her daughter and sister.

2 So I'm going to deny the motion again, Mr. Hamilton,
3 for a continuance and allow the matter to go forward.

4 I will say this, that the Defendant is currently out
5 on bond. Unless she does anything that the Court deems to
6 be egregious during the period while she's up here,
7 obviously, she's going to have an opportunity at the end
8 of the trial each day to have some interaction with the
9 trial -- with the child. And I strongly suggest that she
10 utilize that time. And that you utilize that time to make
11 arrangements for the care of the child during the pendency
12 of the action.

13 There will be a break on Wednesday. So you'll have
14 that midweek break to, also, have an opportunity to do
15 some things to assist the child.

16 So I'm going to go ahead and deny the motion for a
17 continuance again. I denied it previously. But,
18 certainly, since you brought that to my attention, I
19 wanted you to bring it to the attention of the State as
20 well. And based on the arguments, I'm going to go ahead
21 and deny the motion.

22 All right. So the -- we're going forward on -- I've
23 got the -- this is a housekeeping matter. We're going to
24 go forward on -- I do not have --

25 I see the indictment, Madam Clerk, on -- have you got

1 the original indictments over there?

2 THE CLERK: Yes.

3 (Pause.)

4 THE COURT: All right. We're -- we're still on the
5 record.

6 We've got a Jackson vs. Denno hearing that we've got
7 to have; right?

8 MS. GASSER: Yes, Your Honor.

9 THE COURT: And you've got some motions in limine,
10 Mr. Hamilton, that you said you --

11 Let me just tell you what I have in front of me. I
12 have -- I've got some voir dire questions from the State.

13 You've seen them, Mr. Hamilton? You've seen the voir
14 dire questions?

15 MR. HAMILTON: I have not.

16 THE COURT: Do you have any voir dire questions you'd
17 like to submit?

18 MR. HAMILTON: None, Your Honor.

19 THE COURT: Okay. Then I have a list of witnesses
20 that was provided to the Court by the State.

21 Have you been provided a copy of that list?

22 MR. HAMILTON: I have, Your Honor.

23 THE COURT: Okay. Do you have a list of your
24 witnesses that you --

25 MR. HAMILTON: I do not have a list of witnesses.

1 THE COURT: Could you -- could you provide the Court
2 a copy?

3 MR. HAMILTON: I don't have any -- I --

4 THE COURT: So you do not have a list. So you have
5 nobody -- potential witnesses, other -- other than the
6 Defendant potentially?

7 MR. HAMILTON: Potentially.

8 THE COURT: All right. No other witnesses?

9 MR. HAMILTON: No other witnesses.

10 THE COURT: All right. Do you have a copy of the
11 motions?

12 And I think Madam Clerk earlier told me that this was
13 probably filed recently. But do you have a paper copy of
14 the motions in limine that you -- that you want me to
15 hear?

16 (WHEREUPON, there was no response.)

17 THE COURT: Let the record reflect that I did receive
18 from the State a response to the Defendant's motion for a
19 continuance. And I reviewed that and made the order
20 denying the continuance upon reading that information from
21 the State.

22 Do y'all have a copy of the motions in limine,
23 Mr. Hamilton?

24 MS. GASSER: May it please the Court, Your Honor.

25 THE COURT: Yes.

1 MS. GASSER: I do have a copy for the Court.

2 THE COURT: All right.

3 MS. GASSER: This is the original. A copy was served
4 on the Defense attorney, Mr. Hamilton, prior to today
5 asking if he had any objections to the listed evidentiary
6 pieces that I believe would probably cause contention and
7 argument. Your Honor, I did not receive a response.

8 So I believe unless he does have an objection, we
9 would be going forward on each of these matters. But the
10 State is prepared to offer verbal argument as well.

11 THE COURT: All right.

12 MR. HAMILTON: Your Honor, we will object.

13 THE COURT: Object to what?

14 MR. HAMILTON: We object to the State's admission of
15 a short clip of body-worn camera footage of Greenville
16 County Sheriff Deputy --

17 THE COURT: Okay. And I don't -- I don't have --
18 let's see.

19 Okay. Your -- your motions -- where are your
20 motions?

21 MR. HAMILTON: I don't have any motions.

22 THE COURT: Okay. I thought you said you had some --

23 MR. HAMILTON: I didn't.

24 THE COURT: You say you don't?

25 (WHEREUPON, there was no response.)

1 THE COURT: You say you don't have any?

2 MR. HAMILTON: I do not, Judge. I'm sorry.

3 THE COURT: All right. Let me -- what I'm trying to
4 do is navigate time. I've got -- she's going to send
5 about 40 -- 40 jurors in the panel, I think, in about
6 15 minutes.

7 What I'd like to do is let's go ahead and go on with
8 jury selection. And then I can send them back. Because
9 what I'd like to do -- I really want to -- I really want
10 to get to opening statements today, if we can. So I'm
11 going to try to do that.

12 So what I'm going to ask -- everybody in the
13 galleries [sic] --

14 Can you call and tell her to send those people up --
15 send the 40 people up?

16 THE CLERK: I am.

17 THE COURT: I want everybody in the galleries [sic]
18 to wait outside. Because those jurors are going to occupy
19 those seats. Then we'll bring you back in.

20 Y'all have got a motion -- a sequestration motion of
21 any kind or is that agreed upon between the parties?

22 MS. GASSER: Your -- Your Honor, the State --

23 THE COURT: The only reason I'm asking is that's a
24 lot of people out there. And I just want to know, are
25 they -- are they witnesses, or observers, or what are they?

1 MS. GASSER: The State would not make a sequestration
2 motion. I'm not sure if the Defense would.

3 I would just like to point out that there are
4 technically two victims in this case. There's the
5 deceased, Desmond Parks. And his mother, Tammy Parks, is
6 his representative. So she is as a victim -- a deceased's
7 victim's representative is permitted to be in the court at
8 all times. But she is, also, a witness. But she would
9 be, of course, not held under the sequestration, if that
10 is what is ordered.

11 THE COURT: Yeah.

12 MS. GASSER: Additionally, the attempted murder
13 victim, Patience Parks, is, also, here and would, also, be
14 not subjected to any kind of sequestration.

15 Other than that, Your Honor, there's just the lead
16 investigating officer, Investigator Grubbs with the
17 Greenville County Sheriff's Office, who would be present
18 at all times and not be under that sequestration order.

19 THE COURT: Okay. Do you have any objection,
20 Mr. Hamilton, as it regards sequestration?

21 MR. HAMILTON: In regards to -- we just ask the Court
22 to follow the protocol in those non-privileged witnesses
23 that are -- that the Court would -- allowed to be in. But
24 all other nonessential witnesses be sequestered.

25 THE COURT: Who makes that determination, the two of

1 you?

2 MR. HAMILTON: You do, Judge. I'm asking the -- the
3 Court to sequester all nonessential witnesses --

4 THE COURT: Other than the -- the investigating
5 officer --

6 MR. HAMILTON: The investigating officer --

7 THE COURT: Well, let me just say this, the persons
8 that I know off the top -- that I know should be in the
9 courtroom are the victim, the deceased's victim's --

10 Is it a mother, or something?

11 MS. GASSER: Yes, Your Honor, his mother.

12 THE COURT: All right. And then, also, the attempted
13 murder victim should be in the courtroom as well. And the
14 chief -- the chief investigation officer should be in the
15 courtroom.

16 MR. HAMILTON: Correct.

17 THE COURT: All right. Anybody else, I guess, you
18 can just call when needed.

19 Is that what you're saying?

20 MR. HAMILTON: That's what I'm saying, Judge, if the
21 Court would allow that.

22 THE COURT: Any objection to that?

23 MS. GASSER: No objection, Your Honor.

24 THE COURT: All right. Now -- okay. She's --
25 Are they outside?

1 THE BAILIFF: I'll check, Your Honor.

2 THE COURT: All right. And I know -- some of those
3 people that are in the courtroom, if they'll just stand
4 outside the door --

5 THE BAILIFF: Oh, I'm going to -- I'm going to move
6 them, Your Honor.

7 THE COURT: Make sure you clear that out.

8 THE BAILIFF: I, certainly, will.

9 THE COURT: You don't want the jurors coming in if
10 they're standing outside the door.

11 (WHEREUPON, the jury panel entered the courtroom.)

12 THE COURT: All right. Madam Clerk, if you'd swear
13 this panel again for me.

14 THE CLERK: I sure will.

15 If you would, please, stand and raise your right
16 hand.

17 (WHEREUPON, the jury panel was sworn at
18 approximately 12:25 p.m.)

19 THE CLERK: Thank you.

20 THE COURT: All right. Ladies and gentlemen of the
21 jury panel, we're getting ready to start a case today.
22 This is State vs. --

23 Can everybody hear me pretty much.

24 (WHEREUPON, the jury panel members indicated in the
25 affirmative.)

1 THE COURT: The State vs. Jasmine Liz Marie Robinson.

2 Ms. Robinson, would you, please, stand for me?

3 All right. You can turn around and face the panel.

4 All right. You can have a seat.

5 This is a criminal case. Before we get started, I
6 want, first of all, to let you know that the mere fact
7 that the Defendant in a criminal case has been charged and
8 indicted is not evidence of anything.

9 Let me just explain to you -- just give you this
10 example. If you went to a movie theater to watch a movie,
11 you would be given a ticket by which to go into the
12 theater to watch the movie. You couldn't go into the
13 theater to watch the movie unless you were given this
14 ticket.

15 Well, let's talk about how matters come before the
16 Court. Matters come before the Court by way of a document
17 that's called an indictment. This is the ticket by which
18 matters come before the Court. You will hear me say at
19 the beginning of my remarks and you may, also, hear me say
20 at the end of the case that indictments are not evidence
21 of guilt. This is by -- this is the -- these are the
22 tickets by which the matter comes before the Court of
23 General Sessions and comes before me. So I wanted to make
24 that distinction.

25 The Defendant in a criminal case is always presumed

1 to be innocent. And that presumption of innocence cannot
2 be removed until all 12 members of the jury find that the
3 State has proven each and every element of the offense
4 charged beyond a reasonable doubt. What am I saying? The
5 Defendant in a criminal case does not have the burden of
6 proof.

7 And those of you who may have served in a civil
8 action or may have known some friends or relatives that
9 served in a civil case, the burden of proof in a civil
10 case is different than the burden of proof in a criminal
11 case. In a civil case, the standard of proof is by the
12 greater preponderance of the evidence.

13 In a criminal case, the State has the complete burden
14 to find the Defendant guilty beyond a reasonable doubt.
15 And the State -- the burden is on the State to not just
16 prove one, but the State must prove all elements of the
17 offense charged -- the Defendant is charged with.

18 I -- there are two judges in the courtroom. And
19 you'll hear me say that again, if you're selected on the
20 jury. There is the judge of the law and the judge of the
21 facts. My job as the judge of the law -- I know nothing
22 about this case. I don't know anything about the
23 Defendant, nothing about it at all.

24 If you're selected to serve on this jury, you will be
25 acting as the judge of the facts. So that's where the two

1 judges come in. You will hear me allude to that once you
2 are chosen.

3 Now, the indictments that I have in front of me as it
4 relates to this Defendant, Mrs. Jasmine Liz Marie
5 Robinson, on indictment number 2021-GS-23-04474, this
6 indictment charges this Defendant with attempted murder.
7 This -- which is a violation of Section 16-3-0029 of our
8 South Carolina Code of Laws.

9 The indictment states that Jasmine Liz Marie Robinson
10 did in Greenville County on or about the 6th day of
11 November of 2020, unlawfully with malice aforethought and
12 with the intent to kill attempt to kill Patience Parks.
13 This being in violation of Section 16-3-0029 of our South
14 Carolina Code of Laws as amended.

15 In indictment 2021-GS-23-04475, the State vs. Jasmine
16 Liz Marie Robinson, it's an indictment for murder. This
17 would be in violation of Section 16-3-0010. In this
18 indictment, it states that -- alleges that Jasmine Liz
19 Marie Robinson did in Greenville County or about the 6th
20 day of November of 2020, unlawfully and with malice
21 aforethought did kill Desmond Lamar Parks by means of
22 shooting him, and that Desmond Lamar Parks died as a
23 proximate result thereof. This being in violation of
24 16-3-10 of our South Carolina Code of Laws as amended.

25 This indictment, also, alleges, count two possession

1 of a weapon during the commission of a violent crime as it
2 relates to Jasmine Liz Marie Robinson. The indictment
3 states that Jasmine Liz Marie Robinson did in Greenville
4 County on or about the 6th day of November of 2020,
5 possess or visibly display a firearm during the commission
6 or attempted commission of a violent crime, to wit murder.
7 This being in violation of Section 16-23-490 of our South
8 Carolina Code of Laws as amended.

9 Here again, I am reading the language that's set
10 forth in these two indictments. Just because I read this
11 language to you, you should not imply at all that these
12 indictments are any evidence of guilt. These -- these
13 indictments are by -- as I told you earlier, these are the
14 vehicles by which these matters come before the Court and
15 before me. Attach no further meaning to those indictments
16 other than what I have instructed you to do so.

17 Now, the next thing that we need to do is to pick and
18 have a jury that can be fair and impartial in this case.
19 This case now, ladies and gentlemen, are important -- this
20 case is important to the State, but it's equally important
21 to the Defendant.

22 So what I'm going to do is I am going to allow --
23 ask -- I'm going to start with the State to ask them to
24 introduce -- the State to introduce counsel in their -- on
25 their side and whoever else is assisting them in --

1 Mrs. -- Counsel, I'll defer to you.

2 MS. GASSER: May it please the Court, Your Honor.

3 Good afternoon, ladies and gentlemen.

4 My name is Megan Gasser. I'm an assistant solicitor
5 with the Greenville County Solicitor's Office, along with
6 my co-counsel, Brittany Scott, who's, also, an assistant
7 solicitor with the solicitor's office. And then our
8 investigator is Sonya Browning.

9 Seated along with us will be our lead investigating
10 officer, Robert Grubbs of the Greenville County Sheriff's
11 Office. And the victims in this case, Patience Parks, and
12 for the deceased, Tammy Parks.

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

14 On the Defense side, Mr. Hamilton, introduce
15 yourself.

16 MR. HAMILTON: Thank you, Your Honor.

17 May it please the Court.

18 Ladies and gentlemen, my name is Ernie Hamilton. I
19 am a defense lawyer, a local lawyer in this town of
20 Greenville, South Carolina. I have the distinct job of
21 representing Jasmine Robinson, who's seated at counsel
22 table with me.

23 THE COURT: All right. And I'll --

24 Thank you, Mr. Hamilton.

25 And I already had Ms. Robinson stand. And I won't

1 ask her to stand again.

2 JURY QUALIFICATION

3 THE COURT: Ladies and gentlemen of the jury panel,
4 are you -- is anyone related to any of the attorneys that
5 just stood? Have you seen them before?

6 And I'll start with the State's side. Have you seen
7 Counsel before? Have you seen the -- Ms. Gazer -- have
8 you seen Ms. Gazer before? Do you go to church with her?
9 Have you seen her in the grocery store? Have you seen her
10 any place at all? If you ever have laid your eyes on her
11 in any manner, please, stand. Have you ever seen her
12 before?

13 (WHEREUPON, there was no response.)

14 THE COURT: All right. Ms. Scott -- have you ever
15 seen Ms. Scott before? Have you seen her at the Piggly
16 Wiggly, or the Bi-Lo, or the YMCA, or any of these things
17 people go to? Have you ever seen her at any of them?

18 And what -- and what's the --

19 What's your name, ma'am? I didn't catch it.

20 MS. SONYA BROWNING: Sonya Browning.

21 THE COURT: Ms. Browning, have you ever seen her
22 before? Do you have any association with her at all? If
23 so, please, stand.

24 (WHEREUPON, there was no response.)

25 THE COURT: As it relates to Defense Counsel,

1 Mr. Hamilton, have you -- have you been represented by
2 Mr. Hamilton before? Have you seen him before? Do you go
3 to church with him? Do you have any kind of relationship
4 at all with Mr. Hamilton? Is today the first time you've
5 ever laid eyes on him? If not, let me know.

6 All right. Juror number and name?

7 PROSPECTIVE JUROR: Shelia Wiggins, #297.

8 THE COURT: How do you know -- do you know
9 Mr. Hamilton?

10 PROSPECTIVE JUROR: Mr. Hamilton.

11 THE COURT: How do you know him?

12 PROSPECTIVE JUROR: My son was in the Kappa Knights.
13 And he represented him.

14 THE COURT: All right. I -- I think I know what the
15 Kappa Knights are. I'm not sure.

16 By virtue of that, do you still think you can be fair
17 and impartial in the trial of this case and listen to both
18 sides?

19 PROSPECTIVE JUROR: Yes, sir.

20 THE COURT: All right. You can be seated.

21 Anyone else?

22 (WHEREUPON, there was no response.)

23 THE COURT: All right. The State has given to the
24 Court what is called voir dire questions. And voir dire
25 questions are just inquiries that the State is requesting

1 of the panel regarding the case at hand. They've
2 submitted four voir dire questions, which I will read to
3 you.

4 The first question being, have you or any member of
5 your family or a personal friend been a victim or a
6 witness to a violent crime? Has any member of your
7 family, your personal friends ever been a victim of a
8 violent crime? If that is applicable to you, please,
9 stand.

10 All right. I'm going to start with this gentleman on
11 the front.

12 Juror number and --

13 PROSPECTIVE JUROR: Does that, also, mean me myself?

14 THE COURT: Yeah.

15 PROSPECTIVE JUROR: Okay.

16 THE COURT: Okay. What's your juror --

17 PROSPECTIVE JUROR: I'm #307, Jason Zell.

18 THE COURT: All right. Tell me a little bit about
19 it.

20 PROSPECTIVE JUROR: I was robbed at gunpoint at
21 Bi-Lo.

22 THE COURT: How long ago?

23 PROSPECTIVE JUROR: Gosh.

24 THE COURT: Several years ago?

25 PROSPECTIVE JUROR: 90s, late 90s.

1 THE COURT: All right. And is that it?

2 PROSPECTIVE JUROR: That's it.

3 THE COURT: All right. Even though you had that
4 experience -- and I'm sorry you did have that experience.

5 Do you still think you can be fair and impartial in
6 the trial of this case --

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: -- and listen to the State and listen to
9 the Defense?

10 PROSPECTIVE JUROR: Yes.

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

12 All right. Juror number and name, ma'am?

13 PROSPECTIVE JUROR: Ashandrian Warren, #287.

14 THE COURT: All right.

15 PROSPECTIVE JUROR: My cousin was murdered seven
16 years ago.

17 THE COURT: Seven years ago?

18 PROSPECTIVE JUROR: Yeah.

19 THE COURT: All right. And, again, I'm sorry that
20 that occurred.

21 Do you still think you can be fair and impartial in
22 the trial of this case and listen to both sides?

23 PROSPECTIVE JUROR: Yes.

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

25 Anyone else that applies to?

1 (WHEREUPON, there was no response.)

2 THE COURT: Have you or any member of your family or
3 personal friend ever been accused of a violent crime? The
4 first -- first question I asked was whether you were a
5 victim of a violent crime. The next question is, have you
6 ever been accused of a violent crime?

7 All right. Give me your juror number and name.

8 PROSPECTIVE JUROR: #171, Petra McElrath.

9 THE COURT: All right. Tell me a little bit about
10 it, if you feel comfortable.

11 PROSPECTIVE JUROR: My husband's estranged son is
12 currently in jail.

13 THE COURT: Your husband's estranged son?

14 PROSPECTIVE JUROR: Yes. They have no -- they
15 haven't had any contact for many years. I've spoken to
16 him maybe once or twice. But he is a family member. And
17 he is currently in jail.

18 THE COURT: All right. In Greenville County?

19 PROSPECTIVE JUROR: No.

20 THE COURT: You don't know where?

21 PROSPECTIVE JUROR: No, I don't.

22 THE COURT: All right. But you still think you can
23 listen to both sides and be fair and impartial in the
24 trial of this case?

25 PROSPECTIVE JUROR: Absolutely.

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

2 Anyone else?

3 Juror number and name?

4 PROSPECTIVE JUROR: Tabitha Sprouse.

5 THE COURT: All right. Ms. Sprouse, could you speak
6 up a little louder for me?

7 PROSPECTIVE JUROR: Juror #259, Tabitha Sprouse.

8 THE COURT: All right.

9 PROSPECTIVE JUROR: My soon to be ex-husband is
10 currently incarcerated in Greenville County.

11 And then I was accused of the same charges he was.

12 THE COURT: All right. Those -- those cases are
13 still pending?

14 PROSPECTIVE JUROR: Yes.

15 THE COURT: All right. At the solicitor's office
16 here in Greenville?

17 PROSPECTIVE JUROR: Yes.

18 THE COURT: All right. Do you still think you can be
19 fair and impartial in the trial of this case?

20 PROSPECTIVE JUROR: Not really, to be honest.

21 THE COURT: Okay.

22 PROSPECTIVE JUROR: I have a lot of feelings
23 towards --

24 THE COURT: So let me just ask you this, the case
25 that's pending involving you, you were -- you were,

1 actually, charged in?

2 PROSPECTIVE JUROR: No. I -- my charges have gotten
3 dropped.

4 THE COURT: But you were, initially, charged?

5 PROSPECTIVE JUROR: Yes.

6 THE COURT: And your charges were dropped. And your
7 husband's charges are pending?

8 PROSPECTIVE JUROR: Yes.

9 THE COURT: Are these domestic violence?

10 PROSPECTIVE JUROR: No.

11 THE COURT: All right. Madam Solicitor, and,
12 Mr. Hamilton, I'm going to excuse this juror for cause.

13 Ma'am, you're -- I'm going to excuse you in the trial
14 of this case. You can give your -- go to -- follow that
15 bailiff right back in the back right there.

16 PROSPECTIVE JUROR: Okay.

17 THE COURT: Anyone else?

18 (WHEREUPON, there was no response.)

19 THE COURT: All right. The next question, question
20 number three, have you or any member of your family or a
21 personal friend been involved with law enforcement or the
22 legal system in any case of a violent crime?

23 Let me read that again to make sure it's understood
24 to you. Have you or any member of your family or a
25 personal friend been involved with law enforcement or the

1 legal system in any case of a violent crime? And if that
2 applies to you, we'll go through it and see what it means.

3 (WHEREUPON, there was no response.)

4 THE COURT: Let the record note -- be noted that no
5 one stood for that question.

6 The next question is, do you have any personal,
7 political, or religious beliefs or convictions that would
8 make it difficult for you to sit in judgment of another
9 person?

10 And I'll read that again. Do you have any personal,
11 political, or religious beliefs or convictions that would
12 make it difficult for you to sit in judgment of another
13 person? If so, please, stand.

14 All right. The --

15 THE BAILIFF: Sir --

16 THE COURT: Yes. Would you stand up? Juror --
17 juror -- stand up. Juror number?

18 PROSPECTIVE JUROR: #223.

19 THE COURT: All right. What's your name?

20 PROSPECTIVE JUROR: Teneka Pringle.

21 THE COURT: All right. Tell me about it, if you feel
22 comfortable.

23 PROSPECTIVE JUROR: I'm not religious, just
24 spiritual. And I myself, I just don't believe that it's
25 my right. Or I just don't believe in saying what someone

1 did is right or wrong. Whatever they choose to do, they
2 choose to do. And I just don't feel like I should be
3 involved in regards to saying someone is guilty or someone
4 is not guilty.

5 THE COURT: You -- you don't think that that's your
6 purview?

7 PROSPECTIVE JUROR: Huh-uh. I just don't feel like
8 it's in my name -- or I'm anyone's God to say what this
9 person did was wrong or what this person did was right.

10 THE COURT: All right. So --

11 PROSPECTIVE JUROR: In judgment of another person, I
12 choose not to.

13 THE COURT: All right. So let me ask you this
14 question, so are you telling me -- and I'm asking you
15 this. So once you look at the evidence that's presented
16 by the State, the evidence that's presented by the
17 Defendant, are you telling me that irregardless of what
18 that evidence may show one way or the other that you're
19 not in a position to review that evidence and make an
20 impartial decision? Is that what you're telling me?

21 PROSPECTIVE JUROR: I'm just saying I don't -- I
22 don't prefer to judge anyone.

23 THE COURT: No matter what -- no matter what it is?

24 PROSPECTIVE JUROR: No matter what it is.

25 THE COURT: All right. Madam Clerk, Madam Solicitor,

1 and Mr. Hamilton, I'm going to excuse this witness [sic]
2 for cause as well.

3 Ma'am, you can give your tag to the bailiff that's
4 sitting right there.

5 All right. Thank you for coming.

6 I appreciate your willingness to serve.

7 PROSPECTIVE JUROR: Thank you.

8 THE COURT: All right. Anyone else?

9 (WHEREUPON, there was no response.)

10 THE COURT: All right. These were the voir dire
11 questions presented by State.

12 The Defense Counsel did not present any and, also,
13 was okay with the reading of these voir dire questions to
14 the panel.

15 The State has, also, presented a list of witnesses.
16 Now, this is a fairly lengthy list. And the way I'm going
17 to do it is, I'm going to say these names. If you know
18 any of these individuals, I'm going to recognize you. And
19 you're going to tell me your juror number and name, and
20 how -- in what capacity do you know the name that I just
21 announced.

22 So I'm going to go down and start with the first:
23 Patience Parks; Tammy Parks; Yolanda Hunter; Taiesha
24 Lowden; Bernice Osborne; Andrew Osborne; Dwayne Robinson;
25 Patrick Robinson; Antoine Robinson; Chuck Yates with

1 Spinx; Quanda Perry with the Greenville County Sheriff's
2 Office 911; Robert Grubbs, Greenville County Sheriff's
3 Office; Amanda Carpenter with the Greenville County
4 Sheriff's Office; Ashley Cure, Greenville County Sheriff's
5 Office; Bradley Grice, Greenville County Sheriff's Office;
6 Heather Hendrickson, Greenville County Sheriff's Office;
7 Duncan Hoopes with the Greenville County Sheriff's Office;
8 Michael Jarvis, former Greenville County Sheriff's Office;
9 Tracy King, formerly with the Greenville County Sheriff's
10 Office; Brian Lovelace with the Greenville County
11 Sheriff's Office; Shannon McHale with the Greenville
12 County Sheriff's Office; Jarrad Mann with the Greenville
13 County Sheriff's Office; Luke Parrish with the Greenville
14 County Sheriff's Office; James "Jim" Perry, Greenville
15 County Sheriff's Office; William Poag, Greenville County
16 Sheriff's Office; Justus Rallis, Greenville County
17 Sheriff's Office; Jarrad Sparkman, Greenville County
18 Sheriff's Office; Elliott Turner, Greenville County
19 Sheriff's Office; Cassandra Uribe, Uribee, U-R-I-B-E,
20 Greenville County Sheriff's Office; Andrew Wamsley,
21 Greenville County Sheriff's Office; Ryan Matthew Watts,
22 Greenville County Sheriff's Office; Stan Whitten,
23 Greenville County Sheriff's Office; James Armstrong,
24 formerly with the Greenville County Sheriff's Office;
25 Brittany Brown, Greenville County Sheriff's Office

1 forensics division; Toni Godfrey, formerly -- formerly
2 employed with the Greenville County Sheriff's Office in
3 forensics; Jonathan Hamilton, formerly employed with the
4 Greenville County Sheriff's Office in forensics; Kimberly
5 Libus, L-I-B-U-S, formerly employed with the Greenville
6 County Sheriff's Office in forensics; Crystal Minwegen,
7 Greenville County Sheriff's Office forensics; Kali with a
8 "K" Stevens, formerly employed with the Greenville County
9 Sheriff's Office in forensics; Kara Bennick, Property and
10 Evidence; Brittany Hill, Property and Evidence; Kathy
11 Lance, Property and Evidence; Michelle Morrison, formerly
12 with EMS; Nikki Ramsey, EMS; Hannah Gilstrap, Coroner; B.
13 Parks Evans, Jr., Coroner; Dr. Michael Ward, Medical
14 Examiner; Dr. Grace Dukes, Medical Examiner; Bailey Haynes
15 with SLED; and, lastly, Tyler Sturkie with SLED.

16 Let the record reflect that the names of all of the
17 potential witnesses for the State has been announced to
18 the jury panel and no one stood up.

19 All right. I've got --

20 Juror number and name?

21 PROSPECTIVE JUROR: #6, Lisa Alexander.

22 I'm good friends with Deputy Ryan Watts -- his
23 parents, I'm good friends with them. I've met him, like,
24 once or twice.

25 THE COURT: All right. Good friends like cookout

1 friends or --

2 PROSPECTIVE JUROR: Not with him, but his parents,
3 yes.

4 THE COURT: All right. Do you still think you can be
5 fair and impartial in the trial of this case, listen to
6 both sides?

7 PROSPECTIVE JUROR: Yes.

8 THE COURT: All right. Thank you so much.
9 Anyone else?

10 (WHEREUPON, there was no response.)

11 THE COURT: Any witnesses for the Defense as of this
12 point, Mr. Hamilton?

13 MR. HAMILTON: As of this point, none, Your Honor.

14 THE COURT: Okay. Of the -- is the State ready to
15 proceed with jury selection?

16 MS. GASSER: Yes, Your Honor.

17 THE COURT: Is the Defendant ready to proceed with
18 jury selection?

19 MR. HAMILTON: Yes, we are, Your Honor.

20 THE COURT: All right. Madam Clerk, I will turn it
21 over to you.

22 THE CLERK: How many strikes?

23 THE COURT: We've got -- is this a 10 and five,
24 gentlemen [sic]?

25 MS. GASSER: Your Honor, it's --

1 THE COURT: 10 and 10?

2 MS. GASSER: -- 10 and 10.

3 THE COURT: 10 and 10.

4 Thank you, Ms. Guyton [sic].

5 10 and 10. And we're going to -- because -- we're
6 going to do three alternates.

7 Everybody's good with that?

8 MS. GASSER: Yes, Your Honor.

9 THE COURT: I know that's a little unusual. But I
10 think that's -- in this climate, that's probably what we
11 need to do; right, Ms. Scott?

12 MS. SCOTT: Yes, Your Honor.

13 THE COURT: All right. Go ahead.

14 THE CLERK: Okay. Whenever I say your juror number
15 and name, please, stand and wait for further instructions.

16 JURY SELECTION

17 THE CLERK: Juror #138, Christopher Keller

18 (WHEREUPON, Christopher Keller, a white male, stood.)

19 THE CLERK: What says the State?

20 MS. GASSER: Please present this juror.

21 THE CLERK: What says Defense?

22 MR. HAMILTON: What number was that again?

23 THE CLERK: #138.

24 MR. HAMILTON: Would you excuse this juror in this
25 case, please?

1 THE CLERK: Okay. You can be seated. You've been
2 excused.

3 #305, Thomas Wooten.

4 (WHEREUPON, Thomas Wooten, a white male, stood.)

5 MS. GASSER: Please present this juror.

6 THE CLERK: What says Defense?

7 MR. HAMILTON: Would you excuse the juror in this
8 case, please?

9 THE CLERK: You may be seated. You've been excused.

10 Juror #124, Jordan Hogge.

11 (WHEREUPON, Jordan Hogge, a white male, stood.)

12 THE CLERK: What says the State?

13 MS. GASSER: Please present this juror.

14 THE CLERK: What says Defense?

15 MR. HAMILTON: Excuse the juror in this case, please.

16 THE CLERK: You may be seated. You've been excused.

17 Juror #201, Jessica Nollet.

18 (WHEREUPON, Jessica Nollet, a white female, stood.)

19 JUROR #201, JESSICA NOLLET: It's Nollet.

20 THE CLERK: Nollet.

21 What says the State?

22 MS. GASSER: Please present this juror.

23 MR. HAMILTON: Excuse the juror in this case, please.

24 THE CLERK: You may be seated. You've been excused.

25 Juror #173, Joshua McGill.

1 (WHEREUPON, Joshua McGill, a white male, stood.)

2 THE CLERK: What says the State?

3 MS. GASSER: Please present this juror.

4 THE CLERK: What says Defense?

5 MR. HAMILTON: Excuse the juror in this case, please.

6 THE CLERK: You may be seated. You've been excused.

7 Juror #215, Kristen Phillips.

8 (WHEREUPON, Kristen Phillips, a white female, stood.)

9 MS. GASSER: Please present this juror.

10 THE CLERK: What says Defense?

11 MR. HAMILTON: Excuse the juror in this case, please.

12 THE CLERK: Thank you.

13 You've been excused.

14 Juror #209, Trudy Parris.

15 (WHEREUPON, Trudy Parris, a white female, stood.)

16 MS. GASSER: Please present this juror.

17 THE CLERK: What says Defense?

18 MR. HAMILTON: Swear the juror.

19 THE CLERK: You may come forward. Bring your -- your
20 belongings. And then have a seat in the jury box, please.

21 Juror #111, Robert Hammond.

22 (WHEREUPON, Robert Hammond, a white male, stood.)

23 THE CLERK: What says the State?

24 MS. GASSER: Please present this juror.

25 THE CLERK: What says Defense?

1 MR. HAMILTON: Seat Mr. Hammond.

2 THE CLERK: Come this way, Mr. Hammond. Just have a
3 seat in the jury box, please.

4 Juror #113, Tonya Harris.

5 (WHEREUPON, Tonya Harris, a white female, stood.)

6 THE CLERK: What says the State?

7 MS. GASSER: Please present this juror.

8 THE CLERK: What says Defense?

9 MR. HAMILTON: Excuse the juror in this case, please.

10 THE CLERK: You may be seated. You've been excused.

11 Juror #297, Shelia Wiggins.

12 (WHEREUPON, Shelia Wiggins, a black female, stood.)

13 THE CLERK: What says the State?

14 MS. GASSER: Please excuse this juror.

15 THE CLERK: You may be seated. You've been excused.

16 Juror #6, Lisa Alexander.

17 (WHEREUPON, Lisa Alexander, a white female, stood.)

18 MS. GASSER: Please present this juror.

19 THE CLERK: What says Defense?

20 MR. HAMILTON: Excuse the juror in this case, please.

21 THE CLERK: You may be seated. You've been excused.

22 Juror #127, Travis Hooper.

23 (WHEREUPON, Travis Hooper, a white male, stood.)

24 THE CLERK: What says the State?

25 MR. HAMILTON: Excuse the juror in this case, please.

1 MS. SCOTT: Your Honor --

2 THE CLERK: You've been excused --

3 MS. SCOTT: -- point of order real quick.

4 MR. HAMILTON: I'm sorry. I didn't allow you to do
5 it.

6 MS. GASSER: Please present this juror.

7 MR. HAMILTON: Excuse the juror in this case.

8 THE CLERK: You've been excused.

9 Juror #139, Christopher Kidd.

10 (WHEREUPON, Christopher Kidd, a white male, stood.)

11 THE CLERK: What says the State?

12 MS. GASSER: Please present this juror.

13 THE CLERK: What says Defense?

14 MR. HAMILTON: Swear Mr. Kidd.

15 THE CLERK: Come this way, Mr. Kidd. And have a seat
16 in the jury box, please.

17 Juror #244, Thomas Sanders.

18 (WHEREUPON, Thomas Sanders, a white male, stood.)

19 MS. GASSER: Please present this juror.

20 THE COURT: What says Defense?

21 MR. HAMILTON: Excuse the juror in this case, please.

22 THE CLERK: You may be seated. You've been excused.

23 THE COURT: How many strikes for the Defense?

24 THE CLERK: 10.

25 THE COURT: Mr. Hamilton, you've got 10 strikes.

1 MR. HAMILTON: I've got eight.

2 MS. GASSER: He's at 10.

3 THE COURT: I thought that -- I was counting.

4 THE CLERK: It's 10.

5 THE COURT: You're at 10, Mr. Hamilton.

6 MR. HAMILTON: Thank you, Judge.

7 THE CLERK: Juror #235, Sara Roe.

8 (WHEREUPON, Sarah Roe, a white female, stood.)

9 MS. GASSER: Please present this juror.

10 THE CLERK: What says Defense?

11 MR. HAMILTON: Swear the lady.

12 THE CLERK: Thank you.

13 Juror #227, Walker Rayburn.

14 (WHEREUPON, Walker Rayburn, a white male, stood.)

15 MS. GASSER: Please present this juror.

16 THE CLERK: You may come forward. Take your
17 belongings and come forward --

18 MR. HAMILTON: Seat the juror.

19 THE CLERK: Juror #177, Jennifer Miller.

20 (WHEREUPON, Jennifer Miller, a white female, stood.)

21 THE CLERK: What says the State?

22 MS. GASSER: Please present this juror.

23 MR. HAMILTON: Swear the lady.

24 THE CLERK: Please come forward and have a seat in
25 the jury box.

1 Thank you.

2 Juror #84, Eugene Galyean.

3 (WHEREUPON, Eugene Galyean, a white male, stood.)

4 THE CLERK: What says the State?

5 MS. GASSER: Please present this juror.

6 MR. HAMILTON: Seat this Mr. Galyean.

7 THE CLERK: Come forward, Mr. Galyean. Bring your
8 belongings. And have a seat in the jury box, please.

9 Juror #13, Natasha Armentrout.

10 (WHEREUPON, Natasha Armentrout, a white female,
11 stood.)

12 THE CLERK: What says the State?

13 MS. GASSER: Please excuse this juror.

14 THE CLERK: You may be seated. You've been excused.

15 Juror #257, Julio Sotero.

16 (WHEREUPON, Julio Sotero, a Hispanic male, stood.)

17 THE CLERK: What says the State?

18 MS. GASSER: Please seat this juror.

19 MR. HAMILTON: Seat him.

20 THE CLERK: Come forward, Mr. Sotero. Have a seat in
21 the jury box.

22 Juror #117, Shannon Henderson.

23 (WHEREUPON, Shannon Henderson, a white female,
24 stood.)

25 THE CLERK: What says the State?

1 MS. GASSER: Please excuse this juror

2 THE CLERK: You may be seated. You've been excused.

3 Juror #153, Robert Love.

4 (WHEREUPON, Robert Love, a white male, stood.)

5 THE CLERK: What says the State?

6 MS. GASSER: Please excuse this juror.

7 THE CLERK: You are excused.

8 Juror #79, Kimberly Fowler.

9 (WHEREUPON, Kimberly Fowler, a white female, stood.)

10 THE CLERK: What says the State?

11 MS. SCOTT: Would you repeat the number, please?

12 THE CLERK: #79.

13 MS. GASSER: Please seat this juror.

14 MR. HAMILTON: Swear the juror.

15 THE CLERK: Juror #158, Nicholas Marks.

16 (WHEREUPON, Nicholas Marks, a white male, stood.)

17 THE CLERK: What says the State?

18 MS. GASSER: Please seat this juror.

19 MR. HAMILTON: Swear Mr. Marks.

20 THE CLERK: Come forward, Mr. Marks. Have a seat in
21 the jury [sic].

22 Juror #55, Joseph Delcollo.

23 (WHEREUPON, Joseph Delcollo, a white male, stood.)

24 MS. GASSER: Please seat this juror.

25 THE CLERK: Come forward, Mr. Delcollo.

1 Juror #93, Cameron Gilbert.

2 (WHEREUPON, Cameron Gilbert a white male, stood.)

3 THE CLERK: What says the State?

4 MS. GASSER: Please seat this juror.

5 THE CLERK: Come forward Mr. Gilbert.

6 That's 12.

7 THE COURT: All right. We're going to elect --
8 select three alternates.

9 Is that -- the strikes three and three?

10 MS. SCOTT: Yes, Your Honor.

11 THE CLERK: Juror #33, Thomas Buser.

12 (WHEREUPON, Thomas Buser, a white male, stood.)

13 MS. GASSER: Please seat this juror.

14 MR. HAMILTON: Excuse the juror in this case.

15 THE CLERK: You're excused. You may be seated.

16 Juror #22, Darren Bergen.

17 (WHEREUPON, Darren Bergen, a white male, stood.)

18 MS. GASSER: Please seat this juror.

19 THE CLERK: What says Defense?

20 MR. HAMILTON: Swear the juror.

21 THE CLERK: Come forward, please. And have a seat in
22 the jury box.

23 Juror #203, Aaron Nyberg.

24 (WHEREUPON, Aaron Nyberg, a white male, stood.)

25 MS. GASSER: Please excuse this juror.

1 THE CLERK: You may be seated Mr. Nyberg. You've
2 been excused.

3 Juror #307, Jason Zell.

4 (WHEREUPON, Jason Zell, a white male, stood.)

5 MS. GASSER: Please seat this juror.

6 THE CLERK: What says Defense?

7 MR. HAMILTON: Swear the gentleman.

8 THE CLERK: Come forward, Mr. Zell. Have a seat in
9 the jury box.

10 Juror #36, Casey Carswell.

11 (WHEREUPON, Casey Carswell, a white female, stood.)

12 THE CLERK: What says the State?

13 MS. GASSER: Please seat this juror.

14 THE CLERK: What says Defense?

15 MR. HAMILTON: Excuse the juror in this case, please.

16 THE CLERK: You may be seated. You've been excused.

17 Juror #258, Scott Springer.

18 (WHEREUPON, Scott Springer, a white male, stood.)

19 THE CLERK: What says the State?

20 MS. GASSER: Please seat this juror.

21 MR. HAMILTON: Excuse the juror in this case, please.

22 THE CLERK: You may be seated. You've been excused,
23 Mr. Springer.

24 Juror #7 -- #171, Petra McElrath.

25 (WHEREUPON, Petra McElrath, a white female, stood.)

1 THE CLERK: What says the State?

2 MS. GASSER: Please seat this juror.

3 THE CLERK. You may come forward.

4 MR. HAMILTON: Swear the juror.

5 THE COURT: Ladies and gentlemen of the jury panel
6 who -- who was not selected, I'm going to send you back
7 down to the jury assembly room, the same place that you
8 were earlier when you saw me. And you'll get some
9 instructions from the coordinator. She's probably, in all
10 likelihood, going to tell you when to call back. This --
11 this bailiff at the door will tell you where to go.

12 So go back down to the jury assembly room.

13 (WHEREUPON, the remaining jury panel members exited
14 the courtroom.)

15 THE COURT: All right. Juror #259, where are you?
16 Ms. Tabitha Sprouse, where are you?

17 MS. SCOTT: Your Honor, you excused her earlier.

18 THE COURT: I excused her. Oh, she was excused. I'm
19 sorry.

20 All right. Ma'am, what -- what's your juror number?

21 JUROR #177, JENNIFER MILLER: Mine?

22 THE COURT: Yes.

23 JUROR #177, JENNIFER MILLER: #177.

24 THE COURT: #177. That's what I meant.

25 You're -- you're Ms. Jennifer Miller; is that right?

1 JUROR #177, JENNIFER MILLER: Yes, sir.

2 THE COURT: All right. Ms. Miller, you have the
3 honor of sitting in the seat of the Foreperson of the
4 jury. You will be the Forelady of the jury.

5 Let me tell you what your responsibilities are. In
6 general terms, you are required to keep this crew on their
7 best behavior, number one.

8 Number two is, please, ma'am, and, please, sir, do
9 not talk about the case to each other at all.

10 Madam Forelady, if that occurs, you need to let me
11 know that you got somebody that's not complying with my
12 instructions. Because that's your responsibility.

13 Your responsibility, also, is at the end -- the
14 conclusion of the case, you will be presiding over any
15 deliberations that may occur. Any inquiries from the
16 panel has to come through you. You will present those
17 inquiries to the bailiff. The bailiff will present them
18 to me. That's your responsibility.

19 You will always occupy the chair that you're in.
20 Every time you come in or out of the courtroom, you will
21 be in that seat.

22 Everybody else can rotate and sit wherever you want.

23 My three alternates, which is one, two, and three.
24 You guys will be taking those three seats. But you can
25 sit in either one of them that you want to as you come in

1 and out. Okay.

2 It is about five minutes after 1:00. What I'm going
3 to do is, I'm going to send you to lunch. And I want you
4 back in the jury room by 2:30. And we're going to start
5 at 2:30.

6 So if anybody stops you and wants to talk about the
7 case, you report that individual to me. But make sure
8 that you do not talk about the case at all.

9 And I will see you back at 2:30 -- well, before
10 that -- I'm sorry.

11 Madam Clerk, would you swear the jury panel in? I've
12 got to do that.

13 THE CLERK: Certainly --

14 MS. GASSER: Your Honor, before -- can we ask that
15 the jury not be sworn until after pre-trial motions are
16 heard?

17 THE COURT: That'll be fine.

18 Do you agree with that?

19 MR. HAMILTON: Yes, sir.

20 THE COURT: All right. That's fine.

21 All right. So y'all just go home -- not go home.
22 Don't go home. Go to lunch. And I'll see you back at
23 2:30.

24 JUROR #177, JENNIFER MILLER: Back here?

25 THE COURT: Back in the jury assembly room.

1 (WHEREUPON, the jury was excused from open court at
2 approximately 1:05 p.m.)

3 THE COURT: Now, what we can do -- we're still on the
4 record. What we can do is we can handle pre-trial motions
5 now. But I prefer not to do that because I -- I do need
6 some sort of nutrition. I prefer not to do that.

7 But my question is, are there any -- any -- any
8 Batson motions, Mr. Hamilton?

9 BATSON MOTION

10 MR. HAMILTON: Your Honor, in looking at the panel, I
11 do have a Batson motion in that the assembly is not
12 representative of the peers. There's -- the striking of
13 the particular -- one potential African American juror.
14 And the exclusion of others -- the Batson motion -- we ask
15 the Court to let us proceed with that manner.

16 THE COURT: All right. Well, I'll hear from Counsel.
17 You know -- you know what the standard is in Batson;
18 right? Don't you?

19 (WHEREUPON, there was no response.)

20 THE COURT: What do you -- what do you say,
21 Ms. Glazer [sic]?

22 MS. GASSER: May it please the Court, Your Honor.

23 THE COURT: Yes, sir [sic].

24 MS. GASSER: As Batson has made abundantly clear, the
25 Defense Counsel does have to make a prima facie showing of

1 purposeful discrimination by challenging the use of one of
2 our preemptory strikes. I believe he made mention of one
3 juror that I struck. I am assuming he is discussing
4 Juror -- was it #297?

5 Yes, Your Honor. And I would just like to point out
6 that in regards as to whether or not she knew any Counsel,
7 she had a close relationship with Defense Counsel. Her
8 son was, actually, represented by him. The State finds
9 that there is a legitimate argument that she could not be
10 fair and impartial in this case.

11 THE COURT: All right. And I think -- was that the
12 one --

13 MS. GASSER: And, additionally, Your Honor, I would
14 just like to point out that Defense Counsel did strike all
15 white jurors as well.

16 THE COURT: Okay. Mr. Hamilton.

17 MR. HAMILTON: There was only -- there was -- only
18 white jurors was presented to my client. And the
19 representation is a social civic program in the fraternal
20 order of the community, and not that I represented him in
21 a criminal matter or legal matter.

22 THE COURT: I think the words, Mr. Hamilton, that she
23 used was you represented her son in a -- in a -- in a
24 program, Kappa Knights. And, you know, the Solicitor --

25 And I'm assuming, Ms. Glazer, that that's the only

1 African American that you struck; is that right?

2 MS. GASSER: Yes, Your Honor.

3 THE COURT: All right. If -- if I'm hearing this
4 correctly, Mr. Hamilton -- you correct me if I'm wrong.
5 I'm familiar with that program she's talking about. And I
6 think when she used the word you represented her -- the
7 son, you were the sponsor of the son -- or the son was
8 in -- it was -- for those of you who may be looking at me
9 and saying, what is he talking about? Mr. -- Mr. Hamilton
10 knows very well what I'm talking about.

11 It's a pageant, for lack of a better word, where
12 individuals are sponsored by certain members of the
13 fraternity. The fraternity being Kappa Alpha Psi
14 Fraternity.

15 Am I right?

16 MR. HAMILTON: Correct, Judge.

17 THE COURT: And in order for that person to be in the
18 pageant, they're called Kappa Knights. And that person
19 has to have a sponsor, somebody who is sponsoring that
20 person.

21 So when the juror said that Mr. Hamilton was
22 representing her son, I think she meant it in terms of the
23 pageant and not in a legal capacity.

24 Am I right?

25 MR. HAMILTON: That's correct, Judge.

1 THE COURT: All right. So I think that that -- based
2 upon that, Mr. Hamilton, I think that if you look at the
3 Batson case and what's required -- what's showing is
4 required of Batson, because of the relationship that you
5 did have with the potential juror's son, I think that that
6 would be cause -- and not -- not a discriminatory cause
7 to -- to -- for the State to strike that particular
8 witness [sic].

9 I don't see any -- any basis of the striking being
10 because of race, or any other thing. I think it's because
11 of the relationship that you had with her son. Because
12 you were one of -- you were the son's sponsor. And I
13 think that's legitimate.

14 MR. HAMILTON: And I don't recall being his sponsor.
15 I do know -- I really don't. But anyway, she said that
16 and --

17 THE COURT: But let the record reflect, you are
18 Kappa.

19 MR. HAMILTON: But I was in that program. And we
20 mentored a bunch of kids.

21 THE COURT: All right. And I -- I think that's it.
22 Anything else?

23 MS. GASSER: Nothing from the State, Your Honor.

24 THE COURT: Anything else from the Defense?

25 MR. HAMILTON: Nothing further from the Defense.

1 THE COURT: All right. Now, we're going to be back
2 at -- we're going to come back at -- oh, gosh. I got a
3 meeting. I got a meeting with your -- your boss at 2:00.

4 How long do you think this Batson -- not Batson, but
5 Jackson vs. Denno -- how many witness have you got? Just
6 one?

7 MS. GASSER: One, Your Honor.

8 THE COURT: All right. And that's the only pre-trial
9 motion we've got when we come back?

10 MS. GASSER: That's the only --

11 THE COURT: Other than -- other than -- I had it a
12 minute ago. Can we -- hold on one second.

13 Can we address that motion -- well, it was a motion
14 to exclude something.

15 What was the other motion?

16 MS. GASSER: Your Honor, we have the Jackson vs.
17 Denno. And we have just some evidentiary matters that I
18 wanted to just give Defense Counsel a heads up for. I
19 never heard back from whether or not he was going to
20 object. I believe he put on the record this morning that
21 he was objecting.

22 There is a short clip of a body-worn camera --

23 THE COURT: Let's -- let's go ahead and hear that
24 motion. That's one of yours?

25 MS. GASSER: Yes, Your Honor.

1 THE COURT: Go ahead.

2 PRE-TRIAL MOTIONS

3 MS. GASSER: So this is the State's motion in limine.
4 We do have four.

5 So the State is seeking admission into evidence a
6 short clip of the body-worn camera footage of Greenville
7 County Sheriff's Office Deputy Amanda Carpenter. She was
8 the first deputy to arrive on scene. And I do have that
9 prepared, if Your Honor would like to see that.

10 THE COURT: All right. Let me see --

11 What's your objection, Mr. Hamilton?

12 MR. HAMILTON: Your Honor, my objection is that it
13 does not meet the exception to the hearsay rule. The
14 officer is available to testify in this matter.

15 And for purposes -- I don't know -- is -- is it for
16 impeachment purposes? Or what purposes -- it has not been
17 clear to me as to the advance of it. Or is it in -- is it
18 just going to be visual, or verbal, or does it contain
19 hearsay?

20 MS. GASSER: Your Honor, I did make this clip
21 available to Mr. Hamilton via discovery and alerted him to
22 that about two Fridays ago.

23 Additionally, Your Honor, we are seeking to enter the
24 video and audio. It is a short clip. It's three minutes
25 in length. It is the first responding deputy, Amanda

1 Carpenter, arriving on scene. And she sees three women,
2 along with the deceased male.

3 You do not see any blood. You do not get a close up
4 of the deceased. There are words spoken. So in, I guess,
5 response to his concerns about hearsay, Your Honor, I
6 would argue that this is an exception to hearsay under
7 803(1) and 803(2), both the present sense impression, as
8 well as the excited utterance.

9 This is a very short period of time after the murder
10 occurred. And these women -- it's important that you hear
11 what they have to say. Because this is an actual -- the
12 first identification of the Defendant as the shooter by
13 the eye witness and surviving sole witness, Patience
14 Parks.

15 THE COURT: All right. So it's not being offered for
16 the truth of the matter asserted. But it's just an
17 exception under the rule?

18 MS. GASSER: Well, yes, Your Honor. But we are,
19 also, arguing that it does not necessarily violate the
20 confrontation clause as each of the witnesses that are
21 seen on the video will be available for cross-examination
22 by Defense Counsel.

23 MR. HAMILTON: And so why need -- if they're
24 available, what is the purpose of that --

25 THE COURT: Have you seen the video, Mr. Hamilton?

1 MR. HAMILTON: I've seen the video. And my client
2 says, Judge, for purposes of impeachment -- and I will use
3 it for impeachment --

4 THE COURT: If the witnesses are going to be
5 available for cross-examination, what you -- what you say?
6 I don't -- I don't see any issue regarding some
7 introduction of the video. I don't see any issue with
8 that.

9 MR. HAMILTON: You don't see any?

10 THE COURT: I don't see any issue or problem with
11 that.

12 MR. HAMILTON: Okay. Thank you, Judge.

13 MS. GASSER: Additionally, Your Honor, the State is
14 seeking the introduction of two photographs, which we were
15 seeking to see if Defense Counsel would object. They're
16 the only photographs that depict the deceased.

17 One of them is far away. You can only see his leg
18 and maybe his shoulder. You see no blood. It is not
19 gory. It is important because it shows the car in its
20 entirety, as well as where the deceased is located. That
21 is State's Exhibit -- it's been pre-marked as State's
22 Exhibit No. 11.

23 Additionally, we have a photograph of the deceased's
24 injury, the shot to his head. You do not see his face.
25 You do not see any unnecessary body parts.

1 However, you do see the entrance wound of the bullet.
2 And it is important because the State does have to prove
3 beyond a reasonable doubt that someone was killed. Your
4 Honor, this is the only photo of the deceased's injuries
5 that we are seeking to enter. No other photographs from
6 the autopsy would we seek. This is the first photograph.

7 THE COURT: Okay.

8 MS. GASSER: You can see here that the deceased is
9 visible in the car. However, you see no blood or gore,
10 nor his face.

11 And this is the second photograph. This was taken
12 during the autopsy, Your Honor. Again, the State does
13 wish to present it in color as it is a bit difficult in
14 black and white to see kind of -- you know, just the
15 perception since we're not -- we don't have his eyes.

16 So it's important to notate, you know, his ear is
17 here, where his hair is where it's been shaved to show the
18 entrance wound to his head.

19 Again, Your Honor, this is the only photograph that
20 the State is seeking to enter of the injuries, which we do
21 have to prove beyond a reasonable doubt.

22 I guess this is kind of an injury, but --

23 THE COURT: What is that?

24 MS. GASSER: This is a -- this is an X-ray of the
25 deceased's skull showing the projectile lodged in his

1 head.

2 THE COURT: Why -- why is that necessary?

3 MS. GASSER: Your Honor, to show -- because these
4 two -- it was difficult to understand where the deceased
5 was hit. So this shows the actual skin injury where it
6 went in. And this shows where the bullet ended up, as
7 well as seeing part of the intrusion into the skull here.

8 THE COURT: That was done by a forensics --

9 MS. GASSER: Yes. These were taken by the forensics
10 technician that attended the autopsy.

11 THE COURT: All right. What other pictures you got?

12 MS. GASSER: These are the only pictures that we
13 believe would show an objection. All the other
14 photographs are of cars or broken windows. Nothing shows
15 any deceased person or any injuries to any person.

16 THE COURT: And I'm assuming the State did a 403
17 analysis. Did you do a 403 analysis?

18 MS. GASSER: Yes, Your Honor.

19 THE COURT: You know -- you know what I'm asking you;
20 right?

21 MS. GASSER: Yes, Your Honor. I did gauge whether or
22 not these would -- that the balancing that these are
23 more probative than -- that the prejudicial effect does
24 not outweigh the probative effect.

25 THE COURT: All right. What do -- what do -- what do

1 you say to that, Mr. Hamilton? I'm assuming that you did
2 a 403 analysis. Where -- where -- where are you?

3 MR. HAMILTON: I am completely opposed to it and
4 object. And I ask the Court -- this is only to inflame
5 and create -- it has not -- there's no question that he
6 got shot in the back of the head and this happened.

7 She came down, you know, and gave a statement
8 saying --

9 THE COURT: That's the only -- that's the only
10 picture -- photograph of the deceased that the State has,
11 Mr. Hamilton.

12 So how do you -- are you proposing that the -- that
13 the pictures not be introduced, the photos not be
14 introduced, and that your client stipulates that she shot
15 him in the back of the head, you know?

16 Is that what you're saying?

17 MR. HAMILTON: I'm saying that he was shot in the
18 back of the head. And that's -- and the evidence -- the
19 burden is upon them. That photograph don't show that she
20 shot him in the back of the head.

21 THE COURT: But it does -- it does indicate that he
22 was --

23 MR. HAMILTON: Shot in the back of the head.

24 THE COURT: The victim was shot in the back of the
25 head --

1 MR. HAMILTON: Somebody -- he was shot in the back of
2 the head, Judge.

3 THE COURT: I understand that. But the State has --
4 the State has the burden of proof. So that goes to --

5 MR. HAMILTON: So what's the purpose of the picture?
6 To show he was shot in the back of the head? Can they
7 come testify from the autopsy report that he was shot in
8 the back of the head? What do the pictures show?

9 MS. GASSER: And, Your Honor, that is kind of going
10 to our fourth motion in limine. We are going to -- how
11 would you say? -- briefly question the medical examiner,
12 Dr. Grace Dukes, as she was the peer reviewer of the
13 autopsy that was, actually, conducted by Dr. Michael Ward.
14 He is unavailable to testify.

15 So Dr. Dukes, as being the peer reviewer and, of
16 course, through the business records exception could
17 testify as to her agreement with the findings of cause of
18 death. But she is not the one that, actually, conducted
19 the autopsy.

20 So the State is not going to seek illegitimate
21 testimony from Dr. Dukes, which is what he's, I believe,
22 asking us to illicit --

23 MR. HAMILTON: I'm asking you to tell the truth --

24 THE COURT: Hold on. Hold on.

25 MS. GASSER: -- instead of the photographs. So the

1 photograph is presenting something that we cannot
2 extrapolate from Dr. Dukes in accordance with the rules of
3 evidence.

4 THE COURT: Now, is Dr. -- Dr. Dukes is not going to
5 be present?

6 MS. GASSER: She is going to be present. Dr. Ward is
7 not going to be present.

8 THE COURT: So Dr. Dukes was present during the --

9 MS. GASSER: She was the peer reviewer. And she can
10 go into what that means through her direct examination.
11 But it is the common practice within the Greenville County
12 Medical Examiner's Office to peer review each others
13 autopsy reports.

14 THE COURT: I understand that. But Dr. Ward is not
15 going to be here. So how much is Dr. Dukes' testimony
16 going to go -- bleed into the testimony of Dr. Ward, which
17 would be considered hearsay?

18 MS. GASSER: It's not going to. That's what --
19 that's why I'm saying is that we are going to,
20 essentially, curtail her testimony to only what she
21 reviewed and agreed with the findings of Dr. Ward through
22 the business records exception a/k/a manner and cause of
23 death.

24 THE COURT: Yeah. I --

25 MS. GASSER: But she's not going to testify as to the

1 specifics of how he passed.

2 THE COURT: All right. Well, as -- as it relates to
3 that point, it's important that the two of you agree that
4 that's the extent of the testimony. What you don't want
5 to do --

6 MS. GASSER: Yes, Your Honor.

7 THE COURT: -- is get to that point and then I'm
8 sending the jury out while the two of you argue about
9 something that should have been dealt with pre-trial.

10 MS. GASSER: Yes, Your Honor.

11 THE COURT: So, Mr. Hamilton, as it relates to --
12 we'll come back to the picture. But as it relates to the
13 fourth motion in limine regarding Dr. Grace Dukes, you
14 understood what she just said?

15 MR. HAMILTON: I understood, Judge.

16 THE COURT: What objection do you have --

17 MR. HAMILTON: I do object.

18 THE COURT: On what basis?

19 MR. HAMILTON: On the basis that she has no knowledge
20 of it and was not there to perform the procedure that
21 she's going to testify to. It's just something she -- she
22 peer reviewed, but it's just --

23 THE COURT: Do you know what that is when it's been
24 peer reviewed?

25 MR. HAMILTON: She looked at his findings and -- and

1 see that he went through everything he was supposed to do.
2 But she didn't --

3 THE COURT: Who --

4 MR. HAMILTON: Ward. She went through -- she
5 looked -- she reviewed his findings and -- and signed off
6 on it, you know. But she's not able to say what she saw.
7 It ain't going to have nothing to do with that picture
8 either. I'm sorry, Judge.

9 THE COURT: All right.

10 MR. HAMILTON: I object.

11 THE COURT: What do you want to say?

12 MS. GASSER: And, Your Honor, the State would just
13 ask -- or would argue that Dr. Dukes' testimony is proper
14 under the hearsay exceptions 8034 and then 8036.

15 THE COURT: That's business records, isn't it?

16 MS. GASSER: Yes, Your Honor. 8036 is the business
17 records. Those --

18 THE COURT: Whose business records? Ward's business
19 records? Or who -- whose business records?

20 MS. GASSER: The medical examiner's office. It is
21 within their regular -- their course -- their regular
22 course of business operations to create the autopsy
23 reports, as well as the peer review system, which, again,
24 Dr. Dukes can go into the more specifics of how that is
25 maintained and how that operates.

1 But I'd like to, also, argue that the statements for
2 the purpose of medical diagnosis or treatment, hearsay
3 exception as well that, you know, his autopsy was
4 technically a medical diagnosis of his death and the cause
5 thereof.

6 THE COURT: Let me ask you this, how does -- how does
7 that -- does that not hamper the Defendant's ability to
8 cross-examine the medical -- Dr. Ward?

9 I mean, I understand. But I'm just saying that
10 you're limiting the Defendant -- Defense Counsel's ability
11 to -- to ask pertinent cross-examination questions as it
12 relates to the autopsy.

13 How do you -- how do you address that?

14 MS. GASSER: Yes, Your Honor. So the
15 cross-examination would be -- it does not violate the
16 confrontation clause as this peer reviewed autopsy,
17 Dr. Dukes had to look at the findings and be in agreement
18 with it in order to sign off of it. So she had to review
19 it to look at the autopsy --

20 THE COURT: But she didn't do it. She didn't make
21 the findings, though. She didn't --

22 MS. GASSER: But based -- based on the data that was
23 collected, she is in agreement with Dr. Ward's findings.
24 So she has, also, found those to be --

25 THE COURT: Okay. Follow me -- follow me on this.

1 She's in agreement. She peer reviewed. I know exactly
2 what you're talking about.

3 MS. GASSER: Yes.

4 THE COURT: She's in agreement with the findings.

5 MS. GASSER: Yes, Your Honor.

6 THE COURT: But from -- from Defense Counsel's
7 standpoint, how does Defense Counsel get to cross-examine
8 the -- the medical examiner, Dr. Wood [sic]? Because
9 Dr. Wood did the exam. He --

10 MS. GASSER: Yes, Your Honor.

11 THE COURT: That's the doctor that did the exam, not
12 the person who peer reviewed that.

13 MS. GASSER: Yes, Your Honor.

14 THE COURT: So -- and -- and I don't know -- you
15 know, when you talk about that business record exception
16 under hearsay, I think it -- you know, you've got to --
17 let me put it this way. If you've got an officer -- I'm
18 going to give you an example.

19 If you've got an officer who was at the scene and
20 you've got an incident report, then the person who did the
21 incident report could, also, testify. But the person who
22 was at the scene who reviewed it could testify. That's
23 different here.

24 You've got a situation where you're trying to talk
25 about the cause of the death of the decedent. And you're

1 not going to give the Defense Counsel an opportunity to
2 cross-examine the examiner who made the findings.

3 MS. GASSER: Yes, Your Honor. But the State would
4 argue that under the business records exception that it
5 does say the custodian or other qualified witness. It is
6 the State's contention that we would be drawing on
7 Dr. Dukes' experience and her review that she is an
8 additional qualified witness.

9 It does say, Unless the source of information or the
10 method or circumstance of preparation indicates lack of
11 trustworthiness. Of course, that will be open for
12 cross-examination --

13 THE COURT: Can -- can the peer review person answer
14 the question why?

15 MS. GASSER: Yes.

16 THE COURT: Why? The why question. How can that
17 person answer the why question?

18 MS. GASSER: Because she had to look at all the same
19 things that Dr. Ward did, all of his findings of, you
20 know, the -- what happened to the skeleton, what happened
21 to the brain, the actual science. She then had to review
22 all of that.

23 And in order to sign off as the peer reviewer in
24 agreement with the outcome a/k/a the manner and cause of
25 death, she could not have agreed without, also, reviewing

1 all of the materials that Dr. Ward -- he just -- he just
2 compiled it all.

3 But in his compilation, he then has to look at it all
4 and have a determination. She, also, looked at it all and
5 then came to that same determination.

6 THE COURT: Let me -- let me tell you how I'm going
7 to handle that. When you get to that part --

8 MS. GASSER: Yes, Your Honor.

9 THE COURT: -- then I'm going to let you proffer --

10 MS. GASSER: Yes, Your Honor.

11 THE COURT: -- the testimony of Dr. Dukes. We're
12 going to be totally in proffer on that -- on that when we
13 get to that statement.

14 Mr. Hamilton, you'll have the opportunity to
15 cross-examine Dr. Dukes.

16 I just need to see where -- what this doctor is going
17 to testify to, Dr. Dukes, to see whether or not there --
18 it comes under the parameter of an 803 exception as the
19 State is trying to allege it does.

20 So when we get to that part, we'll proffer the
21 testimony. I'll allow you to examine -- to cross-examine
22 the witness. And then I'll make a determination whether
23 it's allowed or not.

24 I think this is a lot -- this -- this becomes a lot
25 simpler, Counsel, if you bring in the medical examiner.

1 Except I understand you said he can't be here.

2 MS. GASSER: He's -- yes, Your Honor. He is --

3 THE COURT: Where is he?

4 MS. GASSER: He is out of state, Your Honor. And he
5 is unavailable to testify remotely. I did seek that as
6 well.

7 Unfortunately, with the setting of these cases so far
8 in advance, when we sent out the subpoenas, he had already
9 requested his time off or his unavailability in January.
10 So when we sent the subpoenas out in February, he was
11 already unavailable. But it was technically set in
12 December.

13 THE COURT: All right. This third -- this third --
14 so you understand what I'm going to do on four. As it
15 relates to the -- we'll come back to the -- the State is
16 seeking to exclude any and all testimony regarding the
17 deceased victim's, Desmond Parks, prior -- prior criminal
18 history and all other bad acts under 403.

19 What do you -- what's your position on that?

20 I think that's proper.

21 MR. HAMILTON: Bad acts, Your Honor. I think the
22 only thing that they're saying is that he had just got out
23 of prison in February. This happened in November. And
24 that testimony is likely to be said. Those words would
25 indicate --

1 THE COURT: Likely to be said by who?

2 MR. HAMILTON: Patience, the victim in the case. How
3 he just got out of prison, her relationship. This is a
4 boyfriend girlfriend three-way circle and she's saying I'm
5 the girlfriend. I'm the girlfriend. When he got out of
6 prison, me and him --

7 THE COURT: How do you know -- how do you know she's
8 going to say that?

9 MR. HAMILTON: Well, she done said it. If she don't
10 say it, I'm going to proffer.

11 THE COURT: You're going to proffer what?

12 MR. HAMILTON: Her saying -- she's on tape saying it.

13 MS. GASSER: Your Honor, this is exactly why we
14 wanted to have this motion in limine. For all the rules
15 mentioned, it is completely improper for Defense Counsel
16 to --

17 MR. HAMILTON: Impeachment.

18 MS. GASSER: -- impeach a witness -- to impeach a
19 witness with improper 403 and 404 evidence. Our witnesses
20 will not be eliciting any mention of probation, jail, DJJ,
21 prison, or any prior bad acts committed or -- or alleged
22 against the deceased victim.

23 THE COURT: Well, I'm going to rule that on both --
24 on both sides from the State's perspective. And from the
25 Defendant's perspective, I'm going to order that no

1 testimony be entered regarding prior criminal history or
2 bad acts of anybody on either side.

3 MS. GASSER: That -- that's fine, Your Honor. We are
4 not seeking to elicit any prior -- we're not seeking to
5 elicit any criminal history of the Defendant.

6 MR. HAMILTON: Bad acts, too.

7 MS. GASSER: However, I would like to ask that if
8 they open the door, if she presents herself for
9 cross-examination and opens the door to any prior bad acts
10 alleged that we be able to, at least, take that up with
11 Your Honor. I can ask before asking the question to come
12 and approach --

13 THE COURT: Well, we'll take it up outside the
14 presence.

15 MS. GASSER: Yes, Your Honor. But I would just like
16 to make clear that he is not going to open that door by
17 suddenly saying the words jail, probation, prison in front
18 of this jury. Because I do believe that that is
19 incredibly prejudicial and incredibly -- an objection
20 would not cure that. I don't think a curative instruction
21 to the jury would cure that either.

22 THE COURT: I'm not going to allow that,
23 Mr. Hamilton.

24 MR. HAMILTON: I understand.

25 THE COURT: All right. Let's -- let's go back to --

1 I think the only thing remaining is the photographs.

2 MS. GASSER: Yes, Your Honor.

3 THE COURT: And I'll ask the State -- the first --
4 the first photograph that you showed of the victim wherein
5 the bullet went in the skull of the deceased -- I'm not so
6 sold on the second video -- not video, second
7 photograph -- I'm sorry -- where it looks like the
8 skull -- I think the witness, whoever you present, can
9 testify to that. I'm not sold on that picture.

10 MS. GASSER: So would you prefer us to have one or
11 the other?

12 THE COURT: One or the other.

13 MS. GASSER: One or the other. Okay.

14 Your Honor, we would be seeking to admit this then.
15 I do believe it's less prejudicial just because it does
16 not have any of the blood. And it does show clearly the
17 injury with the projectile.

18 THE COURT: I -- I wouldn't see any reason for you to
19 object to that. Let me just ask you, Mr. Hamilton, are
20 you okay with that?

21 MR. HAMILTON: I'm okay with that.

22 THE COURT: I think that's a -- I think that's a fair
23 compromise. Under 403, I think that's a fair compromise.

24 So we'll do a proffer on the -- the State's fourth
25 motion in limine at the time that comes out.

1 MS. GASSER: Yes, Your Honor.

2 THE COURT: Anything else?

3 MS. GASSER: No, Your Honor. Nothing from the State
4 other than the Jackson vs. Denno, which we will be
5 prepared for.

6 THE COURT: Okay. Just be cognizant on both sides of
7 the jury's time and what you're doing. And what am I
8 saying? What I'm saying is try to take the opportunity to
9 try the case anyway you want to. But matters that the
10 Court needs to deal with, we need to deal with now or
11 before the jury comes in. Because having the jury go in
12 and out like that a lot is of no benefit to either side,
13 if we're just dealing with minuscule issues and issues
14 that we couldn't resolve pre-trial or outside the presence
15 of the jury.

16 So when I come back at 2:00 -- they're going to be
17 here at 2:30. I'm going to probably get back about
18 2:20 -- 2:30, or whatever. So if something comes up,
19 let's go ahead and knock it out, hit it, talk about it.
20 Because when we bring the jury in, all we're doing at that
21 time is we're going to swear the jury in.

22 Madam Clerk, remind me of that.

23 And we're going to go to opening statements.

24 MS. GASSER: So, Your Honor, just to be clear, at
25 2:20, we should be ready to do the Jackson vs. Denno,

1 which I do believe would take less than 10 minutes?

2 THE COURT: Yeah.

3 MS. GASSER: And then at 2:30, be prepared to start
4 opening statements?

5 THE COURT: If we can.

6 MS. GASSER: Yes, Your Honor.

7 THE COURT: I know we won't be exactly time wise, but
8 we should be close to it.

9 (WHEREUPON, a lunch break was taken.)

10 (WHEREUPON, Court's Exhibit Nos. 2 and 3 were marked
11 for identification.)

12 THE COURT: Let's go back on the record in the State
13 vs. Jasmine Liz Marie Robinson. Both parties are present,
14 along with the Defendant.

15 It's my understanding, Counsel, we're going to move
16 forward with the Jackson vs. Denno right quickly.

17 MS. GASSER: Yes, Your Honor.

18 THE COURT: All right. Call your first witness.

19 MS. GASSER: The State calls Investigator Shannon
20 McHale.

21 THE COURT: Do you want to swear her in, Madam Clerk?

22 THE CLERK: Please raise your right hand.

23 WHEREUPON,

24 SHANNON MCHALE

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 You may be seated.

3 And state your full name for the record.

4 THE WITNESS: Shannon McHale.

5 DIRECT EXAMINATION

6 BY MS. GASSER:

7 Q Good afternoon, Investigator McHale.

8 Will you, please, tell us where you're employed?

9 A At the Greenville County Sheriff's Office.

10 Q And how long have you been with the sheriff's office?

11 A Since July of 2015.

12 Q What is your position or your rank there?

13 A I'm currently an investigator with the homicide unit.

14 Q Can you tell us a little bit about your duties or
15 responsibilities as an investigator in that unit?

16 A We respond to -- any time we're notified of a death
17 investigation, we respond to the scene, or assist in
18 interviews that are brought to the law enforcement center,
19 or go out to see -- to help in locating evidence, doing
20 additional interviews, finding potential witnesses.

21 Q And were you involved in the investigation of a
22 homicide on November 6th, 2020?

23 A Yes.

24 Q And as part of that investigation, did you speak with
25 the Defendant, Jasmine Robinson?

1 A Yes.

2 Q And did you interview the Defendant on November 6th,
3 2020, at -- around 4:38 a.m.?

4 A Yes.

5 Q And how did you arrange this meeting?

6 A Jasmine had arrived at the law enforcement center
7 wishing to speak about the incident. We brought her to
8 our interview room at the CID office. And we spoke with
9 her.

10 Q So tell -- just for the Court, what does CID mean?

11 A Sorry. Criminal Investigations Division.

12 Q And did she speak -- did she agree to speak with you?

13 A Yes.

14 Q Did you advise her of her rights?

15 A Yes.

16 Q And how long after you first met Ms. Robinson did you
17 advise her of those rights?

18 A Within minutes.

19 Q And how did you advise her of her Miranda rights?

20 A We have a Miranda form. So we reviewed the Miranda
21 form. And we verbally went over every element of it.

22 Q I'm going to show you what's been pre-marked for
23 identification purposes as Court's Exhibit No. 2. Is this
24 the form that you used?

25 A Yes.

1 Q And how do you recognize that form?

2 A It has both my signature and handwriting on it.

3 Q And what time did this form get filled out?

4 A The form started --

5 Bless you.

6 Q Thank you.

7 A The form was marked as starting at 04:40 in the
8 morning and marked at being done at 04:45.

9 Q And I believe you already said this interview took
10 place at the CID?

11 A Yes.

12 Q Where is that located?

13 A So it's at the law enforcement center at 4 McGee
14 Street. The CID office is in -- or the interview room is
15 inside the Criminal Investigations Division office. It's
16 a special room specially used for interviews.

17 Q Was the Defendant seated or standing the entire time?

18 A Seated.

19 Q And was anyone else present during the interview?

20 A Investigator Elliott Turner, also, was present. He
21 would step out every once in a while.

22 Q Does this form list the Miranda rights that you
23 informed the Defendant of?

24 A Yes.

25 Q And what rights -- are those rights that you informed

1 her of?

2 A We advised her that she had -- that before any -- we
3 ask any questions, she had -- she must understood [sic]
4 her rights. That she had the right to remain silent.
5 That anything you say can be used against you in court.
6 You have the right to talk to a lawyer for advice before
7 we ask any questions, and to have him or her present
8 during questioning.

9 We advised her that if she did not have any money to
10 pay a lawyer's fee, the Court will appoint one to
11 represent her without cost, if she wished. And that if
12 she decided to answer questions now without a lawyer
13 present, she still had the right to stop answering at any
14 time. And that she, also, had the right to stop answering
15 until she spoke with a lawyer.

16 Q And did you review this form with the Defendant,
17 Jasmine Robinson?

18 A Yes.

19 MS. GASSER: Your Honor, at this time, the State
20 moves to enter Court's Exhibit No. 2 into evidence.

21 THE COURT: Any objection?

22 MR. HAMILTON: No objection from the Defendant.

23 THE COURT: All right. So entered without objection.
24 (WHEREUPON, Court's Exhibit No. 2 was admitted into
25 evidence.)

1 BY MS. GASSER:

2 Q So, Investigator McHale, did you make sure that the
3 Defendant understood her right?

4 A Yes.

5 Q And, in your opinion, did the Defendant understand
6 her rights?

7 A Yes.

8 Q Did she seem impaired in any way?

9 A No.

10 Q Did she appear alert and appear to understand
11 everything you were saying?

12 A Yes.

13 Q Were any threats or promises made to her?

14 A No.

15 Q Did -- was there any intimidation made upon her?

16 A No.

17 Q Was the Defendant's waiver of rights completely
18 voluntary?

19 A Yes.

20 Q And did the Defendant indicate to you that she would
21 speak with you?

22 A Yes.

23 Q If the Defendant had said that she did not want to
24 speak with you, what would you have done?

25 A We wouldn't have questioned her.

1 Q And how long did you speak with the Defendant?

2 A Oh, I spoke with her for close to an hour and a half.

3 Q And did the Defendant ever ask for an attorney during
4 your part of the interview?

5 A No.

6 Q Did the Defendant ever ask to leave the room?

7 A After our interview, later on, she asked to go to the
8 restroom, which we arranged. And she was escorted to a
9 restroom with a female officer.

10 Q So when you say, after your interview, what is that
11 in reference to?

12 A So my direct line of questioning and the vast
13 majority of our interview was an hour and a half long.
14 After that, she -- and our interview was completed. She
15 remained in the interview room for forensics to execute --
16 to -- for a search warrant for her person to be executed
17 by forensics and for any additional legal documents to
18 be --

19 Q So your interview concluded at about an hour and a
20 half?

21 A Yes.

22 Q But she remained in the audio-video recorded room
23 after that?

24 A Yes.

25 Q But you didn't have any other interview questions for

1 her at that time?

2 A Correct.

3 Q Okay. Did the Defendant have anyone -- or ask to
4 have anybody with her during the interview?

5 A No.

6 Q To the best of your knowledge, was her statement made
7 freely and voluntarily?

8 A Yes.

9 Q Was her statement recorded by video?

10 A Video and audio.

11 Q And did you tell her she was being recorded?

12 A She was not directly advised of that. We didn't -- I
13 didn't have my tape recorder present in front of her.

14 Q And when you say it wasn't in front of her, where was
15 it in relation to her?

16 A It was on the desk between myself and her.

17 Q Was anything obstructing the view of that tape
18 recorder?

19 A Not to my belief.

20 Q I'm showing you what's been pre-marked for
21 identification purposes as Court's Exhibit No. 3. Do you
22 know what that is?

23 A It's a copy -- a copy of the video-audio recording of
24 our interview.

25 Q And how do you know what that is?

1 A I reviewed it and initialled it.

2 Q And does that fairly and accurately depict the
3 interview of the Defendant on November 6th, 2020?

4 A Yes.

5 Q Has it been altered in any way?

6 A No.

7 Q Was anything added or deleted from this interview?

8 A From the interview, no.

9 MS. GASSER: Your Honor, at this time, the State
10 moves to enter Court's Exhibit No. 3 into evidence.

11 THE COURT: Any objection?

12 MR. HAMILTON: I just -- is that a video or audio?

13 THE WITNESS: It's a video with -- it's -- it's a
14 video. It has noise. So I say video audio. So it's not
15 like -- it's a full video.

16 MR. HAMILTON: Your Honor, I object. I only have an
17 audio. I have never seen a video.

18 THE COURT: What's the nature of the objection?

19 MR. HAMILTON: Just that -- I just object --

20 THE COURT: You've -- you've not -- you've not
21 reviewed the video?

22 MR. HAMILTON: I haven't seen a video.

23 THE COURT: You've -- you've seen -- you've heard an
24 audio?

25 MR. HAMILTON: I heard the audio.

1 THE COURT: All right. Are you going to publish it,
2 Ms. Gazer?

3 MS. GASSER: Your Honor, not at this time.

4 Additionally, I do have the indication of the USB
5 that we personally burned for Defense Counsel that has the
6 Robinson interview on it.

7 THE COURT: Did you get that, Mr. Hamilton?

8 MR. HAMILTON: I do -- I do have it.

9 THE COURT: Okay. So --

10 MS. GASSER: Defense Counsel is in receipt of this
11 video, in addition to the audio recording.

12 THE COURT: You -- you've got it, Mr. Hamilton?

13 MR. HAMILTON: Yes, Your Honor.

14 THE COURT: All right. So that's without objection?

15 MR. HAMILTON: Without objection.

16 THE COURT: So entered without objection. It will be
17 State's Exhibit No. 2?

18 MS. GASSER: Court's Exhibit No. 3.

19 THE COURT: Court Exhibit No. 3.

20 MS. GASSER: Thank you, Your Honor.

21 (WHEREUPON, Court's Exhibit No. 3 was admitted into
22 evidence.)

23 THE COURT: Court's Exhibit No. 1 was the letter from
24 Prisma?

25 MS. GASSER: Yes, Your Honor.

1 THE COURT: Got you.

2 BY MS. GASSER:

3 Q Was the Defendant under arrest during this interview,
4 Investigator McHale?

5 A She was not free to leave. She was handcuffed. She
6 was not -- a former warrant -- formal warrant had not been
7 issued, though.

8 Q Was she handcuffed during the entirety of the
9 interview?

10 A She was in handcuffs when she was brought in. I
11 spent the first two minutes of our interaction removing
12 handcuffs before asking her any questions.

13 Q And what did the Defendant say?

14 A That she wished to discuss what happened.

15 Q And what did she tell you happened?

16 A So Ms. Robinson advised that on November 5th, she had
17 gone to work -- actually, I apologize. She had first
18 recounted back on information between her and the victim
19 stating that she and the victim had been in a relationship
20 for approximately nine years. They had recently gone
21 through a rough patch. And he was in the process of
22 moving out.

23 On November 5th, she had gone to work that day.
24 However, her company had cut hours and had released her
25 early. So she went home to her residence, ate, and then

1 went to the Spinx nearby to get a Black & Mild.

2 While she was there, which would have been
3 November 6th, shortly after midnight, she saw the victim
4 in a vehicle she had purchased that he drove. And she saw
5 him with another woman in the car.

6 She stated she contacted him via phone. He denied
7 anyone being present with him in the car. She stated
8 she -- he drove out of the Spinx towards the incident
9 location. She followed behind him.

10 At which point while she was behind him, the victim
11 put his car in park. She -- in the roadway. She stated
12 she as well put her car in park, reached over and removed
13 her firearm from the glove compartment. She said she did
14 this with the intention of scaring him.

15 She then approached the driver's side door and put
16 the firearm in her left hand. She stated that with the
17 firearm in her left hand, she struck the front driver's
18 side window with the butt of the gun. And that the gun
19 then went off and struck -- and struck him.

20 She denied ask -- calling for help, checking on
21 her -- him in any way. She stated she just drove to her
22 father's house. And then from there, she was advised --
23 her cousin drove her to the law enforcement center.

24 Q And was the Defendant placed under arrest after
25 giving this statement?

1 A Yes.

2 Q Was she served with the warrants?

3 A Yes.

4 MS. GASSER: Your Honor, I have no further questions.

5 THE COURT: Cross-examination.

6 MR. HAMILTON: No questions, Your Honor.

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

8 You can step down.

9 THE WITNESS: Thank you.

10 THE COURT: This witness can be excused, or do y'all
11 need her for further testimony?

12 MS. GASSER: Your Honor, I'd ask that this witness be
13 allowed to --

14 THE COURT: Remain?

15 MS. GASSER: She's still under subpoena. However, I
16 ask that she be allowed to leave for purposes -- for the
17 day. The State does not intend on calling her --

18 THE COURT: All right.

19 MS. GASSER: -- as a witness today.

20 THE COURT: All right. Any objection, Mr. Hamilton?

21 MR. HAMILTON: No objection, Your Honor.

22 I would -- it appears that I misunderstood her
23 testimony that she's not going to be called any further in
24 this case.

25 THE COURT: You're asking me?

1 MR. HAMILTON: That's what I'm --

2 MS. GASSER: Your Honor --

3 MR. HAMILTON: I do --

4 THE COURT: Hold on. Let her --

5 MR. HAMILTON: I do want to go back to my opportunity
6 to ask her some questions, Judge.

7 THE COURT: Do you want me to put her back on the
8 stand?

9 MR. HAMILTON: Please, Judge.

10 THE COURT: Okay. Come on back to the stand.

11 Make sure you ask all the questions you need to ask
12 her now while she's here.

13 MR. HAMILTON: And if I can have one second.

14 (Pause.)

15 CROSS-EXAMINATION

16 BY MR. HAMILTON:

17 Q Shannon, what's your last name?

18 A McHale.

19 Q McHale. Okay. When you first met Jasmine, you
20 guys -- you met in the law enforcement center. And did
21 you have a conversation with her in the hallway as y'all
22 walked up to the interview room? You did -- that did
23 occur, didn't it?

24 A If it was, generally, it's, Are you okay? It's, Did
25 you find the place okay? Something along those lines.

1 Q Right.

2 A It wouldn't have been anything as far as an
3 interrogation.

4 Q And then -- but that wasn't recorded?

5 A Correct.

6 Q All right. And then it was -- you didn't ask her any
7 questions. Did she volunteer any information?

8 A To my knowledge, during the hallway walking her up, I
9 don't recall.

10 Q Do you recall her volunteering what happened and how
11 she had just got off from work and hadn't been -- had been
12 to work and got off work early? Did -- was that
13 conversation under the -- not recorded?

14 A She spoke about that in the interview room, which was
15 recorded.

16 Q Okay. And then on the way up, did she say the -- the
17 gun was jammed and the bullet was in the cup holder on the
18 way up?

19 A I don't --

20 THE COURT: Hold -- hold on.

21 MS. GASSER: Your Honor, premature. I apologize.

22 THE COURT: Go ahead, Mr. Hamilton.

23 (WHEREUPON, there was no response.)

24 THE COURT: You can go ahead.

25 THE WITNESS: Oh, okay. I don't recall during the

1 walk up. But we did discuss that in the interview room.

2 BY MR. HAMILTON:

3 Q Right. And did she -- did -- did -- was it in the
4 interview room when she -- she said that -- she
5 confessed -- I mean, not confessed, but said what she did
6 about the shooting; is that correct?

7 A She recounted the incident.

8 Q Right. And did -- and then her intent was -- she
9 told you that she did not mean to do that. That -- that's
10 on the recording part?

11 A Yes. She stated that -- what happened and that -- to
12 her -- what she stated was it was an accident.

13 Q It was an accident?

14 A Yes.

15 Q And -- and then she used the word, I didn't mean to
16 do that; is that correct?

17 A I'd have to review it to confirm.

18 THE COURT: All right.

19 MS. GASSER: Objection, Your Honor. I believe
20 we've -- I've -- I've tried to give some latitude. I
21 believe we've gone --

22 THE COURT: It's outside -- it's outside the scope
23 of --

24 MS. GASSER: -- Jackson vs. Denno --

25 THE COURT: -- Jackson vs. Denno --

1 MS. GASSER: -- just to determine the voluntariness --

2 THE COURT: -- it's not -- it's not the trial of the
3 case during this particular motion. The motion is to
4 determine the voluntariness of the -- of the statement
5 given.

6 MR. HAMILTON: The voluntary [sic] of the statement.

7 THE COURT: Right. That's what --

8 MR. HAMILTON: Okay. And -- well, in that regard
9 then, Your Honor, I have no further questions.

10 THE COURT: Okay. Any other questions, Ms. Gazer?

11 MS. GASSER: No, Your Honor.

12 THE COURT: All right. Ma'am, you can step down.

13 THE WITNESS: Thank you.

14 THE COURT: I'll let her be excused for the day. And
15 she can come back, if need be.

16 MS. GASSER: Yes, Your Honor.

17 Thank you.

18 THE COURT: All right. Any other witnesses as it
19 relates to the Jackson vs. Denno motion?

20 MS. GASSER: No, Your Honor.

21 THE COURT: All right. Give me a 30-second summation
22 Ms. Gazer and state your position. And I'll give
23 Mr. Hamilton a 30 second opportunity to tell me the
24 Defense's position before I rule on the admissibility of
25 the motion -- of the statement.

1 MS. GASSER: Yes, Your Honor.

2 May it please the Court.

3 The State's position is that her audio-video recorded
4 statement was given voluntarily, freely, without any
5 objection by the Defendant on the day in question,
6 November 6th, 2020, around 4:38 a.m.

7 She presented herself to law enforcement advising
8 that she wished to speak with investigators. They did go
9 through the Miranda form, which is now Court's Exhibit No.
10 2, which she signed. And in that audio-video recorded
11 statement, she did read back and agree to, as indicated by
12 going over it with Investigator McHale, which she just
13 testified.

14 Additionally, Your Honor, she continued with
15 questioning by the investigators and answered all of their
16 questions for approximately an hour and a half, per
17 Investigator McHale's timeline. At no point did she
18 request someone else to be present with her, for them to
19 stop, for her to use the restroom or get water during that
20 initial hour and a half, nor did she request an attorney.

21 It is the State's position that this interview was
22 completely voluntarily given. And it does meet the
23 requirements of Jackson vs. Denno.

24 THE COURT: Thank you, ma'am.

25 Mr. Hamilton.

1 MR. HAMILTON: No -- no objection. No further
2 questions with the presentation.

3 THE COURT: All right. So I'm assuming that you do
4 not have any objection regarding the voluntariness of the
5 statement set forth -- the parameters and -- being set
6 forth in Jackson vs. Denno. Both -- Counsel on both sides
7 are familiar with what's required under that case.

8 So I'm assuming, Mr. Hamilton, that you're in full
9 agreement that the statement given by the Defendant was
10 freely and voluntarily given, and you have no objection to
11 the introduction of the audio or slash video portion of
12 that statement. Am I correct?

13 MR. HAMILTON: No objection, Your Honor.

14 THE COURT: Okay. It's so -- so admitted.

15 All right. Any -- any other motions that the Court
16 needs to deal with at this time?

17 MS. GASSER: None from the State, Your Honor.

18 THE COURT: All right. Before we bring in the jury
19 and get the jury sworn, Mr. Hamilton, any objections that
20 you've asserted up to this point is preserved for the
21 record.

22 MR. HAMILTON: Yes, Your Honor. We would renew our
23 objections.

24 THE COURT: All right. And it's observed --
25 preserved -- preserved for the record.

1 All right. We're going to bring the jury in.

2 Go ahead and bring the jury in.

3 I am assuming that -- that you got with all the
4 people in the courtroom and you've got it worked out,
5 those sequestration issues?

6 MS. SCOTT: Yes, Your Honor. We've got everybody
7 sequestered. I checked.

8 THE COURT: All right. These are just observers?

9 MS. SCOTT: Yes, Your Honor. We're good.

10 THE COURT: Everybody on both sides is just
11 observing; is that correct?

12 (WHEREUPON, there was no verbal response.)

13 THE COURT: All right. I, typically, do not allow --
14 Counsel, I, typically, do not allow note taking on this
15 kind of case. I think they would be okay without note
16 taking.

17 Both sides are okay with that?

18 MS. GASSER: Yes, Your Honor.

19 MR. HAMILTON: No -- no objection.

20 THE COURT: All right.

21 (WHEREUPON, the jury came into open court at
22 approximately 2:55 p.m.)

23 THE COURT: All right. Ladies and gentlemen, of the
24 jury, we're going to -- I'm going to defer to Madam Clerk.
25 She's going to swear you in.

1 Madam Clerk.

2 THE CLERK: Okay. If you'd, please, stand and raise
3 your right hand. The correct response to this oath will
4 be, "I will."

5 (WHEREUPON, the jury was sworn at approximately
6 2:56 p.m.)

7 THE CLERK: Thank you.

8 INTRODUCTORY REMARKS

9 THE COURT: All right. Ladies and gentlemen of the
10 jury, I am going to -- before we commence this trial, I am
11 going to speak with you about some matters that I want you
12 to pay very close attention to. But before I do that, I
13 want to say this, that all of you took an oath to -- to
14 listen to the evidence presented on both sides.

15 I, also, want you to do one thing for me, not
16 necessarily for the Court, but for the State, as well as
17 the Defendant. Pay attention. Be focused on this. For
18 the next -- for the length of this trial, I want you to
19 the focus on nothing but the evidence and testimony
20 presented. I think the State would like you to do that.
21 The Defense would like you to do that. And, certainly,
22 the Court would you like you to do that. So if you'll do
23 that for me, please, ma'am, and, please, sir.

24 All right. What I intend to now -- intend to say to
25 you is -- is -- these remarks are not a charge on the law

1 of the case. Because I'm going to tell you what the law
2 of the case is at the end of the case.

3 Because, remember, I said a few minutes ago when I
4 had all the panel in here, I said that there were two
5 judges in the court -- case -- courtroom. There was the
6 judge of the law and the judge of the facts. I am the
7 judge of the law. I knew absolutely nothing about this
8 case, until I walked in here this morning.

9 You are the judge of the facts, which means that you
10 determine the credibility and viability of the facts that
11 are presented to you. And I'm going to talk to you a
12 little bit about that in just a second.

13 I will instruct you on the law applicable to this
14 case at the end of the trial before you retire to consider
15 your verdict. This is merely an explanation of the
16 procedure that we will follow in the trial of the case so
17 you may better understand what's happening. That's what
18 I'm doing right now.

19 I already told you what this Defendant is charged
20 with. And I, also, said to you when you were sitting out
21 there that the indictment is simply the charge, the ticket
22 by which this matter comes before me and the Court. It is
23 not in any sense evidence of any of the allegations
24 contained. The Defendant has pled not guilty to these --
25 both of these indictments.

1 The State, therefore, has the absolute burden of
2 proving each of the elements of the indictment beyond a
3 reasonable doubt. In other words, the offenses upon which
4 the Defendant is charged, the State has the burden of
5 proving each element of the offense. And I will tell you
6 what those elements are as we move forward. And I'm sure
7 Counsel will as well during their presentation.

8 Your, purpose as jurors, is to find and determine the
9 facts. You are to determine the facts from the testimony
10 you hear and the other evidence introduced in court. It
11 is up to you to determine the inferences you may feel are
12 properly drawn from the evidence.

13 Evidence is going to take two forms. As a matter of
14 fact, in this case, it may take three different forms.
15 Evidence is going to be testimony that witnesses get on
16 this witness stand and give to you. You may be presented
17 evidence in the terms of documents, photographs, sketches,
18 anything of those [sic] nature. All of that's considered
19 evidence.

20 Now, even though you may have a witness sitting in
21 this witness box and then you may have a photograph, or a
22 sketch, or whatever, your determination as to the
23 credibility of that evidence is the same. In other words,
24 you determine whether you believe what a witness says,
25 some of what a witness says, or none of what a witness

1 says.

2 You can look at these documents, which is, also,
3 considered evidence, and you can attach whatever
4 credibility that you determine is proper to that evidence
5 that's presented to you. So you use the same
6 determination in determining credibility of evidence
7 whether or not the evidence comes from this witness stand
8 or it comes in another matter. You determine the
9 credibility.

10 It is especially important that you perform your duty
11 of determining the facts diligently and conscientiously.
12 Because ordinarily, there's no way to correct an erroneous
13 determination by the facts of the jury. And that's why
14 you've got to pay attention.

15 On the other hand and with equal emphasis, the same
16 law that makes you the judge of the facts, as I said,
17 makes me the judge of the law. You must accept and follow
18 the law as -- as I give it to you. And you may -- you
19 may -- you can't disagree with it. But you must follow
20 the law as I give it to you. And I will give that to you
21 at the end of the case. Your job is to take the law as I
22 give it to you. The testimony and other -- of these
23 witnesses and other evidence is introduced. After doing
24 that, you'll render a verdict after considering the
25 evidence that's presented to you.

1 You may -- you may hear from time to time, lawyers
2 may object to something that's presented. I may -- from
3 time to time, I may have to send you, Madam Forelady, and
4 the jury, to your jury room so I can consider the matter
5 of law that's presented to me. And that objection will be
6 raised. And I will take care of it at that point.

7 Now, in a few minutes, the Solicitor will make what
8 is an opening statement. The opening statement is not
9 the -- considered evidence. The opening statement is
10 what the State intends to prove. In other words, what
11 road does the State intend to drive down to show you where
12 this goes? That's the -- the State's going to navigate
13 that. They're going to tell you that in their opening
14 statement.

15 And then after all the evidence has been presented to
16 you, then at the end, you will, also, hear Counsel from
17 the State give you what is called a closing statement. In
18 other words, after having heard all the evidence, received
19 all the evidence, what does the State think the evidence
20 shows? And they will give you a closing statement.

21 Now, the same opportunity is before the Defense. The
22 Defense -- after the State gives an opening statement, the
23 Defense will have an opportunity to do the same exact
24 thing, to tell you what road is going to be traveled in
25 terms of the evidence -- or potential evidence that's

1 going to be presented as it relates to the -- to the
2 Defendant.

3 But the -- the burden in the case -- in a criminal
4 case is -- always lies on the shoulders of the State to
5 prove every element of the offense charged beyond a
6 reasonable doubt.

7 I will not say anything or do anything that would
8 give any impression that I have an opinion regarding the
9 facts of the case. If you determine that -- that -- that
10 my eyes twitch because I had something in it and you're
11 going to attach that I got something to do with this case,
12 do not make that assessment. I don't have nothing to do
13 with the case. You are the judge of the facts. So don't
14 assume anything about that.

15 Now, there is -- there are two types of evidence that
16 may be presented in this case. I don't know. There's
17 direct evidence and then there is circumstantial evidence.
18 And I will tell you the difference between the two, if
19 that is applicable at the end of the case.

20 The State's ready to proceed?

21 MS. GASSER: Yes, Your Honor.

22 THE COURT: The Defendant is ready to proceed?

23 MR. HAMILTON: The Defense is ready to proceed,
24 Judge.

25 THE COURT: All right. We'll have opening statements

1 by you, Counsel, Ms. Gazer -- Glazer.

2 OPENING STATEMENTS

3 MS. GASSER: May it please the Court.

4 Jasmine Robinson never stopped. This case is all
5 about fear, the fear that this Defendant caused a young
6 couple who were just trying to get home one night. It's
7 the fear and terror that she caused them when she chased
8 them from a gas station parking lot on the way back to his
9 mom's house. And, finally, it's the fear and terror when
10 she shot a gun at the vehicle and then pointed a gun at
11 the surviving witness.

12 This is a case about a couple that was terrorized and
13 destroyed by her actions. And now, there are two families
14 who are completely devastated by her choice. The
15 Defendant never stopped.

16 On November 6th of 2020, Desmond Parks and Patience
17 Parks -- they do share the same last name, but they were
18 not married -- they were in a new relationship. They had
19 gone to the Spinx around the corner from Desmond's mom's
20 house, Miss Tammy. You'll hear from her.

21 They were running out to the gas station when they
22 pulled in. They didn't even get out of the car when the
23 Defendant saw Desmond with someone in his passenger seat.
24 The Defendant is an ex-girlfriend of his.

25 They saw her and left immediately. They didn't get

1 out of the car. They didn't stop at the pump. They
2 didn't go inside. They left immediately.

3 How do we know this? It was captured on surveillance
4 video. You will hear from the custodian of those records.
5 You will see that video. You will watch as this Defendant
6 didn't stop. She saw them and immediately pulled out
7 after them aggressively following them. She could have
8 stopped right there. She didn't.

9 Instead, she continued following them on to Old
10 Easley Bridge Road, which was the route back to Desmond's
11 mom's house. She could have stopped. She could have
12 taken a fork in the road, gone to her apartment. You'll
13 see where she was living at the time in comparison.

14 Ladies and gentlemen, she didn't stop. She continued
15 not taking that fork in the road. And instead, when
16 Desmond realized -- because he was on the phone with her,
17 which you will, also, see through phone records -- that
18 she wasn't going to stop, well, he stopped. He didn't
19 want her chasing them back to his mom's house.

20 And at that point, Jasmine Robinson had another time
21 to stop, but she didn't. She reached into her glove box.
22 She grabbed her gun. She walked up to that car and shot
23 at it with Desmond Parks in the driver's seat and Patience
24 Parks in the passenger seat.

25 The bullet went through the back driver's side

1 passenger window striking Desmond Parks in the back of the
2 head. He died. But still, the Defendant didn't stop.
3 She walked up to that driver's door, opened it, saw what
4 she did, pointed that gun at Patience Parks. She still
5 didn't stop. She pulled the trigger.

6 By some miracle, the gun didn't go off. And it's at
7 that time that the Defendant walked away and left the
8 scene. The Defendant had multiple times to stop, and she
9 didn't. She was never going to stop. This case is about
10 fear and terror, how she was never going to stop.

11 My name is Megan Gasser. And I, along with my
12 co-counsel, Brittany Scott, we're assistant solicitors
13 with the Greenville County Solicitor's Office. It's our
14 job to bring you evidence, evidence that will prove beyond
15 a reasonable doubt that this Defendant committed murder
16 and attempted murder while possessing a weapon during a
17 violent crime.

18 Now, the Judge is going to instruct you on the law at
19 the end of this case. And he is the law. But I want you
20 to just think about some of the basic elements as we
21 proceed, and you hear testimony, and you see evidence.

22 So then when you're in your deliberations and you get
23 to talk about that testimony and you get to look at that
24 evidence again, I want you to think about these -- these
25 elements. She is charged with murder. Murder is the

1 killing of someone with malice aforethought. Jasmine
2 Robinson killed Desmond Parks when she chased him down out
3 of the Spinx gas station parking lot and shot at his car,
4 killing him.

5 She is, also, charged with attempted murder. That is
6 the specific intent to kill someone. She is charged with
7 this with Patience Parks. Because, again, by some
8 miracle, Patience is still here because that gun didn't go
9 off. She had the specific intent to kill when she pointed
10 that gun at Patience Parks and pulled the trigger.

11 And, finally, she is charged with possession of a
12 weapon during a violent crime. That speaks for itself.
13 Murder is a violent crime. And she possessed a handgun
14 while committing that crime.

15 Remember through the course of this trial to keep
16 your eyes and your ears open. The Defense may try to
17 confuse you, distract you, send you down little rabbit
18 holes -- little rabbit trails. But your job, which is the
19 most important job, is to see all the evidence, and to use
20 a clear mind, and to use common sense to come to a just
21 verdict.

22 You will, first, hear from some technical witnesses.
23 These are witnesses that are -- they're sole purpose is to
24 lay the foundation for evidence. You'll hear from some of
25 them today. This includes things like the 911 calls.

1 This, also, includes things like Ring doorbell footage or
2 the Spinx camera footage.

3 But you are, also, going to hear from lay witnesses
4 or witnesses that are going to provide testimony from this
5 stand. It may not be a disk, or a piece of paper, or
6 something physical for you to touch. But it is evidence
7 all the same.

8 And you are going to hear from the sole surviving
9 eyewitness in this case, Patience Parks. You are going to
10 hear how on the night of November 6th, 2020, she was
11 chased, terrorized. And she is going to tell you in her
12 own words what she saw, heard, felt, and how this has
13 impacted her life.

14 I want to thank you for your time and your patience.
15 I understand that this is probably not what anyone of you
16 wanted to do this week, what any of you expected to do, or
17 to hear.

18 But I really want to thank you for your attention.
19 Because your job is the most important. You are the fact
20 finders. And without you, this justice system wouldn't
21 work. Keeping your eyes and ears open, keeping a clear
22 head, using your common sense, I hope that you come to the
23 clear result.

24 The Defendant never stopped. She was never going to
25 stop. And I ask at the -- at the end of this trial, you

1 find her guilty of murder, attempted murder, and
2 possession of a weapon during a violent crime.

3 Thank you.

4 THE COURT: Mr. Hamilton.

5 (WHEREUPON, there was no response.)

6 THE COURT: Mr. Hamilton.

7 MR. HAMILTON: May it please the Court.

8 THE COURT: Yes, sir.

9 MR. HAMILTON: Madam Prosecutor, Counsel.

10 Ladies and gentlemen of the jury, again, my name is
11 Ernie Hamilton. And I represent Jasmine Robinson.

12 It is my task during this opening statement to give
13 you an overview of just why you have been assembled to
14 hear this case. The Judge called it a road map. And I'm
15 asking you to do as he asked you to do, listen and buckle
16 up for this road drive.

17 My client turned herself in. She turned herself in
18 to the sheriff's department while they was out there
19 investigating. And then they got a call that the woman
20 that everybody is talking about is already down here at
21 the law enforcement center. And she told them everything.

22 She -- she turned herself into the sheriff's office
23 after she committed an act she believed killed her
24 soulmate, her soulmate. I think I -- she didn't know
25 exactly what had happened. But she did talk to them. And

1 she told them everything she did. My -- my client gave a
2 complete statement detailing as much as she knowed
3 happened -- that happened on November the 6th, 2020.

4 She had a man. She had a man that she was not
5 married to. That in years past in South Carolina, that
6 relationship would have been -- it's over 10 years. They
7 would have been common law. Common law's not recognized
8 anymore. But that was her man. And they were married in
9 the old time way. And there was an appearance of an all
10 American family. She had a good job, too. And both of
11 them had children, not together. But they had been
12 together.

13 But the testimony and evidence will show a happy home
14 is not to last long as life is life. And demonic factors
15 creeped into their family by a home wrecker. A common law
16 marriage, a home wrecker. It is our theory that Jasmine
17 was provoked by the home wrecker.

18 We admit that there are unfavorable facts,
19 unfavorable facts that the State will attempt to prove.
20 One unfavorable fact is more of a strategy of mine, the
21 lawyer. Jasmine has said this was an accident. She told
22 them that she could have -- I know I did something. And
23 it was an accident. I didn't mean to. That's what is on
24 tape. Jasmine has said it was an accident.

25 But what I'm asking you is don't sit there -- you,

1 obviously, are going to sit there and -- and wait for the
2 time that she may take the stand and you'll hear from her.
3 She's told it already. She's told it already what
4 happened. And she believes it was an accident. And she
5 may have to testify. But she's told you.

6 And another theory we have in this case is that the
7 inherent inconsistent comments made and the evidence to be
8 shown -- it would be seen by you as simply implausible.
9 And maybe I shouldn't just use that word, impossible. How
10 in the world could it happen the way she said it happened?
11 How in the world could something like that happen?

12 It is our theory that Jasmine Robinson is the victim
13 in this case. The evidence will show that -- my
14 questioning and examination of the prosecuting witness
15 that it is faulty, that the State will be -- will not be
16 able to prove their case beyond a reasonable doubt.
17 Beyond a reasonable doubt, not that they can prove
18 that she had a -- we admit we were out there and we did an
19 act. And someone was -- has died.

20 I expect the evidence will show a witness will have
21 trouble remembering that the crime scene was compromised,
22 compromised, something -- something happened, stuff there
23 that ain't supposed to be -- how did it get there? It's
24 compromised.

25 The witnesses are coached. What was said to have

1 happened did not -- could not -- did not happen the way it
2 was said. The issue along with the evidence will, also,
3 show that the witnesses was mistaken. Nobody
4 intentionally did it. They were mistaken. You make
5 mistakes.

6 And the horror of this event is the horror of the
7 story of a horrible accident. That issue along with
8 Jasmine having a gun on a public road makes no sense.
9 Accidents -- accidents can't make sense.

10 Thank you.

11 THE COURT: All right. Is the State ready to call
12 its first witness?

13 MS. GASSER: Yes, Your Honor. The State calls Quanda
14 Perry.

15 THE CLERK: Please come forward to the witness stand.
16 Pause at the bench.

17 Lay your left hand on the Bible and raise your right
18 hand.

19 WHEREUPON,

20 QUANDA PERRY,

21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You may be seated.

24 Please state your full name for the record.

25 THE WITNESS: Quanda Perry.

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Q Good afternoon, Ms. Perry.

A Greenville County Sheriff's Office.

A I do.

A Yes.

A Yes.

A I am the 911 tape research analyst. I conduct quality assurance for all emergency and non-emergency calls. And I fulfill tech requests for officers and the solicitor's office.

A Emergency and non-emergency calls.

Q And can you describe to the jury how 911 calls are

1 handled?

2 A Yes. When a 911 call comes into the 911 dispatch
3 center, it is answered by a communications specialist who
4 questions callers. They gather information and input that
5 information into our computer-aided dispatch system for
6 law enforcement, if they're needed. If another agency is
7 needed like EMS, or highway patrol, or another
8 municipality, the call is transferred to that agency.

9 Q And so how are these calls preserved? How do you
10 make sure they don't get messed up?

11 A They are stored on a -- they're stored on servers
12 with secure -- they're secure on servers --

13 Q Okay. Now, the storage -- I apologize. Now, the
14 storage of these calls on these servers, is that done in
15 the regular course of the business operations at the
16 sheriff's office?

17 A Yes.

18 Q And how long do y'all keep these recordings?

19 A We keep them for three or more years.

20 Q And are you considered the custodian of these calls?

21 A Yes.

22 Q And when prosecutor's like myself or investigators
23 need a copy of the call, how would we get one?

24 A They would send me a request. And once I receive the
25 request, I will do a CAD research on the call, which will

1 provide me the time and dates of the particular call that
2 they want.

3 Once I receive -- or once I've found the date and
4 time of the call, I will go into another system, which is
5 our Equator system, which will help me locate the audio of
6 the call. Once I've located the written report and the
7 audio, I'll download it to a drive -- a computer drive.
8 And I'll save it for the requestor.

9 Q And were you asked to retrieve any 911 calls in this
10 case?

11 A Yes.

12 Q And did you review the calls --

13 A Yes.

14 Q -- that you were asked to retrieve?

15 A Yes.

16 Q And did you pull and listen to the original
17 recordings of those calls at your office?

18 A Yes.

19 Q And did you confirm those calls on disks at my
20 office?

21 A Yes.

22 Q And were these those disks that you reviewed in my
23 office?

24 A Yes.

25 Q I am handing you what's been pre-marked as State's

1 Exhibit Nos. 1 and 2 for identification purposes only. Do
2 you recognize those items?

3 A Yes.

4 Q How do you recognize them?

5 A I've initialled and dated them.

6 Q And what do your initials and the date mean?

7 A It means that I listened to the calls and verified
8 that they are authentic and the correct recordings for
9 this particular case.

10 Q Now, have these calls been edited or redacted at all?

11 A The second CD was redacted to remove the second
12 caller's personal information.

13 Q But were these calls a fair and accurate depiction of
14 the 911 calls made in this case?

15 A Yes.

16 Q And who placed the calls on disk one? Did they give
17 a name?

18 A The first caller did not provide their name. The
19 second caller, as stated in the report, is Autumn Edwards.

20 Q And when were these calls made?

21 A Again, as stated on the report, the calls were made
22 on November 6th, 2020, at -- the first call was at 1:42.
23 And the second call was at 1:50.

24 MS. GASSER: Your Honor, at this time, the State
25 moves to enter State's Exhibit Nos. 1 and 2 into evidence.

1 THE COURT: All right. Any objection?

2 MR. HAMILTON: No objection.

3 THE COURT: All right. So entered without objection.

4 (WHEREUPON, State's Exhibit Nos. 1 and 2 were admitted
5 into evidence.)

6 MS. GASSER: And, Your Honor, permission to publish
7 these, State's Exhibit Nos. 1 and 2, for the jury.

8 THE COURT: Any objection?

9 MR. HAMILTON: No objection.

10 THE COURT: All right. So granted.

11 BY MS. GASSER:

12 Q Ms. Perry, just to remind the jury, on State's
13 Exhibit No. 1, did you just testify that the caller did
14 not give a name?

15 A Correct.

16 (WHEREUPON, State's Exhibit No. 1 was played in open
17 court.)

18 BY MS. GASSER:

19 Q Ms. Perry, can you just remind the jury, who was the
20 second caller listed as?

21 A The second caller is listed as Autumn Edwards.

22 Q And what time was this 911 call placed?

23 A It was -- it was placed at 1:50.

24 Q And the previous 911 call, the State's Exhibit No. 1,
25 what time was that call placed at?

1 A 1:42.

2 MS. GASSER: I beg the Court's indulgence, Your
3 Honor.

4 THE COURT: Yes, ma'am.

5 MS. GASSER: Your Honor, can we have the laptop
6 screen for the solicitor's dock?

7 THE COURT: All right.

8 MS. GASSER: Thank you.

9 (WHEREUPON, State's Exhibit No. 2 was played in open
10 court.)

11 MS. GASSER: I have no further questions, Ms. Perry.
12 Please answer any that Defense Counsel may have.

13 THE COURT: Cross-examination, Mr. Hamilton.

14 CROSS-EXAMINATION

15 BY MR. HAMILTON:

16 Q So has that tape been altered in any way?

17 A That second CD was redacted to remove the second
18 caller's personal information, her number.

19 Q And in that, Autumn Edwards said that the car was in
20 park. Was that altered in any way? That's the correct
21 statement she gave?

22 A Yes.

23 Q That the car was in park?

24 A Yes, as stated on the disk.

25 Q Okay. And that call came in about 1:50?

1 A Yes.

2 Q Okay. And then do you have any indication whether or
3 not Patience laid him flat on his back as instructed?
4 That -- that on the tape -- that was told to her to do;
5 right? Did that happen?

6 A As I heard, EMS was trying to guide her into getting
7 him on his back. I don't know if she was able to.

8 Q So -- so you're saying that at 1:42, EMS was there?

9 A EMS was on the phone, yes.

10 Q Okay. So they didn't -- they didn't get him on his
11 back?

12 A I don't know. We're not visually there.

13 Q On the phone, they got him on his back?

14 A I have no idea.

15 MR. HAMILTON: Thank you.

16 No further questions.

17 THE COURT: Any redirect?

18 MS. GASSER: Briefly, Your Honor.

19 REDIRECT EXAMINATION

20 BY MS. GASSER:

21 Q Ms. Perry, just to clarify, the witness stated on
22 there that she believed the car was in park, per the audio
23 we just heard and per the cross-examination question from
24 Defense Counsel?

25 A Yeah. She stated that she believed the car was in

1 park. She didn't know how.

2 Q And the -- the caller, also, stated that she was
3 inside her vehicle?

4 A The caller?

5 Q The -- Autumn Edwards on that audio recording that we
6 just heard, she stated --

7 A She stated that the victim was inside --

8 MR. HAMILTON: I --

9 THE COURT: Hold on. Hold on.

10 What's your objection? Do you have an objection?

11 MR. HAMILTON: Yes, Your Honor. She's answered the
12 question and --

13 THE COURT: I'm going to -- I'm going to overrule
14 your objection.

15 Go ahead and answer the question.

16 THE WITNESS: The victim was inside the vehicle, per
17 my understanding.

18 MS. GASSER: Thank you.

19 THE COURT: All right. Anything on recross,
20 Mr. Hamilton?

21 MR. HAMILTON: Nothing.

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

23 You can step down.

24 Can this witness be excused?

25 MS. GASSER: Yes, Your Honor. We ask that she be

1 released from her subpoena.

2 THE COURT: Any objection, Mr. Hamilton?

3 MR. HAMILTON: No objection, Judge.

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

5 All right. The State call its next witness.

6 MS. GASSER: The State calls Chuck -- or Chuck Yates,
7 Your Honor.

8 THE CLERK: Please come this way. Pause at the
9 bench, please.

10 Lay your left hand on the Bible and raise your right
11 hand.

12 WHEREUPON,

13 CHARLES YATES,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Thank you.

16 You may be seated.

17 Please state your full name for the record.

18 THE WITNESS: Charles Yates.

19 DIRECT EXAMINATION

20 BY MS. GASSER:

21 Q Good afternoon, Mr. Yates.

22 A Good afternoon.

23 Q Can you tell the jury where you're employed?

24 A Yes, with the Spinx Corporation.

25 Q And how long have you been with Spinx?

1 A Six years.

2 Q And what is your title or position there?

3 A I'm the corporate risk manager.

4 Q And can you tell the jury what does that mean, your
5 duties and responsibilities?

6 A I am over the safety and security of the stores, the
7 operations, basically, any liability issue, or anything
8 safety in nature.

9 Q And was that your same position in November of 2020?

10 A Yes, ma'am.

11 Q And, specifically, on November 6th, 2020?

12 A Yes, ma'am.

13 Q And will you tell the jury a little bit about the
14 surveillance video systems that Spinx gas station uses?

15 A Yes. In 2020, we were using a system called 3xLOGIC.
16 It basically -- we had cameras at two different times,
17 analog and digital. And we were using those going to a
18 DVR in the stores, and then from the DVR back to the
19 corporate servers at the corporate office.

20 Q All right. So analog and digital, can you tell us
21 the difference between those?

22 A It's bandwidth for your high def or -- or standard,
23 kind of like a VCR versus a DVR.

24 Q And how many of those cameras did each store have?

25 A Typically, 40 to 45.

1 Q Was that inside the store, outside the store? Where
2 were those located?

3 A Both. Basically, our philosophy's been if you're on
4 our property, you have a camera on you.

5 Q And are those shot in black and white, or color?

6 A Both.

7 Q And did they have audio?

8 A Inside the store, yes, ma'am.

9 Q But outside?

10 A No, ma'am.

11 Q And you said that they get sent to a DVR system?

12 A Yes, ma'am.

13 Q Is that so that -- is that at your corporate
14 headquarters?

15 A The DVR system's, actually, at the store. And then
16 at the corporate office, we can, actually, dial into the
17 DVR.

18 Q Okay. And that DVR system at the store, how long is
19 it kept at the -- on the store's DVR system?

20 A Typically, 30 to 45 days.

21 Q And when y'all tap into it from the corporate office,
22 how long are those stored then on your server?

23 A We can put them on a cloud server and keep them
24 indefinitely.

25 Q And were you asked to capture the cameras for

1 November 6th, 2020, at a specific Spinx gas station?

2 A Yes, ma'am.

3 Q Was that request from law enforcement?

4 A Yes, ma'am.

5 Q And were these systems used at every Spinx in
6 November of 2020?

7 A Yes, ma'am. We shortly thereafter started the
8 transitional of an upgrade. But at that time, yes.

9 Q And talk to us a little bit about editing. Can
10 someone edit these videos once they're filmed?

11 A Not with the 3xLOGIC system, no, ma'am.

12 Q So someone at the store, say, a cashier, can they go
13 in and change the footage?

14 A No, ma'am.

15 Q And so then at corporate, can you or someone at
16 corporate go in and change or alter the footage?

17 A No, ma'am.

18 Q And have you reviewed the surveillance footage from
19 the 3815 White Horse Road Spinx for November 6th, 2020?

20 A Yes, ma'am, I have.

21 Q Specifically, the cameras from 1:00 to 2:00 a.m.?

22 A Yes, ma'am.

23 Q And have you reviewed State's Exhibit No. 3?

24 A Yes, ma'am.

25 Q I'm now handing up what's been pre-marked for

1 identification purposes as State's Exhibit No. 3. So is
2 that a disk that you have reviewed previously?

3 A Yes, ma'am. It has my initials on it.

4 Q So what do your initials indicate?

5 A That I have reviewed it. And it is Spinx.

6 Q And is that a true and accurate copy of some of the
7 surveillance footage from that Spinx located at 3815 White
8 Horse Road?

9 A Yes, ma'am, it is.

10 Q Is that the surveillance footage that you provided to
11 law enforcement in this case?

12 A Yes, ma'am.

13 Q And have you -- and you said that you've reviewed
14 that specific disk; correct?

15 A Yes, ma'am.

16 Q And can you tell the jury a little bit about what
17 that disk contains?

18 A It's outside views. One of them's looking toward the
19 car wash. There some other frontal views, and stuff. But
20 it's, basically, the outside cameras.

21 Q And has it been clipped in accordance with the
22 relevant information in this case?

23 A Yes, ma'am.

24 MS. GASSER: Your Honor, at this time, the State
25 moves to admit State's Exhibit No. 3 into evidence.

1 THE COURT: Any objection?

2 MR. HAMILTON: I haven't seen -- I don't know if it's
3 the same date that I have. But I've seen three different
4 tapes of surveillance from Spinx. And I don't know which
5 one this is.

6 THE COURT: All right. Are you -- do you want -- do
7 you want to cross-examine him? I mean, what do you want
8 to do?

9 Is this -- is this -- is this information --

10 MS. GASSER: Yes, Your Honor. All of the
11 surveillance footage camera angles were provided to
12 Defense Counsel in addition to the clipped portion.

13 THE COURT: All right.

14 MS. GASSER: As the witness has just testified, it is
15 clipped to follow relevant portions of this incident.

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, I'm going to send you to your jury room for just a
18 second.

19 Please, ma'am, please, sir, do not talk about the
20 case to each other. And I'll bring you back in shortly.
21 If you need a bathroom break, utilize this time to do that
22 as well.

23 (WHEREUPON, the jury was excused from open court at
24 approximately 3:48 p.m.)

25 THE COURT: Counsel, I don't -- I don't -- I prefer

1 not to have discovery disputes in front of the jury.
2 That's just not -- that's just not a good look. We're
3 talking about things -- discussions that both of you could
4 have had, discussions --

5 Mr. Hamilton, you could have had that discussion with
6 Counsel a long time ago. Why wait until the jury's here
7 then you're going to have that dispute, whether you saw
8 the video or not?

9 Didn't y'all -- the two of you exchange --

10 MR. HAMILTON: I saw a video. All I'm asking, Judge,
11 is, is she going to show this particular video?

12 THE COURT: Well, you could have -- I mean, can
13 you -- that's not -- what I'm saying is you wanted to ask
14 this witness something about the video. But the two of
15 you have engaged in discovery. Y'all should -- the two of
16 you should know what's coming into Court.

17 MR. HAMILTON: And I'm saying is that video --
18 because the one she's going to show is -- is edited. I --
19 you know, she showed -- she gave me the edited one. But
20 I'm just asking the Court to --

21 THE COURT: Why didn't you just ask her that?

22 CROSS-EXAMINATION

23 BY MR. HAMILTON:

24 Q Are you going to show -- are you going to show the
25 whole thing that shows the time? Because the one I wanted

1 to show the jury and the Court has time stamps on it?

2 Does your edited have time stamps on it?

3 A I believe it does.

4 MR. HAMILTON: Okay. Well, let me see it. I don't
5 think it do, but.

6 MS. GASSER: Your Honor, if Defense Counsel would
7 like to enter his piece of evidence, he can choose to do
8 so either through his witness or through a witness of his
9 own --

10 MR. HAMILTON: She don't want to show it.

11 MS. GASSER: However, the State has -- as I just laid
12 the foundation for this particular disk through this
13 custodial witness, I've laid the foundation for not only
14 the original videos, but how they're stored and kept in
15 the business records, an exception to hearsay. And as the
16 custodian of records, he's here to lay that foundation.

17 In addition, I asked questions about the clippings
18 and was there -- it was pertinent to this case at hand.

19 THE COURT: Mr. Hamilton, the proper --

20 MS. GASSER: And that was provided.

21 THE COURT: The proper way to do that is to let her
22 finish her examination of this witness. And then you have
23 every opportunity in the world to cross-examine the
24 witness about any concerns that you have. But the way to
25 do -- to have discovery disputes in front of the jury,

1 that's not -- that's not a good look.

2 So there's a way to do it --

3 MR. HAMILTON: I'm just trying --

4 THE COURT: -- and --

5 MR. HAMILTON: I'm sorry, Judge. And I know -- I
6 know what you're saying. It's just -- I'm just trying to
7 be fair. It has a time stamp on it. And the one that
8 she's -- that's my only objection. I thought it had the
9 stamps. It don't. She -- why she can't use this one with
10 the time stamps on it?

11 MS. GASSER: Your Honor, I believe that the disk that
12 he is referring to is multiple different camera angles.
13 That would be hours of footage from different camera
14 angles --

15 MR. HAMILTON: I can --

16 MS. GASSER: As the witness has just testified --

17 MR. HAMILTON: I can go -- I can go -- within 10
18 seconds, go to it, the exact spot.

19 THE COURT: Okay. Hold on. Hold on one second.

20 What's the dispute about? Which -- which video to
21 use? I mean, what's the dispute about?

22 MR. HAMILTON: The dispute is about she's cut it up
23 to where it appear to be the way she want to present her
24 case. The raw footage of it show the exact time when
25 things happened. And that's important to my case because

1 it ties in with everything in this case. The timing is
2 everything, Judge.

3 THE COURT: Hold on. I understand --

4 MS. GASSER: Your Honor, the time stamps are
5 included. All that has been removed from -- on this
6 version is anything that was the half hour before the
7 incident and the 20 minutes after. Because it happened at
8 a very specific time.

9 So instead of making the jury and the Court for
10 judicial economy sit through hours of random, you know,
11 back behind the gas station and then we go to the front of
12 the gas station. Instead, we have gotten it down to, I
13 believe, it's a minute, maybe two minutes max.

14 THE COURT: I -- I understand all that.

15 MS. GASSER: It's just following the relevant
16 portions.

17 THE COURT: My only -- my only concern is that any
18 issue regarding the videos should have been handled
19 pre-trial when I asked the both of you whether or not
20 there were any pre-trial issues. You start trying the
21 case and you're doing stuff like this and then you send
22 the jury back and forth, it doesn't help either side that
23 y'all are sitting there arguing about something that y'all
24 should have either dealt with yourself or dealt with
25 pre-trial when I asked.

1 I said, is there any issue -- my question was, is
2 there any issue regarding the case that we need to handle
3 pre-trial? If there was a dispute about which video to
4 use, or what portions were redacted, or whatever, all that
5 should have been handled pre-trial.

6 Now, I'm -- now, I'm in the situation trying to
7 resolve technically a discovery fight that y'all -- the
8 two lawyers are having in terms of the dispute. And
9 you're asking me to do it.

10 I hadn't seen either one of the videos. I don't know
11 what either one says or -- or looks like. But the two of
12 you have done that. And it just seems to me like
13 reasonable dialog between reasonable lawyers would have
14 came up with something -- and if you can't agree on
15 something, you don't wait until now. I guess you can do
16 whatever you want to.

17 But it's more prudent to just address it pre-trial.
18 Then I could have -- could have chimed in and made a
19 ruling in terms of which one we use. But, you know -- so
20 right now, it is what it is.

21 So you're concerned about the video --

22 MR. HAMILTON: The time stamps.

23 THE COURT: -- the time stamps. And there's another
24 video that doesn't have time stamps?

25 MS. GASSER: No, Your Honor. This video has time

1 stamps.

2 THE COURT: What -- so this one has time stamps,
3 Mr. Hamilton. I'm not following you. Which one do you
4 want? Which one do you prefer?

5 MR. HAMILTON: I have to see it, Judge. Because when
6 I was looking at the -- the clip, I couldn't see the time
7 stamps.

8 MS. GASSER: Your Honor, would you like us to proffer
9 this so that Mr. Hamilton can see it? It has --

10 THE COURT: How long is --

11 MS. GASSER: -- already been turned over in
12 discovery --

13 THE COURT: Is it a long video?

14 MS. GASSER: No, Your Honor --

15 MR. HAMILTON: It's only about three minutes --

16 MS. GASSER: -- it's very short --

17 THE COURT: Hold on. Let's all agree to help the
18 court reporter out. You know how we can help the court
19 reporter out, Mr. Hamilton, and, Ms. Gazer?

20 Let's not all talk at the same time. Because it's
21 difficult when you talk and I'm talking and we're all
22 doing it at the same time. She's the most important
23 person in here. She can't take that down. So y'all need
24 to be cognizant of the court reporter.

25 Play it. Let's proffer the video. And let's see if

1 it's the one that you wanted.

2 Let's put it up there.

3 MS. GASSER: Yes, Your Honor.

4 (WHEREUPON, State's Exhibit No. 3 was played in open
5 court.)

6 THE COURT: There's audio to it?

7 MS. GASSER: No, Your Honor.

8 THE COURT: Okay.

9 (WHEREUPON, State's Exhibit No. 3 continued to be
10 played in open court.)

11 MS. GASSER: Yes, Your Honor. So I apologize. I
12 believe that the time stamps that were discussed was --
13 with Mr. Yates in his review of this footage, it was from
14 the time, per my question in direct, between 1:00 and 2:00
15 a.m., which was what he was requested to pull from law
16 enforcement. We would be seeking additional testimony in
17 order to set up the actual time stamps of when this
18 occurred. So that will be --

19 THE COURT: So there's another witness --

20 MS. GASSER: Through other -- yes, Your Honor, from
21 an eye witness as well as the 911 call to set up our
22 timeline.

23 THE COURT: That has a time stamped -- time stamped
24 video?

25 MS. GASSER: If he wants to proffer his video, that's

1 fine.

2 THE COURT: Your video, Mr. Hamilton, is the same as
3 this?

4 MR. HAMILTON: It's -- it's not -- that's chopped up
5 and specific. But I do have -- I have the ability to go
6 to the spot where this --

7 THE COURT: How did you get -- how did you get that
8 video?

9 MR. HAMILTON: They gave it to me. She's altered it.

10 MS. GASSER: Your Honor, again, what -- so I -- I
11 think this might shed some light. I believe that he is
12 wanting to put in the original multi videos. So there
13 would be --

14 THE COURT: How long -- how long is your video that
15 you got in your hand?

16 MR. HAMILTON: It's only one minute, one minute. But
17 this got -- it's got a bunch of videos on it. But you
18 don't play all of them in a row. You go to it, click on
19 it, just like anything on the computer.

20 MS. GASSER: That --

21 MR. HAMILTON: And then you get to the part of -- of
22 their question. It's not a hard thing. If -- if she can
23 pull it up --

24 Do you have it? You gave it to me.

25 MS. GASSER: Your Honor --

1 THE COURT: Hold on.

2 Go ahead.

3 MS. GASSER: We might be able to come to a consensus.
4 If Mr. Hamilton would like -- if he would like to enter
5 his disk, which is the 15 individual videos many of which
6 do not have any relevant portions of anything on them, but
7 he has to go to specific time stamps, which is what I
8 believe he has a list of. And he's saying, well, I can go
9 to this point in time on these 15 individual videos.

10 I have already and in cooperation with Mr. Yates in
11 his review of this, all we've done is exactly what he
12 wants to do. But instead of fiddling with a computer for
13 however long it would take --

14 MR. HAMILTON: She is misleading --

15 MS. GASSER: So we can enter his disk with the 15
16 individual videos. But we would, also, be seeking to
17 enter the relevant portions that have been -- just for
18 judicial economy been brought down so we don't have to sit
19 and play one video, scroll fast --

20 THE COURT: Let me -- let me -- I'm a -- I'm a
21 simplistic type of guy. Let me just ask this question,
22 very simple.

23 The video -- the one -- the portion of the video that
24 you have, Mr. Hamilton -- all right -- that we go to that
25 portion, is it going to be the same thing as we just saw?

1 MR. HAMILTON: And -- but it would have a time stamp.
2 This do not have a time stamp.

3 THE COURT: All right. What's the relevance of the
4 time stamp?

5 MR. HAMILTON: In their case?

6 THE COURT: I mean, why -- why is -- why is that
7 important to you?

8 MR. HAMILTON: Because it was the time of the last
9 telephone call to the deceased.

10 THE COURT: The time stamp on the video connects the
11 last telephone call to the deceased. Give me the
12 relevance of that.

13 MR. HAMILTON: Patience going to say that my client
14 called him on the phone as she was following him. The
15 deceased called my client at that spot, not going down the
16 road.

17 MS. GASSER: Your Honor, just to be clear, while the
18 State doesn't necessarily have to reveal what our
19 testimony will elicit, we are not eliciting that the
20 Defendant called the deceased victim. In fact, we are,
21 actually, putting into evidence a call log that shows that
22 it was the deceased victim calling the Defendant.

23 So if that's the only thing at issue here, then --
24 again, the State is going to present witnesses to further
25 our timeline. However, this is just the relevant portion

1 for judicial economy.

2 THE COURT: Mr. Hamilton, there's nothing to prevent
3 you from presenting in your -- in your --

4 MR. HAMILTON: It's --

5 THE COURT: Hold on a second. Hold on. There's
6 nothing to prevent you in your case in chief to put that
7 video in. I mean, if that's -- if that's relevant to your
8 theory of the case, why should the State put a video in
9 that's relevant to your theory of the case?

10 What I'm saying is that if that's important to your
11 theory of the case, nothing presents -- prevents you from
12 calling the witness and putting that video in and denoting
13 the differences between the State's video and the video
14 you have, even though both of them were provided to you by
15 the State.

16 Do you understand what I just said?

17 MR. HAMILTON: And to be candid with the Court, my
18 strategy is to put myself in a position --

19 THE COURT: No. I don't -- I don't need to know your
20 strategy.

21 But my question is, can you -- and you don't -- you
22 don't want to do that. I'm just --

23 MR. HAMILTON: I don't want to do that --

24 THE COURT: -- trying to iron this out. We've got a
25 video that says -- that depicts the same exact thing. One

1 has a time stamp and one doesn't. So I'm trying to see
2 where -- where are we? Because we've got to move this
3 along.

4 MR. HAMILTON: Okay. I will. And I will
5 cross-examine him. And he will testify.

6 THE COURT: You don't know what he's going to testify
7 to.

8 MR. HAMILTON: Well, I mean -- well, he going to tell
9 me what time it was.

10 THE COURT: You don't know what he's going to do,
11 Mr. Hamilton.

12 MR. HAMILTON: I understand. I understand.

13 THE COURT: You don't know what he's going to -- he
14 may tell you the sky is going to fall --

15 MR. HAMILTON: And then I'll tell the jury that they
16 hiding the ball.

17 THE COURT: Well, you can tell the jury anything you
18 want to, Mr. Hamilton. But --

19 MR. HAMILTON: But I asked the Court to help me --

20 THE COURT: Hold on. Hold on. You can tell the jury
21 anything you want to at the appropriate time. This is not
22 the appropriate time.

23 All right. So you're going to cross-examine this
24 witness regarding the video?

25 MR. HAMILTON: Yeah. He already said that he thought

1 this had a time stamp. And he's wrong, so. But I -- I
2 asked him to clear it up. I asked him to ask for it.
3 I -- I'm sorry, Judge.

4 THE COURT: You're just excited.

5 Okay. Let me see. So the video that you have,
6 Mr. Hamilton, you can put it up in your case in chief. Is
7 that how you want to do it?

8 MR. HAMILTON: I'm not -- I don't want to do that,
9 Judge.

10 THE COURT: What do you want to do?

11 MR. HAMILTON: I want them to tell it from him. I
12 want him to tell it. He the man that controls this whole
13 thing.

14 THE COURT: All right. Ms. Glazer, I think that
15 probably the best thing to do is to put both videos in. I
16 don't -- I don't see any other way. It depicts the same
17 thing. One has a time stamp, and one doesn't have it. He
18 can cross-examine him about both of them.

19 MS. GASSER: And, Your Honor, we would just ask just
20 because I haven't physically seen what's on that disk,
21 could we have -- could we potentially keep him under
22 subpoena to bring him back and lay the foundation for it?
23 Because we don't have --

24 THE COURT: This is a disk that you got provided --

25 MS. GASSER: As far as I know. I did not burn him

1 this specific disk. We provided him all the footage on
2 USB's. But this specific disk I have not -- again, I
3 cannot -- because my initials are not on it. I can't say
4 for sure whether or not I have physically watched that
5 disk.

6 THE COURT: Where did it come from?

7 MS. GASSER: I don't -- he could have burned it --
8 I -- from the footage that we gave him. I'm just saying
9 that could have a movie on it. I don't know. I don't
10 want to attach my name to it without physically seeing it.

11 If it is the footage that we provided to him on the
12 USB's in discovery, which we did, then, of course, we
13 would enter it into evidence. And the jury could look at
14 both the clipped version as well as the 15 videos --
15 individual videos version. But, again, if he burned that
16 disk, then I cannot attest to what's on it.

17 MR. HAMILTON: How can I burn it? How am I going to
18 burn it?

19 THE COURT: Hold on, Mr. Hamilton.

20 Okay. What we're going to do is this, we're going
21 to -- we're going to play -- listen up. We're going to
22 play both videos.

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: Then give -- give to her the video,
25 Mr. Hamilton.

1 And after that, we're going to play that one. And
2 then y'all can ask this witness any questions you want to.

3 Okay. That's -- everybody understands what we're
4 doing?

5 (WHEREUPON, there was no response.)

6 THE COURT: Mr. Hamilton, Ms. Glazer, do y'all both
7 understand what we're doing?

8 MS. SCOTT: No, Your Honor. We do not. But -- one
9 second, Judge.

10 Are we at the proffer stage? Is that what we're
11 doing?

12 THE COURT: You both have indicated on the record
13 that the videos are the same. One has time stamps and one
14 does not. That's what you both said.

15 Isn't that what you both said?

16 Both of the videos are just three minutes long, a
17 maximum of three minutes. And one has time stamps and the
18 other one doesn't.

19 MS. GASSER: Your Honor, if we could just proffer
20 this real quick just to make sure it is what he's
21 attesting to. I just haven't seen this disk.

22 THE COURT: All right. Put -- put that disk in and
23 let's see what it says.

24 (Pause.)

25 THE COURT: Mr. Hamilton, we're going to have to move

1 this matter along. If you want to introduce that -- the
2 tape that you have, you can do it in your case in chief.
3 But we just need to move it along. Okay. You can -- you
4 can introduce it in your case in chief.

5 And we're just going to resume cross-examination -- I
6 mean, examination.

7 Are you finished, Ms. Glazer? Are you going to still
8 ask some questions?

9 MS. GASSER: Your Honor, we last left it at I was
10 moving to admit State's Exhibit No. 3 into evidence. And
11 I believe this was his objection.

12 THE COURT: All right. And I'm going to -- to allow
13 it --

14 We're on the record; right?

15 THE COURT REPORTER: Yes, sir.

16 THE COURT: I'm going to allow it subject to
17 Mr. Hamilton's objection. Okay.

18 MS. GASSER: Yes, Your Honor.

19 THE COURT: All right. Bring the jury back.

20 MS. GASSER: So just permission to publish to the
21 jury when they come in.

22 THE COURT: Yeah. Right.

23 MS. GASSER: Thank you, Your Honor.

24 (WHEREUPON, the jury came into open court at
25 approximately 4:17 p.m.)

1 THE COURT: All right. Ms. Glazer, I think --
2 before -- before the jury went out, I think you had
3 moved -- made a motion before the Court to admit the
4 video; is that correct?

5 MS. GASSER: Yes, Your Honor. State's Exhibit No. 3.

6 THE COURT: State's Exhibit No. 3, I'm going to go
7 ahead and grant your motion, subject to Defense Counsel's
8 objection. Okay.

9 MS. GASSER: Thank you, Your Honor.

10 THE COURT: Noted for the record.

11 (WHEREUPON, State's Exhibit No. 3 was admitted into
12 evidence.)

13 MS. GASSER: Permission to publish this, State's
14 Exhibit No. 3, to the jury.

15 THE COURT: All right. Mr. Hamilton, it's subject to
16 your objection; is that right?

17 MR. HAMILTON: Objection, Your Honor.

18 THE COURT: It's subject to your objection.

19 Go ahead.

20 MS. GASSER: And, Your Honor, I beg the Court's
21 indulgence. Can we have it set up on the solicitor's dock
22 for the solicitor's computer?

23 THE COURT: Okay.

24 (WHEREUPON, State's Exhibit No. 3 was played in open
25 court.)

CONTINUED DIRECT EXAMINATION

BY MS. GASSER:

Q Mr. Yates, on the clip that you just saw, were the last two clips just different angles of the first three incorporated?

A Yes, ma'am.

Q And were the first three clips clearer than the last two angles?

A Yes, ma'am.

MS. GASSER: I have no further questions. Please answer any that Defense Counsel may have.

THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. HAMILTON:

Q Mr. Yates --

A Yes, sir.

Q -- the -- the video, it's -- it's -- it's a -- it's an accurate reflection of what happened at your store -- at the store. I know it's not your store, but at the store. And the clip that's been shown to the jury is cut out of a lot of slots; right?

A That's correct, sir.

Q Right. But in cutting this one out -- in the normal taping, it has 1:33 and the clock be kicking, like, with it?

1 A That's correct.

2 Q It shows that?

3 A That's correct.

4 Q And the instructions for you was to show the time
5 frame that that video -- that's what -- to provide us the
6 time between -- what time was it?

7 A I think it was 1:00 to 2:00.

8 Q Between 1:00 and 2:00; right?

9 A I think so.

10 Q So the picture the jury seen happened about 1:00, or
11 it could have happened at 2:00?

12 A On the CD that you have.

13 Q Okay. Thank you.

14 A And -- and just so you're aware, the reason why we
15 have that DVD -- DVD on a player there for you to
16 download --

17 Q Right.

18 A -- is for the protection of all the other customers
19 on the property.

20 Q Sure.

21 A And so that way, it can't -- if somebody wants to get
22 ahold of the video without that -- it can't be played.

23 Q Right.

24 A So -- but to answer your question, that is correct.
25 When we give the video to law enforcement, it would

1 have --

2 Q Right.

3 A -- the date, the time, which camera it is, what angle
4 it is, as much information as we can give to law
5 enforcement.

6 Q Right. And then what you're giving the jury today is
7 the cars you seen pull in at the pump, and then pull in,
8 back up, leave out, come in. All that commotion happened
9 at what time?

10 A I believe it was somewhere between 1:00 and 2:00.

11 Q Between 1:00 and 2:00?

12 A Uh-huh.

13 MR. HAMILTON: Okay. That might be all I need.

14 THE COURT: Anything on redirect?

15 MS. GASSER: No, Your Honor.

16 THE COURT: All right. Sir, you can step down.

17 THE WITNESS: Thank you, sir.

18 THE COURT: All right. Can this witness be excused?

19 Any objection to this witness being excused?

20 MS. GASSER: No objection, Your Honor. And I'd ask
21 that he be released from his subpoena.

22 THE COURT: Any objection, Mr. Hamilton?

23 MR. HAMILTON: No objection, Judge.

24 THE COURT: All right. Sir, you can be excused.

25 Thank you for coming.

1 THE WITNESS: Thank you, sir.

2 THE COURT: All right. Let's get -- let's go to the
3 next -- the State's next witness.

4 MS. GASSER: Yes, Your Honor. The State calls Andrew
5 Osborne.

6 THE CLERK: Please come forward, Mr. Osborne. 51.

7 Just pause at the bench.

8 Put your left hand on the Bible and raise your right
9 hand.

10 WHEREUPON,

11 ANDREW STEVEN OSBORNE,

12 after first having been duly sworn, testified as follows:

13 THE CLERK: Thank you.

14 You may be seated.

15 And, please, state your full name for the record.

16 THE WITNESS: Andrew Steven Osborne.

17 DIRECT EXAMINATION

18 BY MS. GASSER:

19 Q Good afternoon, Mr. Osborne.

20 Can you tell the jury where you're from?

21 A Abbeville, South Carolina.

22 Q And where do you live currently?

23 A Donalds, South Carolina.

24 Q And where were you living in November of 2020?

25 A Donalds, South Carolina.

1 Q And are you familiar with [REDACTED] Old Easley Bridge Road?

2 A Yes.

3 Q How so?

4 A My grandparents live there.

5 Q Do they still live there?

6 A Yes.

7 Q And what are their ages?

8 A 82 and 86.

9 Q And without saying anything that anyone said, did law
10 enforcement contact you or your grandparents?

11 A Yes.

12 Q Why?

13 A Part of the incident that took place in front of
14 their home.

15 Q And what did you do?

16 A I accessed the footage from their security camera.

17 Q And what kind of security camera was that?

18 A It's a -- it's similar to Ring. They had a doorbell
19 camera.

20 Q And did you provide it to law enforcement?

21 A Yes.

22 Q Even if it wasn't your residence?

23 A Correct.

24 Q It was your grandparents residence; right?

25 A Yes.

1 Q And that -- they were living there on November 6th,
2 2020?

3 A Yes.

4 Q And was that the day the footage was from?

5 A I do not remember the exact date of the footage.

6 Q But did you give law enforcement in their request in
7 this case, specifically, footage?

8 A Yes.

9 Q And how did you give it to law enforcement?

10 A I sent it to them digitally.

11 Q Did you alter or change the footage in any way?

12 A No.

13 Q And did you, also, show it to them on your phone --
14 or on your grandparents phone?

15 A I don't remember. I know I sent it to them --
16 provided it for them per their request. But I do not
17 remember exactly how.

18 Q And do you know anyone associated with this case?

19 A No.

20 Q And did you have any other involvement in this case,
21 other than coming to testify here today?

22 A No.

23 Q Do you remember the time the footage was from?

24 A It was dark. That's about all I remember. I do not
25 have the exact time.

1 MS. GASSER: Okay. I have no further questions.
2 Please answer any that Defense Counsel --

3 THE COURT: All right. Cross-examination,
4 Mr. Hamilton.

5 CROSS-EXAMINATION

6 BY MR. HAMILTON:

7 Q You took pictures, or something?

8 A It was just the video footage I provided.

9 Q To -- over here?

10 A Yes, sir.

11 Q And it came from your grandparents?

12 A Their security system, their home security system.

13 MR. HAMILTON: All right. No questions.

14 THE COURT: Anything on redirect?

15 MS. GASSER: Nothing on redirect, Your Honor.

16 THE COURT: All right.

17 MS. GASSER: We ask that this witness be allowed to
18 step down and be released from his subpoena.

19 THE COURT: Any objection, Mr. Hamilton?

20 MR. HAMILTON: No objection.

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

22 You can step down. Appreciate you coming.

23 Call the next witness.

24 MS. GASSER: Jarrad Sparkman.

25 THE COURT: Come forward.

1 THE CLERK: Come on forward, sir. Just stop at
2 the -- pause at the bench.

3 Put your left hand on the Bible and raise your right
4 hand.

5 WHEREUPON,

6 JARRAD SPARKMAN,
7 after first having been duly sworn, testified as follows:

8 THE CLERK: Thank you.

9 You may be seated.

10 And, please, state your full name for the record.

11 THE WITNESS: Jared Sparkman.

12 DIRECT EXAMINATION

13 BY MS. GASSER:

14 Q Good afternoon, Investigator Sparkman.

15 Can you tell the jury who you're currently employed
16 with?

17 A Greenville County Sheriff's Office.

18 Q How long have you worked for the sheriff's office?

19 A Since 2016.

20 Q And what position or title do you have there?

21 A Currently, I'm a sergeant in uniform patrol.

22 Q And what are your duties and responsibilities?

23 A As a sergeant? Or when this incident occurred?

24 Q So was -- so were you in a different position in
25 November of 2020?

1 A Yes, ma'am. I was an investigator in the homicide
2 unit.

3 Q Okay. So tell the jury then what your role and duty
4 was back then when you were a homicide investigator.

5 A When I was a homicide investigator, I was assigned to
6 work specific homicides that -- that happened. We, also,
7 helped out other investigators on their current cases.

8 Q And were you working on November 6th, 2020?

9 A Yes, ma'am.

10 Q Were you the lead investigator in this case?

11 A No, ma'am.

12 Q Did you help the lead investigator in this case?

13 A Yes, ma'am.

14 Q What did you do?

15 A On I believe it was November 6th, 2020, then
16 Investigator Grubbs asked me to get a couple of search
17 warrants on some cars. I believe one of them was an
18 Acura. The other one was a Nissan Altima, I believe. He
19 provided me the information I needed. I got those search
20 warrants.

21 Myself and Investigator Grubbs went to the forensics
22 service center -- or the forensics bay where the Acura was
23 to meet with Forensics Investigator Brown where that
24 search warrant was executed.

25 Q So you were present during the execution of the

1 search warrant?

2 A Yes, ma'am.

3 Q And did you know who was driving the Acura during
4 this incident?

5 A At that point, we believed that the decedent was the
6 driver of the Acura.

7 Q And what does "decedent" mean?

8 A The victim in this case.

9 Q And just for the jury, who was Investigator Grubbs in
10 this case?

11 A Investigator Grubbs, he was the lead investigator.
12 He was in homicide and worked with me at the time.

13 Q And what did you do while the Acura was being
14 processed?

15 A Forensics Investigator Brown did most of the
16 processing. Investigator Grubbs searched. During that
17 search, I don't know if it was Investigator Grubbs or
18 Forensics Investigator Brown that they located a cell
19 phone. And they located some car keys during that search.

20 Q So what did you do next?

21 A Investigator Grubbs signed over the -- those two
22 items to me. Those car keys belonged to, I believe, a
23 Ms. Parks. I later signed those over to Ms. Parks.

24 The cell phone was believed to belong to the victim
25 in this case. It was sitting in the -- in the driver's

1 seat area. It was found in the driver's seat area, I
2 believe, in that car.

3 I took that and obtained a search warrant for it, for
4 that cell phone. And I dropped it off in property and
5 evidence with a search warrant for our -- our data
6 recovery team to get some information from the phone.

7 Q Okay. And just to be clear, you retrieved the
8 victim's cell phone and placed it into property and
9 evidence. Is that what you just testified to?

10 A Yes.

11 Q And that you, also, retrieved car keys that belonged
12 to Ms. Parks and gave them back to her. Is that what you
13 just testified to?

14 A Yes.

15 Q Did you change or alter the cell phone in any way?

16 A No, ma'am.

17 Q Did you access it, type anything on it?

18 A No, ma'am.

19 Q Is it substantially the same as when you placed it
20 into property and evidence?

21 A Was it what? I'm sorry.

22 Q Was it -- is it -- was it substantially the same as
23 when it was located in the vehicle as when you placed it
24 into property and evidence?

25 A Yes, ma'am.

1 Q And did you do anything else in this case?

2 A I was made aware that there was some video at an
3 address on -- I believe [REDACTED] Old Easley Bridge Road. I
4 responded there. I met with a couple. Their last name
5 was the Osbornes. They -- they said they had some video.
6 I don't know if it was a Ring doorbell camera. But it
7 was some -- it was a camera at their front door. And it
8 shows a female frantically knocking on the door and asking
9 for help.

10 We tried to -- none of us were really sure how to get
11 a copy of that video. So I figured the best way to get it
12 was to use my county cell phone. They pulled it up on
13 their cell phones. So I just laid their cell phone on the
14 table and I hit play. And I just recorded it with my
15 phone. And then I later gave that video to Investigator
16 Grubbs.

17 Q So the recording you made with your county issued
18 cell phone of another cell phone playing videos was what
19 you entered during -- is what you gave to Investigator
20 Grubbs?

21 A Correct.

22 Q Okay. Were -- do you remember the date from that
23 footage?

24 A It was the same day, I believe. It was November 6th,
25 2020.

1 Q And do you remember the time of this Ring camera
2 footage?

3 A I don't remember the time, no, ma'am.

4 Q And did you review the footage in preparation for
5 trial today?

6 A Yes.

7 Q Did you review it on a disk at my office?

8 A Yes, ma'am.

9 Q Was it this disk? I'm now handing you what's been
10 state -- what's been marked for identification purposes as
11 State's Exhibit No. 4. Do you recognize that?

12 A Yes, ma'am.

13 Q Was that the disk with footage on it that you
14 reviewed in preparation for this case?

15 A Yes, ma'am.

16 Q And how do you know it's that disk?

17 A My signature is on it. And the date is beside my
18 signature.

19 Q Was this the same footage that you recorded on your
20 county issued cell phone and gave to Investigator Grubbs?

21 A Yes.

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

23 A No, ma'am.

24 Q Was it a fair and accurate depiction of the footage
25 you received from the Osbornes from their doorbell camera

1 at [REDACTED] Old Easley Bridge Road?

2 A Yes, ma'am.

3 MS. GASSER: Your Honor, at this time, the State
4 moves to enter State's Exhibit No. 4 into evidence.

5 THE COURT: Any objection?

6 MR. HAMILTON: No objection.

7 (WHEREUPON, State's Exhibit No. 4 was admitted into
8 evidence.)

9 THE COURT: All right. Just -- Counsel, it would
10 probably be more prudent to use that table right there in
11 front of the jury to put the exhibits, as opposed to
12 keeping them on your table. Because sometimes, it gets
13 confused with what you already got.

14 MS. GASSER: Yes, Your Honor.

15 THE COURT: So I think it would be better just to put
16 them over on that table. And then Counsel for both --
17 both lawyers can, you know, get to that table. I just
18 think it makes it easier. Because a lot of times, it can
19 get intermingled with the papers that you have on your
20 desk.

21 MS. GASSER: Absolutely. Yes, Your Honor.

22 THE COURT: All right.

23 MS. GASSER: Permission to publish State's Exhibit
24 No. 4 to the jury.

25 THE COURT: Any objection, Mr. Hamilton?

1 MR. HAMILTON: No objection.

2 THE COURT: All right. So ordered [sic].

3 MS. GASSER: I beg the Court's indulgence, Your
4 Honor.

5 (WHEREUPON, State's Exhibit No. 4 was played in open
6 court.)

7 MS. GASSER: Is there a way that the volume could be
8 turned up?

9 (WHEREUPON, there was no response.)

10 MS. GASSER: Thank you.

11 (WHEREUPON, State's Exhibit No. 4 continued to be
12 played in open court.)

13 BY MS. GASSER:

14 Q Investigator Sparkman, after watching that video,
15 were there times listed above each of the individual
16 clips?

17 A They were 30 second clips, yes, ma'am.

18 Q And were there times, actually, labeled on them when
19 you would go in and click -- when you would click on one
20 of the clips and then it would come up --

21 A It looked like it, yes, ma'am.

22 Q And there were multiple clips; correct?

23 A Yes.

24 Q So, Investigator Sparkman, in reference to my
25 question I just asked you, can you tell the jury the

1 applicable clips and the times?

2 A Yeah. It looks like the video started at about
3 1:38 a.m. And they continued -- they continued to about
4 1:43 a.m.

5 Q And there are five individual clips; correct?

6 A Yes, ma'am.

7 MS. GASSER: I have no further questions. Please
8 answer any that Defense Counsel may have.

9 THE COURT: Any cross-examination, Mr. Hamilton?

10 MR. HAMILTON: Yes.

11 CROSS-EXAMINATION

12 BY MR. HAMILTON:

13 Q Just to confirm, I missed -- I didn't -- I was
14 writing something. You said the time of those -- that
15 tape is 1:43, 1-4-3?

16 A The first one starts -- it says 1:38 --

17 Q 1:38 --

18 A -- and four seconds -- four seconds after 1:38 is
19 when the first one starts.

20 Q 1:38?

21 A Correct.

22 MR. HAMILTON: Okay. Thank you.

23 THE WITNESS: Yes, sir.

24 THE COURT: Anything on redirect?

25 MS. GASSER: No, Your Honor.

1 THE COURT: All right. Sir, you can step down.

2 Can this witness be excused?

3 MS. GASSER: Your Honor, I do ask that he remain
4 under his subpoena --

5 THE COURT: All right.

6 MS. GASSER: -- just so the State can --

7 THE COURT: Okay. Call your next witness.

8 MS. GASSER: The State calls Amanda Carpenter.

9 THE CLERK: Ms. Carpenter, you can come forward. And
10 then just pause at the bench.

11 Put your left hand on the Bible and raise your right
12 hand.

13 WHEREUPON,

14 AMANDA CARPENTER,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 You may be seated.

18 Please state your full name for the record.

19 THE WITNESS: Amanda Carpenter.

20 DIRECT EXAMINATION

21 BY MS. GASSER:

22 Q Ms. Carpenter, can you, please, tell the jury where
23 you're currently employed?

24 A The Greenville County Sheriff's Office.

25 Q And how long have you been with the sheriff's office?

1 A Approximately four years.

2 Q What is your current position or title?

3 A I'm a deputy in the uniform patrol division.

4 Q And was that your position on November 6th, 2020?

5 A Yes.

6 Q What are your duties and responsibilities as a deputy
7 with uniform patrol?

8 A We respond to 911 calls. Anything that you can think
9 of that someone would call 911, that's what we would
10 respond to.

11 Q And were you working on November 6th, 2020?

12 A Yes.

13 Q Did you receive a call for service that day?

14 A Yes.

15 Q And was that in relation to this case?

16 A Yes, it was.

17 Q Do you remember around what time that call for
18 service was?

19 A It was nighttime.

20 Q And do you remember the nature of that call?

21 A Yes. A woman had called 911 to report that somebody
22 had been shot.

23 Q And is this a priority call?

24 A Absolutely.

25 Q What does that mean?

1 A In this case, I was approved to drive signal one,
2 which means I respond with my lights and sirens placing it
3 at the highest priority type of call that you could --

4 Q And where did --

5 A -- receive.

6 Q I apologize. Where did you respond to?

7 A The intersection of Old Easley Bridge Road and I
8 believe it was Stallings Road within the county.

9 Q And that's in Greenville County?

10 A Yes.

11 Q Okay. And were you wearing a body camera during this
12 incident?

13 A Yes.

14 Q Was it on and operating correctly?

15 A Yes.

16 Q Do you normally wear body cameras during the course
17 of your job?

18 A Yes.

19 Q Did you review your body-worn camera footage from
20 November 6th, 2020, in preparation for your testimony today?

21 A Yes, I did.

22 Q Was that footage that you reviewed kept on a disk?

23 A Yes.

24 Q Would you recognize that disk again if I were to show
25 it to you?

1 A Yes, I would.

2 Q I'm now handing you what's been premarked for
3 identification purposes as State's Exhibit No. 5. Do you
4 recognize that?

5 A Yes.

6 Q How do you recognize that?

7 A I placed my initials and I put the date and time that
8 I reviewed this video.

9 Q And does this disk fairly and accurately depict a
10 clip from your body-worn camera footage on November 6th,
11 2020, in relation to this incident?

12 A Yes.

13 Q And other than being clipped in accordance with
14 judicial economy and the rules of evidence, has the --
15 footage itself been changed or altered in any way?

16 A No.

17 MS. GASSER: Your Honor, at this time, the State
18 moves State's Exhibit No. 5 into evidence.

19 THE COURT: Any objection?

20 MR. HAMILTON: Your Honor, subject to my objection
21 that it has been altered with various footage.

22 THE COURT: All right. So entered subject to Defense
23 Counsel's objection.

24 (WHEREUPON, State's Exhibit No. 5 was admitted into
25 evidence.)

1 MS. GASSER: Permission to publish State's Exhibit
2 No. 5 to the jury, Your Honor.

3 THE COURT: All right. Subject to your objection,
4 Mr. Hamilton.

5 MR. HAMILTON: Subject to my objection, Your Honor.

6 THE COURT: All right. Go ahead.

7 (WHEREUPON, State's Exhibit No. 5 was played in open
8 court.)

9 THE COURT: Have you got audio on this?

10 MS. GASSER: Yes, Your Honor.

11 BY MS. GASSER:

12 Q Deputy Carpenter, is it normal for the first few
13 seconds to be silent?

14 A Yes. When the body camera's activated, it picks...
15 (WHEREUPON, State's Exhibit No. 5 continued to be
16 played in open court.)

17 BY MS. GASSER:

18 Q Deputy Carpenter, was that clip from when you first
19 arrived on scene?

20 A Yes.

21 Q Were you the first law enforcement officer on scene?

22 A Yes.

23 Q Who was present on scene when you arrived?

24 A The victim, the victim's mother, and current
25 girlfriend, spouse [sic].

1 Q And was there any other person not related to the
2 deceased there?

3 A There was a few people on scene. But from my
4 understanding, they were neighbors and were all sort of
5 arriving at the same time as when I arrived.

6 Q And was EMS there before you or did you arrive before
7 EMS?

8 A I arrived before them.

9 Q Did you see Desmond Parks?

10 A Yes.

11 Q Where was he located?

12 A He was in the driver's seat.

13 Q And how did he appear to you?

14 A Unconscious from what I could tell, not breathing,
15 slightly slumped over in the driver's seat.

16 Q Did you see Patience Parks?

17 A Yes.

18 Q What was her demeanor?

19 A Hysterical, crying.

20 Q Did you see Tammy Parks?

21 A I don't recall.

22 Q The deceased's mother?

23 A Yes.

24 Q What was her demeanor?

25 A The same, almost in disbelief, very hard for her to

1 express the words due to, I would just say, the shock and,
2 like I said, disbelief for what she had witnessed.

3 Q Deputy Carpenter, were you the lead investigator in
4 this case?

5 A No.

6 Q And other than coming to testify here today, did you
7 have any other involvement in this case?

8 A No.

9 MS. GASSER: Please answer any questions that Defense
10 Counsel may have.

11 THE COURT: Cross-examination, Mr. Hamilton.

12 CROSS-EXAMINATION

13 BY MR. HAMILTON:

14 Q Okay. Deputy Carpenter, so how long have you been in
15 service, a sheriff's deputy?

16 A I've been with the Greenville County Sheriff's Office
17 four years.

18 Q Okay.

19 A Eight years combined law enforcement all together,
20 yes, sir.

21 Q Okay. Is this your first murder investigation or
22 where somebody -- you found somebody deceased?

23 A No, it's not.

24 Q All right. I saw you handled it pretty well.
25 When -- everybody was hysterical. And then you kept

1 asking, How many shots? Was there any reports of any
2 other shots? You kept asking.

3 A Not that I'm aware. I responded fairly quickly.

4 Q That's a normal question.

5 A So there could have been other callers that I just
6 wasn't aware of. It's very frequent for people to call
7 911 to report hearing gunshots. If there were any others,
8 I'm not aware of it. Due to my arriving so quickly, I
9 wasn't made aware of anyone else that made any reports.

10 Q Okay. And -- and in your report, you -- you stated
11 that the scene was secure. Did you -- are you the one
12 that secured the scene?

13 A Not necessarily. I mean, that could be done many
14 ways, crime scene tape, just having several deputies on
15 scene to, I guess, secure the scene. But with my quick
16 arrival and trying to tend to the patient -- the victim, I
17 would say, no. Me alone, I was not able to secure the
18 scene.

19 Q So -- so your investigation had nothing to do about
20 what happened?

21 A No, sir.

22 Q You didn't ask them?

23 A I'm sorry. Can you repeat that?

24 Q I'm sorry. Your investigation -- you didn't find out
25 what happened? What happened? What happened? When you

1 got there, didn't you talk to -- what's her name? --
2 Patience?

3 A Yes, sir.

4 Q So in talking to her, what did she tell you happened?

5 MS. GASSER: Objection, Your Honor. Hearsay.

6 THE COURT: Sustained.

7 BY MR. HAMILTON:

8 Q Did you ask her -- okay. In the tape, they were
9 saying -- well, didn't -- didn't you, at some point, put
10 words in her mouth about whether or not -- did she tell
11 you -- did you ask her -- just answer the question, not
12 what she said. Did you ask her what happened?

13 A Yes.

14 Q All right. And then not saying what she said, she
15 responded?

16 A Yes.

17 Q All right. Thank you.

18 And in your response and in your investigation, was
19 there any indication that you found out what kind of gun
20 it was?

21 A No.

22 Q Okay. Did -- was there any indication where the shot
23 came from?

24 A (There was no response.)

25 Q When you -- when you investigate, what are you

1 looking for when you're out there? I thought you did a
2 great job.

3 A Can you repeat --

4 Q What was --

5 MS. GASSER: Objection --

6 THE COURT: Hold on.

7 MS. GASSER: Objection, Your Honor. I would, at this
8 point, object that this is outside the scope of her
9 testimony. She stated she was not the lead investigator
10 in this -- in this case.

11 THE COURT: All right.

12 MS. GASSER: And he's asking what an investigator
13 would do.

14 THE COURT: All right. I'm going to allow the
15 question.

16 But you may be specific as to this particular
17 witness, not, generally, what investigators do.

18 MR. HAMILTON: And -- and please -- thank you, Judge.

19 THE COURT: All right.

20 BY MR. HAMILTON:

21 Q All right. Ms. Carpenter, what is your -- the
22 deed -- the tactics you use -- not tactics, but the
23 procedure you use at the investigation? You -- you took
24 notes. And what was the purpose of that?

25 A Recollection purposes.

1 Q Recollection of what?

2 A So I can relay the findings from my investigation to
3 the investigators who are on the way to the scene.

4 Q Okay.

5 A Relay any pertinent information to other deputies
6 responding to the scene to assist.

7 Q And the key to it is that it's your job to find out
8 pertinent information; right?

9 A Yes, sir.

10 Q And did you find out pertinent information?

11 A I believe so.

12 Q So what's pertinent -- what's pertinent about a -- a
13 man in the car? Did you find out how -- what -- what was
14 he sitting in the car -- was he alive? Is that pertinent?
15 What was the -- what was the condition of the man?

16 A I'm not a doctor. But from what I could see, he was
17 unconscious.

18 Q Okay. And he was unconscious. You found out -- you
19 then -- did you find out how many shots it was? You
20 stated that already.

21 A I asked the witness how many times she heard a
22 gunshot. Yes, I did ask her that.

23 Q Okay. And then from the -- your pertinent
24 information that you relayed to other -- they take your
25 information and work from it, the investigators, the

1 homicide investigators, based on your report; right?

2 A Yes.

3 Q And then in your report, isn't it true that you found
4 out it was only one shot?

5 A Yes.

6 Q And then in your report, didn't you find out that you
7 didn't know what kind of gun was used?

8 A That's correct. I did not know what kind of gun was
9 used.

10 Q Okay. Did you find out where -- or how -- the body
11 that you saw, how it was -- was there any -- well, you can
12 see in the video. Wasn't glass broken in there?

13 A Yes. The rear pass -- excuse me, the rear driver's
14 window was almost shattered consistent with there being
15 a -- a hole from a gun being discharged into the vehicle.

16 Q All right. And did you find out any indication of
17 the suspected person who shot that gun?

18 A Yes. The witness on the scene stated it was the
19 Defendant.

20 Q Did you find out where the gun was shot from? Did
21 you relay that to your fellow comrades -- or not comrades,
22 but cohorts?

23 A Yes.

24 Q And what was the information you relayed to your
25 cohorts?

1 A Pretty much what you heard in -- in the video.

2 Q Okay.

3 A From Miss Patience, she said --

4 Q So what did you tell them?

5 A I relayed -- I -- I told them the information that I
6 gathered. It was one shot discharged into the vehicle.

7 Q Did you -- did you report where the shot came from?
8 From your -- from your gathering -- doing your job, where
9 the shot come from?

10 A Outside the vehicle.

11 Q Outside the vehicle. Was it shot by a human being or
12 shot by -- well...

13 A Yes. I was -- the information I got on scene was
14 that the Defendant had shot into the vehicle.

15 Q And what was the --

16 A She was standing outside the vehicle.

17 Q She was standing outside the vehicle when the gun was
18 shot?

19 A Yes.

20 Q And you got that from the scene?

21 A Yes.

22 Q And you got that from Patient [sic]. She was
23 standing outside the vehicle when the gun --

24 A Patience was -- yes.

25 Q She said what now?

1 A Patience had told me that the Defendant was standing
2 outside the vehicle when she shot into the vehicle.

3 Q Okay. Did she tell you --

4 MS. GASSER: Objection, Your Honor --

5 BY MR. HAMILTON:

6 Q Did she ask you -- isn't it true she told you --

7 THE COURT: Hold on.

8 MS. GASSER: Objection, Your Honor. I believe some
9 latitude has been given. But we are getting into
10 inadmissible hearsay.

11 THE COURT: I believe so. I agree, Counsel. I'm
12 going to sustain your objection.

13 Mr. Hamilton, just rephrase your question. And,
14 certainly, just keep it pertinent to where we are.

15 MR. HAMILTON: No further questions.

16 THE COURT: Anything on redirect?

17 MS. GASSER: No, Your Honor.

18 THE COURT: All right. Ma'am you, can step down.

19 And I'm assuming this witness can be released from
20 her subpoena.

21 MS. GASSER: Yes, Your Honor. We would ask that she
22 be released.

23 THE COURT: Any objection, Mr. Hamilton?

24 MR. HAMILTON: No, objection.

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

1 You can step down. We appreciate -- appreciate you
2 coming.

3 All right. Ladies and gentlemen of the jury, it is
4 about -- according to my calculations, it's about 4:59.
5 We're going to stop for the day and give you an
6 opportunity to have some rest before you get back here
7 tomorrow.

8 Please, ma'am, and, please, sir, don't discuss the
9 case with anyone, even your household members, or your
10 friends, relatives, anybody.

11 And I am going to have you in your jury room at
12 10:00. I'm not a 7:00 riser. So at 10:00 -- I want you
13 to be back at 10:00.

14 All right. Have a good evening.

15 (WHEREUPON, the jury was excused from open court at
16 approximately 4:58 p.m.)

17 THE COURT: All right. Counsel, we're going to start
18 at 10:00 in the morning.

19 Is there anything we need to cover before we adjourn
20 for the day?

21 MS. GASSER: Yes, Your Honor. Just a small
22 housekeeping matter --

23 THE COURT: Okay.

24 MS. GASSER: -- that the State would like to make
25 Your Honor aware of. I am, actually, having an

1 involuntary manslaughter plea that was set in accordance
2 with the public defender's office, as well as our higher
3 ups in our office. It's been scheduled for noon tomorrow.

4 If it is okay with the Court, if the lunch hour could
5 coincide at that time, I would be able to drop it -- or
6 run over there and handle that --

7 THE COURT: All right. And I've got --

8 MS. GASSER: -- sensitive plea.

9 THE COURT: Yeah. And I've got a -- when is that?

10 THE CLERK: At 2:00.

11 THE COURT: Yeah. I've got a 2:00.

12 Who's the lawyers on that case?

13 THE CLERK: Jessica --

14 THE COURT: Jessica Holland and -- I've got something
15 at 2:00. It's really just -- it's Craig Pringle. It's
16 either -- it's going to be some dialog about
17 representation. We have that -- seems like we have that a
18 lot lately. And dependent upon the -- how the dialog
19 turns out, we may be able to dispose of the case. But
20 that's going to happen at 2:00.

21 So, yeah. And I'll -- just remind me so we will stop
22 at -- you've just got to go upstairs?

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: Okay. We'll stop at 12:00 to give you
25 time to get up there.

1 MS. GASSER: Yes, Your Honor.

2 THE COURT: All right. Mr. Hamilton, anything y'all
3 have before we adjourn for the day?

4 I know your client's out on bond. I'm going to let
5 her stay out on bond.

6 MR. HAMILTON: Thank you, Judge.

7 That's very kind of you.

8 THE COURT: I'm holding you responsible for making
9 sure she gets back here.

10 All right. Anything else?

11 MS. GASSER: Nothing from the State, Your Honor.

12 THE COURT: Anything else, Mr. Hamilton?

13 MR. HAMILTON: Nothing further, Judge.

14 THE COURT: All right. See you at 10:00 in the
15 morning.

16 (WHEREUPON, the proceedings were concluded at
17 approximately 5:01 p.m., to be reconvened on
18 Tuesday, May 9, 2023.)

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1 TUESDAY, MAY 9, 2023

2 THE COURT: We're now on the record in the interest
3 of the State vs. Jasmine Liz Marie Robinson.

4 Ms. Gazer, anything before we bring the jury back?

5 MS. GASSER: Nothing, Your Honor, other than just to
6 reiterate the housekeeping matter that we spoke about.

7 Is it still okay for our noon plea upstairs to go and
8 for us to take a break?

9 THE COURT: Yeah. And I'm glad you brought that up.
10 Because at 2:00, I think the solicitor's office got a
11 matter that I got to take care of in here. And then I'll
12 let you go at 12:00. Just remind me.

13 MS. GASSER: Yes, Your Honor.

14 Thank you.

15 THE COURT: All right. Mr. Hamilton, anything I need
16 to address?

17 MR. HAMILTON: Nothing from the Defendant.

18 THE COURT: All right. Bring the jury in.

19 (WHEREUPON, the jury came into open court at
20 approximately 10:19 a.m.)

21 THE COURT: Good morning.

22 All right. The State's ready to proceed?

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: The Defense is ready to proceed?

25 MR. HAMILTON: Yes, Your Honor.

1 THE COURT: All right. The State call its next
2 witness.

3 MS. GASSER: The State calls Patience Parks.

4 THE COURT: All right. Ms. Parks.

5 THE CLERK: Just come right on up to the bench.
6 Pause at the Bible.

7 Lay your left hand on the Bible and raise your right
8 hand.

9 WHEREUPON,

10 PATIENCE PARKS,
11 after first having been duly sworn, testified as follows:

12 THE CLERK: Thank you.

13 You may be seated.

14 And, please, state your full name for the record.

15 THE WITNESS: Patience Parks.

16 DIRECT EXAMINATION

17 BY MS. GASSER:

18 Q Good morning, Ms. Parks.

19 A Good morning.

20 Q Ms. Parks, can you tell the jury a little bit about
21 yourself, where you're from?

22 A Well, my name is Patience Parks. I'm from
23 Greenville, South Carolina, born and raised. I have a
24 degree in business management, a degree in business
25 administration. I'm, also, a part of the Air Force. I

1 have no children. I paint. I'm a published author. And
2 I'm writing my second book as well.

3 Q Thank you, Ms. Parks.

4 And can you tell us, how old are you?

5 A 31.

6 Q And does your family, also, live here in Greenville?

7 A Some of them. My mother doesn't.

8 Q Where does your mom live?

9 A Maryland.

10 Q And where did you go to high school? You said you
11 were born and raised here.

12 A I went to J.L. Mann.

13 Q And so what did you do after high school?

14 A Just -- I was a kid. And then after that, I went to
15 college.

16 Q Where did you go to college at?

17 A Brown Mackie.

18 Q And you said you've got a degree in business
19 management. When did you graduate?

20 A 2015.

21 Q And so after you graduated in 2015, did you go to
22 work somewhere?

23 A I did.

24 Q Where at?

25 A At a bank.

1 Q And how long did you work at that bank for?

2 A Probably about four years.

3 Q And what did you do at the bank? What was your job,
4 or position, title?

5 A A debt specialist.

6 Q And you just told the jury that you were in the Air
7 Force. Are you still in the Air Force?

8 A I am.

9 Q And without getting --

10 A Wait. Excuse me. I'm a vet. I apologize.

11 Q Okay. Now, without getting into any specifics of
12 location, are you still -- are you currently employed?

13 A I am.

14 Q Are you employed here in Greenville?

15 A I am.

16 Q And you told us you were a published author?

17 A I am.

18 Q What is your book about?

19 A How to be a better you. A lot of people feel as if
20 to change themselves, they have to become someone else.
21 But I feel that, you know, you can just change who you are
22 and be yourself. It's just a step by step on how to be a
23 better you.

24 Q And you said you're writing a second book?

25 A I am.

1 Q What's that about?

2 A It's a little more personal. It's about my life.

3 Q You, also, mentioned art. Can you tell us about your
4 art?

5 A Yes. I've been painting since about 2019. And I
6 don't sell my art on a platform. But I do sell it to
7 people who may see it, and they like it, and they want it.

8 Q And what is your art about. Do you have any specific
9 inspiration?

10 A Women empowerment, love.

11 Q And do you do anything else for fun?

12 A It's a lot. I'm a song writer as well.

13 Q So let's talk about -- a little bit about this case.

14 A Okay.

15 Q When did you meet Desmond Parks?

16 A April of 2020.

17 Q Had you known him before then?

18 A Just through, like, social media, and stuff.

19 Q So in person, you didn't know him?

20 A No, not at all.

21 Q And how old were you when you met him?

22 A What was that? I guess I was 29, 28.

23 Q And so when you met on social media, how -- was it
24 around the same time? Was it months, years before that?
25 When did y'all meet on social media?

1 A April -- do you mean, like, the first time we had a
2 conversation.

3 Q Yes.

4 A April of 2020.

5 THE COURT: Could you keep your voice up for me a
6 little bit? Keep your voice up.

7 THE WITNESS: Okay.

8 BY MS. GASSER:

9 Q So tell me, Patience, were y'all immediately
10 romantically involved?

11 A Somewhat. Because when -- I met him in April. And
12 it had been, you know, hey, I know you. I know you, you
13 know, stuff like that. And then we just started to hang
14 out. And by May, yes, we were dating.

15 Q Would you have called it a serious relationship?

16 A Very much so.

17 Q Did you meet his family?

18 A I did.

19 Q Did you meet his mom?

20 A I did.

21 Q Did Desmond have any children?

22 A He does.

23 Q How many children does he have?

24 A Four.

25 Q And did you meet those children?

1 A I did.

2 Q And where were you living in November of 2020?

3 A In Greenville.

4 Q Did Desmond Parks live with you at that time?

5 A A lot of times, he did, yes.

6 Q If he wasn't staying with you, where was he?

7 A With his mom.

8 Q And do you know where his mom was living?

9 A I learned a little bit after, yes, ma'am.

10 Q Do you know that specific address or --

11 A No, ma'am.

12 Q Okay. Did you know the area, though?

13 A Yes, ma'am.

14 Q And do you know the Defendant, Jasmine Robinson?

15 A No, ma'am.

16 Q Had you ever met her before November of 2020?

17 A No, ma'am.

18 Q Did you know of her?

19 A No, ma'am.

20 Q So let's go back to November 5th, 2020.

21 A Okay.

22 Q Can you walk me through your day starting with when
23 you woke up?

24 A I went to work. At the end of the day, I got off
25 work. I was talking with my friends. And we decided to

1 go out to celebrate. I can't remember what we were
2 celebrating, something. I don't know. We went out. And
3 we left there.

4 I saw Dezz [sic] at the spot that we were at. And he
5 told me to come to his mom's house. And that's what I
6 did.

7 Q All right. So let's back up. And let's talk to the
8 jury about just some specific things. So you said you
9 woke up and went to work?

10 A Yes, ma'am.

11 Q Where were you working at the time?

12 A At -- I was working downtown for a bank.

13 Q And what were you doing at that bank?

14 A Same thing, debt specialist.

15 Q And what time did you go to work?

16 A 8:00.

17 Q Is that in the morning?

18 A Yes, ma'am.

19 Q Okay. And so you, also, said that you got off work.
20 What time did you get off work?

21 A About 5:00, 5:30.

22 Q And what did you do after you got off work around
23 5:30?

24 A I'm not sure. Probably went home.

25 Q Where were you living at the time?

1 A Greenville.

2 Q Do you remember that specific address?

3 A I do.

4 Q What was it?

5 A It was 33A [inaudible] Lane.

6 Q And was anyone living with you at that address?

7 A Uh-huh.

8 Q Who?

9 A My sister. And my mom was there as well.

10 Q And earlier you said that Desmond Parks would, also,
11 stay with you?

12 A Correct.

13 Q Is that right?

14 A That is correct.

15 Q So was Desmond at the house when you got home after
16 work?

17 A Not that day, no, ma'am.

18 Q Was anyone at the house when you got home?

19 A I do apologize. I can't remember.

20 Q So after work, you're at home. What did you do next?
21 You said you met up with friends?

22 A I had some friends come over. And we just decided to
23 go out. I don't remember what we were exactly
24 celebrating. But we were just going out as girls.

25 Q And where were y'all going out to?

1 A A club at the time called Cream.

2 Q And so it was just you girls. Is that what you just
3 testified to?

4 A Yes, ma'am.

5 Q So was Mr. Parks with you?

6 A He was not with me. But he came because I was there.

7 Q So did you see him that night?

8 A I did.

9 Q Where did you see him that night?

10 A At the club and, also, when I left.

11 Q Did y'all talk at the club?

12 A A little.

13 Q And were y'all dating at the time?

14 A We were.

15 Q But y'all didn't go together?

16 A I was with the girls.

17 Q And so after you left the club, where did you go?

18 A Home.

19 Q Okay. Did anyone go home with you?

20 A No, ma'am.

21 Q And you said that he then contacted you and asked you
22 to come to his mom's house?

23 A Correct.

24 Q Is that right?

25 A Correct.

1 Q So did he call you? Text you? How did he
2 communicate with --

3 A He texted me first and then he called. And just --

4 Q Do you remember what time?

5 A It had to be probably around midnight. Because that
6 was around COVID times. So the -- the party spots were
7 not staying open too late. So it had to be maybe just
8 a -- slightly after midnight, if not midnight.

9 Q And did you answer his call?

10 A I did.

11 Q And did you go over to his mom's house?

12 A Yes, ma'am.

13 Q How long did it take for you to get to his mom's
14 house from your address?

15 A Maybe about 15 minutes.

16 Q And when you got to his mom's house, was he the only
17 person there?

18 A No, ma'am.

19 Q Who else was there?

20 A His mom and his brother.

21 Q And do you know his mom's name?

22 A Miss Tammy.

23 Q And do you know his brother's name?

24 A Tyler.

25 Q And had you met them before?

1 A No, ma'am.

2 Q So that was the first time you were meeting his mom?

3 A Yes, ma'am.

4 Q And what did y'all do when you got to the -- his
5 mom's house?

6 A We talked and laughed. And he introduced me to his
7 mom. And we had a really, really good conversation. It
8 was really nice.

9 Q Was it just you and Desmond talking and laughing?

10 A His mom as well.

11 Q So tell me, how do you remember what happened --
12 y'all are having this conversation. What happened next?

13 A And then we said we were hungry. And then we went to
14 Waffle House. And then once we got out of Waffle House,
15 we went back to his mom's house. And we ate there.

16 Q So did y'all get Waffle House just for the two of
17 you?

18 A Yes.

19 Q And you went back to his mom's house and ate?

20 A Yes, ma'am.

21 Q And so did y'all stay in or did y'all -- what did
22 y'all do next?

23 A We ate. And then for some reason -- I don't remember
24 why -- Desmond needed to go to the store.

25 Q Now, you had earlier testified that you went over to

1 his mom's house. How did you get to his mom's house?

2 A I drove.

3 Q Did you drive -- what kind of car were you driving?

4 A A Nissan Sentra.

5 Q What color was your car?

6 A It was black at the time.

7 Q And did Desmond have a car?

8 A Yes, ma'am.

9 Q What kind of car was he driving?

10 A He had a silver Acura.

11 Q So when Desmond told you that he -- there was some
12 reason y'all needed to go to the store?

13 A Uh-huh.

14 Q Did he go alone?

15 A No, ma'am. I went with him.

16 Q Okay. And whose car did y'all take?

17 A His.

18 Q Who drove?

19 A He did.

20 Q Where were you sitting?

21 A In the passenger seat.

22 Q And where -- what store did y'all go to?

23 A Spinx.

24 Q Do you remember the location of that Spinx?

25 A Off of White Horse Road.

1 Q And can you tell us what else was around the Spinx?

2 A A neighborhood -- it's a neighborhood and a shopping
3 center on the other side.

4 Q And how far away was it from his mom's house?

5 A Literally, right up the street.

6 Q How long did it take y'all to get from his mom's
7 house to Spinx?

8 A A minute or so, not long.

9 Q And were you in the courtroom yesterday?

10 A I was, yes, ma'am.

11 Q Did you watch all the testimony yesterday?

12 A I did.

13 Q Okay. Do you remember watching a Spinx video?

14 A I do.

15 Q Did you recognize yourself on that video?

16 A Yes, ma'am.

17 Q And just --

18 A Well, in the car.

19 Q You were in the car. And you just testified to the
20 jury that you were in the passenger seat?

21 A Correct.

22 Q And you knew what car the -- Desmond Parks was
23 driving that night?

24 A Yes, ma'am.

25 Q Okay. And would you recognize yourself in that video

1 again if we were to play it for you?

2 A In the car?

3 Q Yes.

4 A Well, you can't see in the car. But I know I was in
5 the car, yes, ma'am.

6 MS. GASSER: Your Honor, permission to publish what's
7 already been placed into evidence as State's Exhibit No. 3
8 to the jury.

9 THE COURT: Any objection, Mr. Hamilton?

10 MR. HAMILTON: No objection.

11 THE COURT: All right.

12 MR. HAMILTON: Well, I stated my objection --

13 THE COURT: Noted -- noted for the record.

14 MR. HAMILTON: Yes, sir.

15 BY MS. GASSER:

16 Q And, Ms. Parks, just while this is loading, your last
17 name is Parks; right?

18 A Yes, ma'am.

19 Q And Desmond Parks' last name is, also, Parks?

20 A Uh-huh.

21 Q Were y'all married?

22 A No.

23 Q Were y'all related?

24 A No, ma'am.

25 Q So --

1 A We made sure of that.

2 Q So y'all just happened to have the same last name?

3 A Uh-huh.

4 Q Okay. But y'all were only dating?

5 A Yes, ma'am.

6 Q All right. Ms. Parks, just while this is still
7 loading, let's talk a little bit about that video. You
8 just told the jury that you recognized the car you were
9 in?

10 A Yes.

11 Q Was there any other car that you noticed that night?

12 A Well, I didn't know the car itself.

13 Q When y'all got to the Spinx, did y'all park in a
14 parking spot?

15 A I thought we did. But from the video, I guess we
16 parked at -- we stopped at a pump.

17 Q Did you get out of the car?

18 A No, ma'am.

19 Q Did you go into the store?

20 A No, ma'am.

21 Q How long were you at the Spinx?

22 A Not long. As soon as we got there, the young lady
23 pulled in. And Desmond said, This is what I'm talking
24 about. This is what she does. And so we pulled off.

25 Q Okay. So how long do you think you were at the

1 Spinx?

2 A 45 seconds, I guess, from pulling in and parking, if
3 that. It was not long.

4 Q So did you see the vehicle that Desmond was talking
5 about?

6 A Yes, ma'am.

7 Q Okay. Do you remember what kind of vehicle it was?

8 A It was a Nissan.

9 Q Do you know what kind of Nissan?

10 A Altima.

11 Q What color was it?

12 A I want to say, like, a -- a dark gray, but I'm not
13 for sure.

14 Q And did you know who was driving that car?

15 A Because he told me, yes, ma'am.

16 Q Okay. And who was it that was driving that car?

17 A The young lady.

18 Q Who's the "young lady"?

19 A Her name is Jasmine.

20 Q Do you know her last name?

21 A Robinson.

22 Q And you said that you didn't know her before this?

23 A No, ma'am.

24 Q So you said that y'all were only in the Spinx for
25 about 45 seconds; is that right?

1 A If that, yes, ma'am.

2 Q Okay. So where did y'all go once you started -- once
3 you left the Spinx?

4 A At that point, there was an altercation arising.

5 Q Okay. And so "an altercation arising," explain that
6 to the jury. What does that mean?

7 A At that point, that's when Desmond saw her and said,
8 This is what I'm talking about. This is what she does.
9 And then we pulled off.

10 In the midst of us trying to pull off, as you all may
11 have saw in the video, she came up on the passenger side
12 and tried to block the car off -- well, she did, actually,
13 indeed, block the car off. I'm not sure if the video even
14 goes that far of her blocking the car off.

15 And then I told Desmond to go around her. Because we
16 did not have time for those type of problems.

17 Q All right. So, Ms. Parks, if you will, using the
18 screen behind you, will you indicate to the jury -- as you
19 talk about something, will you, actually, physically stand
20 up and point to it?

21 A Okay.

22 (WHEREUPON, State's Exhibit No. 3 was played in open
23 court.)

24 BY MS. GASSER:

25 Q So do you recognize anything in this still shot from

1 that clip?

2 A Yes, ma'am.

3 Q What do you recognize?

4 A This is Desmond's car. I was in the passenger seat.
5 And he was driving.

6 Q Okay. So moving forward...

7 (WHEREUPON, State's Exhibit No. 3 continued to be
8 played in open court.)

9 BY MS. GASSER:

10 Q So if you would, whenever you see anything that you
11 want -- that you want to let the jury know about, will
12 you, please, indicate it to them?

13 A Absolutely.

14 Q Do you recognize anything in this shot?

15 A Same thing, Desmond and I.

16 Q And just so the jury can be clear, what are you
17 referencing?

18 A In this vehicle, in the Acura.

19 Q Is that in the upper right-hand corner?

20 A Yes, ma'am.

21 This is Ms. Robinson.

22 Q And how do you know that that's Ms. Robinson?

23 A From the night when Desmond said, This is what she
24 does.

25 THE COURT: Speak up. I didn't hear you.

1 THE WITNESS: From the night when Desmond said, This
2 is what she does.

3 THE COURT: Okay.

4 (WHEREUPON, State's Exhibit No. 3 continued to be
5 played in open court.)

6 BY MS. GASSER:

7 Q So tell me about what's happening here. You said
8 that -- that y'all were in that vehicle in the upper
9 right-hand corner. What are y'all doing now?

10 A We're leaving. We're leaving because that's when
11 Desmond said what he said. And we were just leaving to
12 avoid any type of conflict. And she followed right behind
13 us.

14 Here is where you all will see what I was saying when
15 Ms. Robinson came up on the passenger side very aggressive
16 with her intentions to -- then it stops, but then block
17 the car off once we all were leaving out of Spinx.

18 Q All right. So, Ms. Parks, if you want to take a
19 seat.

20 A (Witness complied.)

21 Q Let's talk about that. So y'all are leaving the
22 parking lot of Spinx. And you said she tried to cut y'all
23 off. Can you explain that to the jury? Was she on the
24 right side? Left side? Behind y'all? Where was she?

25 A She sped up from behind us. And she proceeded on the

1 passenger side. Once she was around the passenger side,
2 Desmond and I were pulling out. And she whipped and had
3 us like this.

4 So this is Desmond and I. And this is Ms. Robinson.
5 And I told Dezz not to go around her because we did not
6 have time for any type of conflict. So he then went
7 around her. And that's how she ended up behind us.

8 Q So what road are you on at this point?

9 A Merging on to Old -- Old Easley Bridge Road. I'm not
10 sure of the name of the road, if it's the same.

11 Q So were y'all able to get around her?

12 A Yes, ma'am.

13 Q Did the cars hit each other?

14 A No, ma'am.

15 Q Okay. So you just said merging onto Old Easley
16 Bridge Road?

17 A Correct.

18 Q Are y'all in front of her? Behind her? Where are --

19 A We're in front of her at this point.

20 Q Okay. And tell me what happened next.

21 A I do not know who called who. They ended up on the
22 phone. And he was just telling her to not follow him back
23 to his mom's house.

24 Q Could you hear anything she was saying?

25 A I couldn't make out what she was saying. It was

1 just -- she was yelling.

2 Q And you said you could tell she was yelling out.

3 Could you tell if she was --

4 A I could just hear the -- the yelling. But I just
5 couldn't make out what she was saying. And Desmond was
6 telling her not to follow us back to his mom's house. And
7 just his words, I told you what it was already. You
8 already know what it is. This is his quote, You already
9 know what it is. And that's really all he was saying,
10 Don't follow me back to my mom's house.

11 Q So what are you doing? Are you looking at him?

12 Where -- where are you looking?

13 A I'm looking out the window at this point. Because,
14 to be honest with the courtroom, I thought that I was
15 going to have to fight her.

16 Q And how did that make you feel?

17 A Very uncomfortable.

18 Q So what happened -- you're looking out the window.

19 What happened next?

20 A Everything kind of really went in slow motion after
21 that. I was looking out the window. I took my coat off.
22 That's how -- I did not have the keys to my car because I
23 took off my coat. And I was like, Okay, Dezz, drama.

24 But then I heard glass shatter. And I felt glass
25 slap me on my neck. And I just looked over to him. And

1 he was slumped at that point. And I'm guessing his body
2 locked up. Because we were, actually, not in park. We
3 were slowing down.

4 Q So why were y'all slowing down?

5 A Because he wanted her to stop.

6 Q And where were y'all? Were y'all on the side of the
7 road?

8 A No, ma'am.

9 Q Were y'all pulled off in a driveway? Where are
10 y'all?

11 A We're riding down Old Easley Bridge Road.

12 Q So are you in the -- in the actual roadway?

13 A Yes, ma'am.

14 Q So you said that you think his body locked. Why do
15 you -- what happened when his body locked?

16 A The car just --

17 Q What you thought was his body locked --

18 A The car slammed and just, like, on the brakes really
19 hard.

20 Q So what happened -- you just told the jury that you
21 heard glass break?

22 A Yes.

23 Q You felt glass on your neck?

24 A Yes.

25 Q And you looked over. What did you see?

1 A When I looked over, I seen Desmond slumped over. And
2 I knew, at that point, he was hurt. Before I can even
3 process what was happening, Ms. Robinson then ran to the
4 driver's side door. And she snatched it open. She then
5 looked at Desmond. And she looked at me. And she pointed
6 her gun at me. And she pulled the trigger.

7 Once the gun did not go off, Ms. Robinson was looking
8 around like that. And she was trying to unjam her gun.
9 At this point, now, I'm begging for my life. Because I
10 know that this young lady is upset. And she already just
11 hurt Desmond. And she does not care. So now she is
12 trying to hurt me.

13 Q So, Ms. Parks, let's back up a little bit.

14 A Okay.

15 Q So when she pointed a gun at you, did you see the
16 gun?

17 A Yes, ma'am.

18 Q What did it look like?

19 A A gun.

20 Q Was it -- was it a big gun?

21 A No.

22 Q Was it a small gun?

23 A It was, like, a nine millimeter, if I'm not mistaken.

24 Q Was it -- do you remember -- did it have any distinct
25 colors? Or was it just black? What -- what did the gun

1 look like?

2 A Purple, maybe, a dark color.

3 Q Okay. And you told them that she pulled the trigger.

4 How do you know that?

5 A I heard it.

6 Q And you, also, just told the jury that she was trying

7 to --

8 A Unjam her gun.

9 Q -- unjam her gun. How do you know she was trying to
10 unjam her gun?

11 A She was doing like this. And she was looking around.
12 And I was begging her to stop. She was not stopping.

13 MS. GASSER: So I'd just like the record to reflect
14 the hand gesture that the witness gave was --

15 BY MS. GASSER:

16 Q What would you call that? What would you call your
17 hand gesture?

18 A I'm familiar with weapons. So it's her trying to
19 unjam her gun.

20 Q So, Ms. Parks, after she's trying to unjam her gun,
21 is she saying anything to you?

22 A Not a word.

23 Q Did she say anything to you at all during this --

24 A Not a word, no, ma'am.

25 Q And what were you saying?

1 A Please, stop. Jasmine, look at Dezz. He's hurt.
2 Please stop. Please, please, please stop. Please, please
3 stop. And she would not stop.

4 So, at that point, I just called in the name of Jesus
5 because...

6 Q How did you feel?

7 A A lot of ways, betrayed, confused. It was just a
8 lot. It was a lot of emotions going on at that time.
9 Very much in shock.

10 Q So when you saw that gun, what did you think?

11 A That she was going to kill me.

12 Q Was she able to unjam the gun? Do you know?

13 A Huh-uh, not that I know of.

14 Q So what happened after she's trying to unjam the gun
15 and you're saying, please, please, please? What happened
16 next?

17 A She wouldn't stop. So I -- excuse me. So I just
18 proceeded to call in the name of Jesus because that's who
19 I know. And then she stopped. And she looked at me. And
20 she looked at Desmond. And she walked backwards all the
21 way to her car. She didn't run. She didn't say anything.
22 She just walked backwards to her car. And she left me out
23 there with him.

24 Q How do you know she walked backwards?

25 A I watched her.

1 Q And how did you watch her? Were you still in the
2 passenger seat?

3 A So, like I told the investigators, I was in shock.
4 When she was doing what she was doing, I was trying to get
5 out of the car. But my mind couldn't register to unlock
6 the door to get out. So -- so I was just trying to get
7 out, but I couldn't. And my mind was -- I didn't think to
8 unlock the door.

9 So I don't know why, but I crawled over Desmond. And
10 I'm like, Jasmine, why did you do that? And she just
11 walked backwards to her car. She just left. So that's
12 how I saw that.

13 Q So when she's back -- walking backwards to her car,
14 what did she do next?

15 A She left me out there with him.

16 Q So when you say that she left, did she --

17 A She didn't pull off frantically, or anything. She
18 just pulled off like she was leaving the store.

19 Q Was she -- so she was in her vehicle?

20 A She was.

21 Q Now, after she left, what did you do?

22 A I called for help. And I tried to get people to stop
23 for me, but they would not stop.

24 Q And when you say that you called for help, did you
25 call 911?

1 A I did.

2 Q And were you in -- were you in the courtroom
3 yesterday when the 911 testimony was played?

4 A I was.

5 Q Was that your voice?

6 A That was.

7 Q And tell us a little bit about that 911 call.

8 A I don't even really remember it. Yesterday was the
9 first time, of course, I heard it. I didn't even remember
10 calling 911, but I know I did.

11 Q And on the 911 call, you kept saying you were off
12 White Horse Road. Did you know where you were at?

13 A I did, but in that moment, I didn't. I couldn't
14 think.

15 Q So you didn't know where -- you knew where you were?

16 A Right.

17 Q But you didn't know the exact address?

18 A Yes, ma'am.

19 Q Is that what you're telling the jury?

20 A Yes, ma'am.

21 Q And so on that 911 call, there's, also, some times
22 when you are not really listening to the 911 operator; is
23 that right?

24 A That's correct.

25 Q Okay. What were -- what were you doing during --

1 A Trying to get help.

2 Q When you're trying to get help, what does that mean?

3 A I ran to a nearby house that I saw, that we were
4 right in front of. And I was knocking on the door asking
5 to, please, just help me. At least, just tell me the name
6 of the road. Because I just could not remember it.

7 And then cars were passing by. And I was trying to
8 get the cars to stop for me. But, like, five cars passed
9 by before someone, actually, stopped for me.

10 Q So you were in the courtroom yesterday?

11 A I was.

12 Q Did you watch the Ring doorbell camera footage?

13 A I did.

14 Q And did you recognize who was in that footage?

15 A That was me.

16 Q So let's talk to the jury a little bit about this.

17 A Okay.

18 (WHEREUPON, State's Exhibit No. 4 was played in open
19 court.)

20 BY MS. GASSER:

21 Q All right. So you just said that was you.

22 Who is that?

23 A That is me.

24 Q Now, where -- where did you just go?

25 A I don't know.

1 Can you start it over?

2 (WHEREUPON, State's Exhibit No. 4 continued to be
3 played in open court.)

4 THE WITNESS: So I was running back and forth from
5 him to try to get him to keep breathing. Yeah, yeah. I
6 kept running to see if someone would help me. But I,
7 also, didn't want to -- because I know when you're
8 passing, you're hearing stuff. And I didn't want Desmond
9 to feel like I was leaving him. So I just went up to
10 the -- I stood there.

11 (WHEREUPON, State's Exhibit No. 4 continued to be
12 played in open court.)

13 BY MS. GASSER:

14 Q What's in your hand?

15 A My phone.

16 Q Were you on the phone?

17 A I don't remember being so.

18 Q So you just told the jury that you're running back
19 and forth between Desmond and this front door?

20 A (There was no verbal response.)

21 (WHEREUPON, State's Exhibit No. 4 continued to be
22 played in open court.)

23 BY MS. GASSER:

24 Q What do you see in the background of that video?

25 A Cars passing me.

1 Q How many cars passed you?

2 A Probably about five.

3 Q Did anyone stop?

4 A Yes, finally.

5 Q Do you know who stopped?

6 A Ms. Yolanda stopped.

7 Q Did you know her?

8 A Not at all.

9 Q So when Ms. Yolanda stopped, what did you do?

10 A I was able to get her to tell me the name of the road
11 that I was on, because I couldn't remember.

12 Q What did you do next?

13 A I ran to his mom's house. I asked her, I said,
14 Please don't leave him. Please don't -- don't leave him.
15 But I have to get his mom. Because I can't get her on the
16 phone. So I ran to his mom's house.

17 Q How far away was his mom's house?

18 A Not far.

19 Q So you physically ran there?

20 A I ran.

21 Q When you got to his mom's house, what did you do?

22 A I just burst in the door. And I said, Miss Tammy,
23 Miss Tammy, Desmond has been shot.

24 Q What happened next?

25 A Then we -- we got in the car. Then we got in the

1 car. And we went back to him so he wouldn't be alone.

2 Q So you -- you got in the car. Whose car did you get
3 in?

4 A I have no idea. It was a car in their driveway. And
5 I was like, Are these the keys?

6 Q Was it --

7 A I think it was his brother's or his momma's car. I
8 don't -- I just said, We have to go.

9 Q Was it your car?

10 A No, ma'am. It was not my car.

11 Q So once y'all got in the car, where did you go?

12 A We went back to where he was.

13 Q And what did y'all do once you got back to where
14 Desmond was?

15 A We just waited on the ambulance.

16 Q Did law enforcement arrive?

17 A Yeah. Yes, ma'am.

18 Q And you were in the courtroom yesterday?

19 A Yes, ma'am.

20 Q Did you see yourself on that body-worn camera that's
21 already been entered into evidence?

22 A Yes, ma'am.

23 Q And do you remember what you told law enforcement
24 when they arrived?

25 A That he had been shot.

1 Q Did you know by who?

2 A Jasmine.

3 Q Did you tell law enforcement that?

4 A I did.

5 Q Did anyone show you any photos of her before you told
6 them that on scene?

7 A On the scene?

8 Q On scene, was anyone telling you who Jasmine was?

9 A No, ma'am.

10 Q So law enforcement had not mentioned the name Jasmine
11 to you?

12 A No, ma'am.

13 Q When law enforcement arrived, what did you do?

14 A I don't remember. I just told them what happened.

15 Q Did you give a statement to law enforcement?

16 A Yes, ma'am.

17 Q Did you cooperate with law enforcement?

18 A I did, yes, ma'am.

19 Q Okay. Was that statement made that day or a
20 different day?

21 A No, ma'am. They took me in that night.

22 Q And how were you feeling during all this?

23 A In shock, in complete shock. I was in shock. I was
24 hurt. I was hurt because I didn't know what the hell was
25 going on.

1 Q Patience, how has this impacted you?

2 A I don't even know where to begin. I've had so many
3 people talk about my character and who I am. I'm not a
4 bad person. I'm not a home wrecker. I'm not what people
5 were saying about me. I had to completely disappear
6 because I don't know who's who, and who may have the wrong
7 impression of who I am as a woman, as a person.

8 I don't do anything really any more. I don't like to
9 go out. I don't like to be around a lot of people. I
10 even had to get a job from home. Because I just don't
11 trust people and who they are. I've had therapy. I don't
12 really remember the last time I slept well.

13 MS. GASSER: Thank you, Ms. Parks.

14 Please answer any questions that Defense Counsel may
15 have.

16 THE WITNESS: Yes, ma'am.

17 THE COURT: Cross-examination, Mr. Hamilton.

18 MR. HAMILTON: May it please the Court.

19 THE COURT: Yes, sir.

20 MR. HAMILTON: Madam Prosecutor.

21 CROSS-EXAMINATION

22 BY MR. HAMILTON:

23 Q Patience --

24 A Yes, sir.

25 Q -- I'm Ernie Hamilton. I represent Jasmine.

1 A Yes, sir.

2 Q I want to start off by asking you about your mental
3 state.

4 A Uh-huh.

5 Q And I understand your being upset and the mental
6 state that you displayed today, you had that same
7 destruction [sic] of feelings, and confusion, and despair;
8 is that not right?

9 A Correct. Yes, sir.

10 Q And -- but -- and you told us about you having a long
11 day that day?

12 A Yes, sir.

13 Q And -- but when Deputy Carpenter was the first -- she
14 was the first person on the scene that night; is that
15 correct?

16 A I do not recall that, sir. I'm sorry. She said she
17 was yesterday.

18 Q Okay.

19 A But I don't recall that.

20 Q All right. But in -- in evidence, there's a tape
21 where she was the first person?

22 A Okay. Yes, sir.

23 Q And then when you talked with Deputy -- Deputy
24 Carpenter -- when you talked to her about what happened
25 that night, everything was really fresh. You was upset.

1 But everything was really fresh on your mind; is that
2 correct?

3 A Somewhat, yes, sir.

4 Q But -- and -- but -- but you never told Deputy
5 Carpenter that Jasmine pointed a gun at you. She -- you
6 never told her that that night. You was upset and trying
7 to get help and --

8 A Yes, sir.

9 Q But you never told Deputy Carpenter on -- at the
10 scene --

11 A Not her, no, sir.

12 Q -- that she pointed a gun at you?

13 A No, sir. I was just truly worried about Dezz.

14 Q Yeah.

15 A Yes, sir.

16 Q Did she ask you?

17 A No, sir.

18 Q She didn't ask you?

19 A No. I don't recall, no, sir.

20 Q You don't recall. Whenever you talked to the
21 police -- whenever you talked to the police officers, you
22 was telling the truth as -- is that right?

23 A That is correct.

24 Q Whenever you talked to them. All right.

25 And when you was talking to Deputy Carpenter, she was

1 writing down everything you were saying. You remember
2 that, don't you?

3 A No, sir.

4 Q You don't remember her writing -- talking -- how many
5 times do you think you talked with Deputy Carpenter?

6 A I have no idea, sir. I don't know.

7 Q Okay. You remember at the scene?

8 A Uh-huh.

9 Q And you was all upset and everybody was all upset?

10 A Yes, sir.

11 Q You don't remember how many different officers you
12 talked to?

13 A No, sir.

14 Q So -- so you do -- so you didn't talk to nobody?

15 A Nobody --

16 Q At the scene, you know, at the car when you was --
17 that you was riding in. Did you talk to any officer and
18 tell him -- but you didn't tell -- did you talk to any
19 officer?

20 A I did.

21 Q Okay. So when you say you don't remember, you don't
22 know -- remember --

23 A I don't remember how many.

24 Q How many?

25 A Yes, sir.

1 Q And if I say you talked to 12, it could be 12?

2 A It could be.

3 Q Okay. But you do talk -- remember talking to them.
4 And do you remember telling them that Jasmine pointed a
5 gun at you?

6 A Correct.

7 Q Did you -- at the scene, did you tell --

8 A Correct. Yes, sir.

9 Q And you remember telling an officer that Jasmine
10 pointed a gun at you?

11 A I do.

12 Q Okay.

13 A I still remember who I was speaking with when that
14 conversation came about. Yes, sir.

15 Q I'm sorry?

16 A I remember who I was speaking with when they asked me
17 everything, to give my interview, when that came about,
18 yes, sir.

19 Q Okay. And I'm -- I -- I'm confused a lot of times.

20 A That's okay.

21 Q I'm trying to get you focused back.

22 A Yes, sir.

23 Q At --

24 A On that situation.

25 Q -- what happened at the road.

1 A Uh-huh.

2 Q And the question is, "yes" or "no."

3 A Yes.

4 Q I never told anybody at the scene I point -- Jasmine
5 pointed a gun at you? "Yes" or "no."

6 A I said I did. I did tell someone at the scene.

7 Q At the scene?

8 A Correct. Yes, sir.

9 Q Okay. When you saw Jas that night, there was no one
10 else in the car -- in her car; is that right?

11 A I'm not sure. I don't know who was in her car.

12 Q You -- you told -- and, like, you told the officer
13 that -- okay. You did not -- okay. You know -- you know
14 for a fact that no one else was in the car with Jasmine.
15 You know that; right?

16 A (There was no response.)

17 Q You know that.

18 A Is that a question?

19 Q That's a question I'm asking. Is that right?

20 A I don't know who was in her car. But I know she did
21 what she did.

22 Q Okay. You know Jasmine -- Jasmine on sight. You
23 know what she looks like?

24 A (There was no response.)

25 Q Is that a "yes" or "no"?

1 A That is a yes.

2 Q And how do you know Jasmine?

3 A I do not know Jasmine.

4 Q But you know her on sight?

5 A I knew what she looked like, yes, sir.

6 Q Is it your testimony that Jasmine -- that she shot --
7 that she was in the car -- when she shot, she was in her
8 car? When she shot the gun, she was sitting in her car --
9 or in her car some kind of way. Is that what your
10 testimony is?

11 A Is that a question?

12 Q Is that -- is that true? "Yes" or "no." Was she
13 sitting in her car when she shot the gun?

14 A That I do not know.

15 Q Okay. When she shot the gun, was -- she got out of
16 her car?

17 A Oh, yeah. She was out of her car at one point in
18 time. But when she shot her weapon, I do not know where
19 she was.

20 Q Okay.

21 A I don't know if she was in her car or out of her car.

22 Q But didn't you tell at the scene Officer Carpenter
23 that she was in her car when she shot?

24 A Yes. Because that was my recollection. Because me
25 and Desmond were not parked as if -- people were trying to

1 say. We were still driving. So I assumed that she was
2 still driving as well.

3 Q Okay. Well, maybe that's the clarification. When
4 you heard the shot and felt it in the back of the neck --

5 A Yes, sir.

6 Q -- you and Desmond never stopped -- had stopped.
7 Y'all had never stopped?

8 A We were still rolling, yes, sir.

9 Q You was still going?

10 A Uh-huh.

11 Q And then still driving. And you felt something in
12 the back of your neck?

13 A The car was slowing down.

14 Q I'm sorry?

15 A We were slowing down.

16 Q So you --

17 A But we were not at a complete stop, no, sir.

18 Q You were not at a complete stop?

19 A No, sir.

20 Q And did you hear the shot?

21 A I did, yes, sir.

22 Q Okay. And then you felt the --

23 A Correct. Yes, sir.

24 Q Right. And then you saw Desmond [sic] get out of her
25 car --

1 A Jasmine.

2 Q -- is that -- Jasmine. I'm sorry.

3 A Uh-huh.

4 Q Jasmine. You saw her get out of her car?

5 A Correct -- no, no. I did not see her get out of her
6 car. But I saw her open the driver's side door, yes, sir.

7 Q Okay. And then from the time you felt your -- yeah.
8 But, clearly, after the car had stopped?

9 A Correct. Yes, sir.

10 Q At the scene -- at the scene in the video, you -- you
11 can hear yourself talking. Is it correct that you say,
12 Jasmine shot at the car? Because you didn't see her
13 shoot. Did you see her shoot the gun at the car?

14 A It was clearly her, sir. I don't have to see it. I
15 know who was behind us and the situation. It was her.

16 Q You assume. You put one plus one shot --

17 A It was clearly her, sir. It was her.

18 Q It was clearly her. And you can tell -- tell us that
19 today?

20 A Correct.

21 Q Because you saw her?

22 A Get out of her -- well, I saw her snatch that door
23 open with a weapon in her hand, correct. Yes, sir.

24 Q You didn't see her get out of the car?

25 A No, sir.

1 Q And the next time you saw her --

2 A Was when she opened up Desmond's --

3 Q Open the door --

4 A -- driver's door, yes, sir.

5 Q Okay. Do you know what hand the gun was in? "Yes"
6 or "no." You don't know what hand the gun was in?

7 A I would like to say her left hand, but I'm -- I'm --
8 I'm not sure.

9 Q Okay. And Jasmine told you that -- Jas had a --
10 Jasmine had a -- a --

11 MS. GASSER: Objection, Your Honor. Self-serving
12 hearsay.

13 THE COURT: Sustained.

14 BY MR. HAMILTON:

15 Q But you know that Jasmine has a gun. Jas -- right --
16 you know that. You know that she owned a gun.

17 A I don't know her, sir.

18 Q You don't know that she has a gun?

19 A Are you asking at the moment or in her lifetime?

20 Q In her lifetime.

21 A I don't know her, sir.

22 Q Okay. But in -- but you know -- you -- you know --
23 in -- in the video, you're screaming, It was Jasmine. She
24 lives down there. You know where she lives?

25 A Uh-huh.

1 Q Okay. You've been to her house; right?

2 A Never, no, sir.

3 Q All right.

4 A But Desmond did tell me that she didn't live far from
5 his mom.

6 Q She didn't live far from his mom?

7 A Yes, sir.

8 Q And you knew what apartment number it was?

9 A No, sir. I did not know that.

10 Q But -- but you own a gun -- you said today that you
11 know about weapons. You own a gun; right? What kind of
12 gun --

13 A I do.

14 Q What kind of gun you own?

15 A I have a nine millimeter as well.

16 Q And Jasmine's is purple.

17 A Okay.

18 Q Do you know that?

19 A I'm assuming that's what I saw, correct. Yes, sir.

20 Q That's what you saw?

21 A Correct. Yes, sir.

22 Q You saw a purple gun?

23 A I saw a dark color that I assumed to be purple in her
24 hand that night, yes, sir.

25 Q Okay. And you didn't know before then what color the

1 gun she had?

2 A I don't know her, no, sir.

3 Q Okay. Did Jasmine -- well, Jasmine [sic] told you he
4 was going to break up with Jasmine; right?

5 A No, sir.

6 Q He never told you that?

7 A Desmond?

8 Q Desmond.

9 A No, sir.

10 Q Desmond never told you that?

11 A That he was going to break up with Jasmine, no, sir.

12 I never knew that they were in a relationship. She was
13 presented to me as his ex-girlfriend, yes, sir.

14 Q She was presented to you as his ex-girlfriend?

15 A Correct.

16 Q Okay. But his actions showed that it was more than
17 that?

18 A I can't speak for Desmond, sir.

19 Q Well, you had a relationship with Desmond?

20 A Correct.

21 Q And he came to visit you; is that correct?

22 A Correct.

23 Q He spent the night with you several times; is that
24 correct?

25 A Correct.

1 Q Correct?

2 A Correct.

3 Q You never went to visit him -- your boyfriend, you
4 never been to his place?

5 A To his mom's house, yes, where he lived.

6 Q You never spent the night at his mom's house?

7 A Not at his mother's house, no, sir.

8 Q Did -- did you ever have an occasion -- did -- did
9 you find out -- well, on the tape, it -- it showed --
10 the -- the car that she -- he drives, it belongs to him
11 and it's registered to Jasmine --

12 MS. GASSER: Objection, Your Honor.

13 THE COURT: All right. Ma'am, make sure you say
14 "yes" or "no" for the court reporter. Okay.

15 THE WITNESS: Yes, sir.

16 THE COURT: All right. What's the nature of your
17 objection?

18 MS. GASSER: Objection, Your Honor. Counsel is
19 testifying to facts not in the record.

20 THE COURT: All right. I'm going to sustain the
21 objection.

22 Rephrase your question, Mr. Hamilton.

23 MR. HAMILTON: Okay.

24 BY MR. HAMILTON:

25 Q The car that Desmond drives, whose name is it in?

1 A I don't know that, sir.

2 Q So how long you and him were officially girlfriend
3 and boyfriend?

4 A It was five and a half months to six.

5 Q About five months?

6 A Five and a half months, yes, sir.

7 Q All right. You did not see her aim the gun from her
8 car? "Yes" or "no."

9 A I was in the passenger seat.

10 Q Because you were looking forward?

11 A I'm looking out my window, yes, sir.

12 Q You was in the passenger seat?

13 A Correct.

14 Q Now, you could hear Jasmine screaming?

15 A Yes, sir.

16 Q But the only response you could hear from Desmond is,
17 Don't follow me to my mom's house?

18 A And I already told you what it was.

19 Q Did you hear -- do you remember Jasmine telling --
20 that Jasmine -- I get Jasmine -- Jasmine -- Jasmine --
21 nobody was in the car -- did he -- was he saying nobody
22 was in -- in the car with her?

23 A No, sir. He never said that.

24 Q He never said that?

25 A No, sir.

1 Q Did you remember ducking down in the car?

2 A I never ducked, no, sir.

3 Q Okay. Now, this happened at -- the whole scene
4 happened at midnight, after 12:00; right?

5 A Yes, sir.

6 Q 1:00?

7 A Uh-huh.

8 Q Was the moon out or street lights out there? Your
9 ability to see what was going on.

10 A Street lights.

11 Q What was the lighting like?

12 A I can't recall that for you. I'm sorry.

13 Q It was dark?

14 A Correct.

15 Q All right. And you was completely in a state of
16 confusion, weren't you?

17 A Shock.

18 Q Shock?

19 A Uh-huh.

20 Q Do you know if Desmond smoked weed in the car --

21 MS. GASSER: Objection, Your Honor. This was handled
22 in preliminary matters --

23 THE COURT: Ladies and gentlemen, I'm going to send
24 you out for a second. Please, ma'am, and, please, sir, do
25 not talk about the case to each other.

1 It would be a good time for a bathroom break, if you
2 need one. And I'll get you back in here in just a minute.

3 (WHEREUPON, the jury was excused from open court at
4 approximately 11:14 a.m.)

5 THE COURT: All right. I think -- was that one of
6 the motions in -- motions in limine?

7 MS. GASSER: Yes, Your Honor.

8 THE COURT: All right.

9 MS. GASSER: Motion in limine number three from the
10 State. It was very clear that no mention of the deceased
11 victim's prior criminal history or -- and/or any prior bad
12 acts --

13 THE COURT: Right. And I think --

14 MS. GASSER: It was ruled upon not to be mentioned.

15 THE COURT: And I think I ruled that that would not
16 be mentioned.

17 MR. HAMILTON: I understand, Judge.

18 THE COURT: I did not want to have that colloquy in
19 front of the jury. But we did talk about that.

20 MR. HAMILTON: Yes, sir.

21 THE COURT: As a matter of fact, we had extensive
22 dialog about that, both sides. And I made a ruling that
23 that was not to be allowed.

24 I'll be glad to hear from you if you -- you feel
25 differently. But I thought that we covered that.

1 Go ahead.

2 MR. HAMILTON: And -- and, Your Honor, I would beg
3 the Court to excuse my --

4 THE COURT: Well, I mean, I noted your objection, you
5 know, when we covered those motions. And I noted it for
6 the record. And I note it for the record now. But we did
7 cover that.

8 MR. HAMILTON: Yes, Your Honor.

9 THE COURT: Anything?

10 MS. GASSER: Your Honor, I'd just like the record to
11 reflect that the State was very concerned about this exact
12 type of outburst, which is why we handled it in
13 preliminary matters. Because, again, I don't believe that
14 my objection -- what has already come out of his mouth --
15 the damage has already been done.

16 So, at this point, I'd ask that that -- that phrase
17 be stricken from the record. And that be put on the
18 record in front of the jury that Counsel's last question
19 be stricken from the record and not to be considered.

20 THE COURT: I think that's fair.

21 MS. GASSER: Thank you. Your Honor.

22 THE COURT: I think that's fair.

23 And I'll so direct Madam Court Reporter to do so.

24 Now, before we bring the jury back in, are there any
25 other issues relative to the motion in limine? Because

1 there were -- there were four different motions. And we
2 want to cover this now. We want to --

3 Anything else, Ms. --

4 MS. GASSER: Nothing from the State, Your Honor.

5 THE COURT: Mr. Hamilton, anything?

6 MR. HAMILTON: I --

7 THE COURT: Because as I -- as I indicated earlier,
8 you know, we do not want to engage in discovery disputes
9 in front of the jury that we -- that we talked about
10 pre-trial. I don't want to do that. I think -- I think
11 it doesn't look good for either side to do that. That's
12 the whole reason that I wanted all of these matters
13 handled pre-trial so we wouldn't do this.

14 Have you got something on your phone, Mr. Hamilton?

15 MR. HAMILTON: Yes, Your Honor. I was going to --
16 I'd have to turn it back on.

17 But it -- basically, I -- I hadn't intended -- but
18 I -- I'm going to take advantage of this opportunity. And
19 that is she was a victim in a case. Is that a prior bad
20 act? Is that a prior bad act, being a victim in a
21 situation?

22 THE COURT: I'm not following you.

23 MR. HAMILTON: She was in a situation on White Horse
24 Road area where the car was stopped in the middle of the
25 road, a drive-by shooting. She's a passenger --

1 THE COURT: This is some other incident?

2 MR. HAMILTON: Some other incident.

3 THE COURT: All right.

4 MR. HAMILTON: She's the victim, though.

5 THE COURT: All right. But did you raise that in
6 discovery when y'all were back and forth?

7 Have you heard of this before --

8 MS. GASSER: No, Your Honor.

9 MR. HAMILTON: I just got this on my phone. I just
10 got this.

11 THE COURT: Somebody sent that to you on your phone?

12 MR. HAMILTON: Yes, they did.

13 THE COURT: Who sent that to you on your phone?

14 MR. HAMILTON: A person on my -- on my resources,
15 Judge. Just trying to find out more about her --

16 THE COURT: Mr. Hamilton, I'm not -- you know, I'm
17 not a --

18 MR. HAMILTON: I just --

19 THE COURT: Hold on. Hold on. I'm not a proponent
20 to trial by ambush. I think the State needs to know what
21 you got, if you received something. I mean, we talked
22 about this extensively in pre-trial.

23 And what do you say, Ms. Glazer? I think this is
24 sort of late in the day.

25 MS. GASSER: Your Honor -- yes, Your Honor. First of

1 all, the State has not been made aware of any of this.
2 Discovery is supposed to be reciprocal.

3 Additionally, even if it had been turned over in
4 reciprocal discovery in accordance to the rules, I would
5 still argue relevance at this point. I -- I don't know
6 enough about the situation to go into fact specific. But
7 it sounds like from the very broad -- broad description
8 he's just given is that this is some completely separate
9 incident --

10 THE COURT: All right. Mr. Hamilton --

11 MS. GASSER: -- unrelated to this matter at hand.

12 THE COURT: Let me ask you, Mr. Hamilton, are you
13 getting this from any of these folks that's in the
14 courtroom sending you something to your phone? I'm
15 talking about anybody sitting out there, are they sending
16 you stuff to your phone? That's what I'm asking you.

17 MR. HAMILTON: Prior to coming into court today, I
18 had a gathering with --

19 THE COURT: My -- my question is, is anyone of these
20 individuals that's currently sitting in the courtroom
21 sending you text messages about this case?

22 MR. HAMILTON: At my request.

23 THE COURT: All right. And -- and that is the
24 reason, Counsel, that we talked about witnesses, and
25 sequestration, and all that. And here's the deal -- and

1 I -- I said this at the beginning of the trial. We've got
2 two families here. Both of them are impacted by what's
3 going on. And I admonished both families not to -- to do
4 anything to impede, you know, the validity of this trial.

5 Now, you're sitting -- you're getting text messages
6 from somebody sitting over there. I mean, is -- is that
7 correct? Am -- am I wrong?

8 MR. HAMILTON: Judge, it -- it's not a total
9 stranger. It's a person that's been involved in -- with
10 me in this case --

11 THE COURT: Did you -- did you -- did you let the
12 State know? Does the State know this person?

13 MR. HAMILTON: It's --

14 THE COURT: Do they know anything about what you were
15 just talking about? I mean, does the State know
16 anything about --

17 MR. HAMILTON: No. The State does not know about it,
18 Judge.

19 THE COURT: So what do you want me to do with that?

20 MR. HAMILTON: If the Judge -- if the Court instructs
21 me not to get into her being a victim of a similar
22 shootout -- gang-like shooting and a person died, I will
23 not ask her about that in front of the jury.

24 THE COURT: I think that would be consistent with
25 what we talked about pre-trial.

1 MR. HAMILTON: Yeah.

2 THE COURT: But I am -- it is problematic,
3 Mr. Hamilton. I would say that if you're getting text
4 messages from people sitting out there in -- in the
5 gallery during the trial...

6 MR. HAMILTON: Your Honor, the text messages are not
7 sent to me while I'm sitting in the courtroom. This was
8 done pre -- right before court -- before the Court. I
9 asked him -- I -- we -- we talked to him about it. I
10 said, Well, send that to me, e-mail it to me. They texted
11 it to me. And this -- it was 9:00 -- 9:00.

12 THE COURT: All right. So this case has been pending
13 for four years and somebody sent you something at the
14 eleventh hour?

15 MR. HAMILTON: Your Honor, with my small law
16 practice, I was aware of this type of thing. And they --
17 they failed to give me -- we talked about it. But I never
18 followed up on it until today.

19 THE COURT: And you never let the State know you had
20 that?

21 MR. HAMILTON: To be honest with you, Judge, I --

22 THE COURT: Yeah. I want you to be honest with the
23 Court.

24 MR. HAMILTON: I did think about it. But -- but
25 this -- this person -- okay.

1 THE COURT: I'm not going to allow you to do that.
2 But I will -- I will say that --

3 Anything else you want to say, Ms. Glazer?

4 MS. GASSER: No, Your Honor.

5 THE COURT: All right. So I'm not going to let you
6 get into that. I think that -- and I'm going to note your
7 objection, for the record, regarding what we discussed at
8 the pre-trial and the motion in limine that was filed by
9 the State. Okay.

10 MR. HAMILTON: Yes, sir.

11 THE COURT: Anything else before we bring the jury
12 back?

13 MS. GASSER: Just, Your Honor, that it be stricken
14 from the record --

15 THE COURT: Yes --

16 MR. GASSER: -- in the jury's presence.

17 THE COURT: All right. What, specifically, do you
18 want struck from the record?

19 MS. GASSER: Defense's -- Defense Counsel's last
20 question.

21 THE COURT: All right. And the jury probably doesn't
22 remember the last question.

23 What was the last question?

24 MS. GASSER: We don't need the question repeated, if
25 that's possible. But he had asked if the -- if she was

1 aware that the deceased victim, Desmond Parks, had smoked
2 marijuana in the vehicle.

3 THE COURT: I'll just instruct the jury to ignore
4 the -- disregard the -- Defense Counsel's last question.
5 I don't want to get into the specifics of it.

6 MS. GASSER: Thank you, Your Honor.

7 THE COURT: All right. Bring the jury back.

8 (WHEREUPON, the jury came into open court at
9 approximately 11:25 a.m.)

10 THE COURT: All right. We're back on the record,
11 Madam Court Reporter.

12 Ladies and gentlemen of the jury, I'm going to ask --
13 instruct you to disregard the -- Defense Counsel's last
14 question.

15 And I'm going to ask the court reporter to strike
16 that from the record.

17 All right. Mr. Hamilton, you may continue.

18 MR. HAMILTON: May it please the Court.

19 THE COURT: All right.

20 CONTINUED CROSS-EXAMINATION

21 BY MR. HAMILTON:

22 Q Patience, I'm -- I'm going to take you back to the
23 scene and not when you was at the law enforcement center.

24 A Okay.

25 Q At the scene, did you demonstrate or tell Officer

1 Carpenter or any other officer Jasmine cocked the gun?

2 A Cocked the gun or tried to unjam the gun?

3 Q Tried to cock the gun --

4 A I need to know the question.

5 Q Cocked the gun.

6 A What is the question, sir?

7 Q The question is, did you see Jasmine cock the gun,
8 the motion --

9 A For the initial shooting?

10 Q Did you ever see her cock the gun?

11 A I saw her try to unjam her gun, yes, sir.

12 Q Jam the gun?

13 A Unjam her gun, correct. Yes, sir.

14 Q You never stated at the scene or either at the law
15 enforcement center in the interview room you saw her --
16 she cocked the gun, she -- she cocked the gun.

17 A In my interview at the -- on the scene and as well as
18 the -- at the police station, I did state that she was
19 trying to unjam her gun. You're saying cock her gun,
20 which would be the initial shoot. I never saw that. I
21 just heard the bullet hit the glass.

22 Q You never --

23 A That's what you're asking.

24 Q All right. So in -- in -- but you never said that.
25 Okay. Never mind.

1 So cocking the gun or unjamming --

2 A Uh-huh.

3 Q I'm sorry.

4 A Yes.

5 Q Unjamming the gun is -- did you tell them that, that
6 you --

7 A I did.

8 Q At the scene?

9 A I did.

10 Q Saying she unjammed the gun?

11 A Trying to unjam her gun, yes, sir.

12 Q All right. Is unjamming the gun -- but unjamming the
13 gun is not pulling the trigger. That's not -- that's not
14 pulling the trigger?

15 A No. That's two separate things.

16 Q That's two separate things?

17 A Correct.

18 Q Unjamming the gun is not pointing the gun?

19 A Those are two separate things.

20 Q Two separate things. And we both agree that you
21 never said she pointed the gun --

22 A I never --

23 Q -- at the scene?

24 A I never agreed to that.

25 Q What did you agree to?

1 A I told you that when the first officer got there, I
2 was in shock. And I don't even remember talking to her.
3 I spoke more about trying to get Desmond help. But when I
4 did my initial interviews and they were questioning me, I
5 told them everything, which does include her pointing her
6 gun at me and trying to unjam her gun, yes, I did that.

7 Q All right. And that's where I'm at.

8 A Yes.

9 Q Now, on the way -- so all the way at the scene and
10 then you remember an officer taking you from the scene to
11 the interview room where you said all those things?

12 A I remember the officer.

13 Q And then you remember going over what happened over
14 and over?

15 A Over and over.

16 Q You told that story a hundred times?

17 A 20,000.

18 Q Yeah, a hundred times?

19 A Uh-huh.

20 Q The records -- and the videotape from discovery shows
21 that you said cocking. But you're saying now it's
22 unjamming the gun?

23 MS. GASSER: Objection, Your Honor.

24 THE WITNESS: I never said cocking --

25 THE COURT: Hold on --

1 MS. GASSER: Objection, Your Honor.

2 THE COURT: -- Hold -- Hold on.

3 What's the nature of the objection, Counsel?

4 MS. GASSER: I believe this is improper impeachment.

5 THE COURT: I'm going to -- I'm going to allow it.

6 I'm going to overrule your objection.

7 Go ahead, Mr. Hamilton.

8 BY MR. HAMILTON:

9 Q She -- you [sic] were unjamming the gun?

10 A Uh-huh.

11 Q But never saying that she pointed the gun until
12 you -- you told that story over and over?

13 A Uh-huh.

14 Q And then --

15 THE COURT: Make sure you say "yes" or "no," ma'am.

16 THE WITNESS: Yes, sir.

17 BY MR. HAMILTON:

18 Q Yeah. When you -- over and over. But until you got
19 to the law enforcement center, you became more
20 pacific [sic] about what happened. You used the word
21 pointing. You used the word pulled the trigger.

22 A Okay.

23 Q That's correct. That is when -- after rehearsing and
24 going over --

25 MS. GASSER: Objection, Your Honor. At this point,

1 Counsel's testifying.

2 THE COURT: All right. I'm going to sustain the
3 objection.

4 Don't testify, Mr. Hamilton. Just ask the questions.

5 THE WITNESS: What's the question?

6 BY MR. HAMILTON:

7 Q The question is --

8 A Yes, sir.

9 Q -- in interviewing prior to getting to the law
10 enforcement center --

11 A Yes, sir.

12 Q -- you went over what you was going to say. And the
13 question is, did they ask you, did she point the gun at
14 you?

15 A They didn't have to ask me. I told them.

16 Q Okay.

17 A Yes, sir.

18 Q Did they ask you, did she pull the trigger?

19 A They didn't have to ask me. I told them.

20 Q All right. So you -- you -- you do remember Dezz --
21 Desmond telling Jasmine, I told you what it is, blah,
22 blah, blah?

23 A Yes, sir.

24 Q Right?

25 A Yes, sir.

1 Q You, also, remember that you was at mad at Desmond
2 about Jas; isn't that correct?

3 A No, sir.

4 Q You never -- you wasn't? You didn't tell the officer
5 you was mad at him about something?

6 A We were upset about something, but not, specifically,
7 about Jasmine, yes, sir.

8 Q You was upset about something?

9 A Correct. Yes, sir.

10 Q All right.

11 A Not that night, though, because of what you're
12 insinuating. Okay.

13 Q Today, you say you know -- you don't know anything
14 about Jasmine?

15 A I don't know Jasmine, sir.

16 Q You don't know how many cars she has. You don't know
17 what kind of car she drives.

18 A Is that a question?

19 Q You don't -- I'm asking you. "Yes" or "no." You do
20 not --

21 A No.

22 Q You do not know what kind of car she drives?

23 A I do not know Jasmine, sir. And Jasmine does not
24 know me.

25 Q All right. I apologize. You did not know what kind

1 of car she drives?

2 A Are you asking today? Because, no, sir. Your -- my
3 answer is still going to be no to you --

4 Q Okay. It's going to be "no"?

5 A Correct.

6 Q You don't know where she lives?

7 A No, sir.

8 Q You don't know that Desmond has four children?

9 A Of course, I know that, sir.

10 Q Okay. You don't know that those four children are
11 with --

12 MS. GASSER: Objection, Your Honor.

13 THE COURT: Yes, ma'am.

14 MS. GASSER: I believe he is going down a 403, 404
15 path.

16 THE COURT: Ladies and gentlemen of the jury, I'm
17 going to -- I'm going to send you back to your jury room
18 for -- I'll bring you back in about two -- a couple
19 minutes, or so.

20 Please, ma'am, please, sir, do not talk about the
21 case to each other.

22 (WHEREUPON, the jury was excused from open court at
23 approximately 11:33 a.m.)

24 THE COURT: All right. Ms. Glazer, let me hear from
25 you.

1 MS. GASSER: Yes, Your Honor. I believe that Defense
2 Counsel's question was about to ask about the paternity of
3 the deceased victim's children. I believe that it's,
4 number one, being offered for a prejudicial effect. But,
5 number two, it's, also, not relevant.

6 And then, additionally, Your Honor, I'd like to go
7 ahead and just have a standing objection to the last line
8 of questioning. I believe the witness has made it
9 abundantly clear that she does not know the car that the
10 Defendant is driving today or at the time.

11 THE COURT: All right. Your objection -- your
12 objection is noted to that.

13 MS. GASSER: Thank you.

14 THE COURT: But here as it relates to this particular
15 objection --

16 MS. GASSER: Yes, Your Honor.

17 THE COURT: Mr. Hamilton, you heard the State's
18 position. I don't know where you were headed with your
19 question. But, sir, do you want to respond to the
20 objection?

21 MR. HAMILTON: Yes, Your Honor. She -- it's on tape
22 that she -- in the interview room, she says she knows they
23 got four children and not with Jasmine. That's all. She
24 knows that.

25 THE WITNESS: Yeah.

1 THE COURT: Hold -- hold on, ma'am. Hold on.

2 THE WITNESS: Yes, sir.

3 THE COURT: Let me handle this.

4 THE WITNESS: Yes, sir.

5 THE COURT: All right. What's the purpose of that?

6 MR. HAMILTON: My purpose is she knows Jasmine. She
7 knows they still go together, that this was an ongoing
8 relationship. In Jesus name --

9 THE COURT: What? Mr. Hamilton, she -- the witness
10 can only answer what she --

11 MR. HAMILTON: Well, she knows --

12 THE COURT: She said -- she already answered your
13 question on several occasions. She said that she
14 doesn't -- did not know the Defendant. And I think you
15 asked the question three or four different times. And
16 each time, she said she didn't know her.

17 So are you trying to make her know the -- the
18 Defendant? I'm just trying to follow what you're trying
19 to do. What are you doing?

20 MR. HAMILTON: I'm trying to -- yeah.

21 THE COURT: You're trying to make her know the
22 Defendant?

23 MR. HAMILTON: I'm -- I just -- yes, Your Honor, I
24 am -- will you excuse me, Judge?

25 THE COURT: No. I'm just trying -- I'm just trying

1 to understand. What are you -- what are you trying to do?

2 Because Counsel indicates about the whole paternity
3 issue of the four children and -- I'm -- that she -- that
4 I'm assuming you were going down that road. Am I right?

5 MR. HAMILTON: That's right.

6 THE COURT: All right. So what's the relevance of
7 that? And I think that was one of her objections is
8 whether it was relevant or not.

9 What's the relevance of that line of testimony?

10 MR. HAMILTON: It's -- it's relevant in knowing that
11 one of those children lives in the apartment with Jasmine
12 is what I was getting to. Did she know that? She was
13 going to say, no. But that's the question.

14 One of Desmond's children has a room in her apartment
15 that they live in. They lived together. His address --
16 he got --

17 THE COURT: Well, how does that -- what does that
18 have to do with her, this witness?

19 MR. HAMILTON: To establish that she knows that
20 she -- they were having a relationship. They're --
21 they're claiming they were ex-girlfriend and ex-boyfriend.
22 This is an ongoing relationship with Jasmine. Desmond --
23 well, she's the other woman.

24 THE COURT: Who's the other woman?

25 MR. HAMILTON: This one.

1 THE COURT: What do you say, Ms. Glazer?

2 MS. GASSER: Your Honor, none of this is relevant.

3 Frankly, I -- I believe this is the Defense's attempt to
4 elicit testimony that should be coming from a different
5 witness. And that is his decision whether or not to put
6 that witness up on the stand.

7 She has made it abundantly clear she does not know
8 the Defendant personally. I believe him asking questions
9 that he's already indicated he knows that she doesn't know
10 is improper. And I'm going to keep objecting under
11 relevance.

12 THE COURT: Well, Mr. Hamilton, and I'm not -- I
13 don't -- I'm -- what I'm hearing from the Defendant is
14 she's asked -- you've asked several questions regarding
15 whether or not this witness knows the Defendant. I think
16 you asked the question on three or four different -- on
17 each -- each occasion, you rephrased the question a
18 different way. And each time, the Defendant -- I mean,
19 the witness has indicated that she didn't -- has no
20 knowledge of the Defendant, and never met her, and doesn't
21 know her.

22 So your line of -- of questioning regarding the
23 paternity of children that the deceased had, I don't see
24 the relevancy of that question. And I know -- and, you
25 know, of course, we did a 403 analysis at the beginning.

1 We talked about that. Both sides did that. And we went
2 over and -- and weighed the prejudicial effect versus the
3 probative. And -- and I don't see where this line of
4 questioning is relevant.

5 So -- but what I'm going to let you do, we're going
6 to proffer. We're going to -- we're going to --

7 Madam Court Reporter, we're going to proffer the
8 questions.

9 So I can hear what your question is. And Counsel
10 didn't give you an opportunity to ask it. But I'm going
11 to let you ask it and let me just see. What is -- what is
12 your -- what would be your question for this witness?

13 MR. HAMILTON: My -- my --

14 THE COURT: Not your previous question, but the
15 question you was getting ready to ask that she objected
16 to.

17 MR. HAMILTON: The question --

18 THE COURT: That you were getting ready to ask.

19 MR. HAMILTON: The child -- that the child -- one of
20 Desmond's child has a room --

21 THE COURT: I don't want you to tell me. I want you
22 to tell me --

23 MR. HAMILTON: I'm --

24 THE COURT: -- ask the question -- the question that
25 you were getting ready to ask this witness before Counsel

1 objected. So I can see -- and this is totally for
2 proffer. But I just need you to proffer that question.

3 CROSS-EXAMINATION

4 BY MR. HAMILTON:

5 Q Patience, you know one of Jasmine's [sic] children
6 has a room at Jasmine's apartment where the two of them
7 lived.

8 A Is that a question?

9 Q You know that. Is that a "yes" or "no"?

10 A That is a no. No, sir.

11 THE COURT: All right.

12 MR. HAMILTON: Am I allowed to ask that question?

13 THE COURT: No. I'm not going to allow it. I'm not
14 going to allow that question. I'm going to -- I deem it
15 not to be relevant. Of course, we're out of proffer at
16 this time.

17 And we're back on the record, Madam Court Reporter.

18 And I'm not going to allow the question. I'm going
19 to sustain the State's objection, not necessarily on
20 the -- on the 403 analysis. But I'll sustain the
21 objection. I think you made a relevancy objection. And
22 I'll sustain the -- your objection as to relevancy. I do
23 not attach a 403 analysis to this particular question.

24 MS. GASSER: Yes, Your Honor.

25 THE COURT: Okay. Anything else before we bring the

1 jury back?

2 (WHEREUPON, there was no response.)

3 THE COURT: All right. Let's bring them back.

4 (WHEREUPON, the jury came into open court at
5 approximately 11:41 a.m.)

6 THE COURT: All right. We're back on the record,
7 Madam Court Reporter.

8 Go ahead, Mr. Hamilton, with further questions.

9 MR. HAMILTON: May it please the Court, Your Honor.
10 The Defense will proceed.

11 CONTINUED CROSS-EXAMINATION

12 BY MR. HAMILTON:

13 Q The question to the witness is, is it -- is it your
14 testimony -- is it clear that you could see the gun was
15 jammed before she pulled the trigger? Is that what
16 happened or not? Was the gun jammed before she pulled the
17 trigger or after?

18 A I don't understand your question. Could you rephrase
19 your question?

20 Q She pulled the trigger. Was the gun jammed?

21 A I don't know, sir.

22 Q Was -- was the gun jammed --

23 A It had to be jammed, sir. It -- when you pull a
24 trigger --

25 Q Okay.

1 A -- for a gun to get jammed --

2 Q Right.

3 A -- you have to pull the trigger.

4 Q So --

5 A So the gun was -- I saw her trying to unjam the gun
6 and pull the trigger, sir.

7 Q So you were -- now, we're -- we're talking about you
8 weren't thinking clearly that night about stuff. You said
9 you wasn't thinking clearly. Were you thinking clearly
10 when you tried and -- and did crawl over Jasmine's [sic]
11 body in the car? Were you thinking clearly --

12 A Absolutely not. I don't know why I did that.

13 Q When you crawled -- were -- were you confused and did
14 not think to unlock the passenger door?

15 A That's what I stated.

16 Q Okay. You forgot the doors were power lock or --

17 A When -- I'm not sure if you've ever been in a
18 traumatic situation. Your mind really just goes all over
19 the place. So I was really just all over the place.

20 Q Okay.

21 A But I know what happened that night.

22 Q And you started dating Desmond knowing full well of
23 his relationship with Jasmine?

24 A Absolutely not.

25 Q Okay. When did you become aware that they were ex --

1 A When things started to happen, when things happened.

2 Q So the only time you found out --

3 A Well, let me rephrase that for you because I see what
4 you're doing. I knew that he had an ex-girlfriend, just
5 as well as he knew that I had an ex-boyfriend. But I
6 don't know Jasmine. And Jasmine does not know me. I was
7 not clear of them still doing whatever they may have been
8 doing, no, sir.

9 Q Okay. And did you learn he had an ex-girlfriend the
10 same day that this happened?

11 A No. No, sir. I knew he had an ex-girlfriend, yes,
12 sir.

13 Q And -- and the day you learned -- you learned that he
14 had an ex-girlfriend?

15 A Uh-huh.

16 Q What -- and you don't -- and you can't remember --
17 you started dating in May?

18 A Yes, sir.

19 Q And then was it the first of May?

20 A No, sir.

21 Q And did you learn about it in the middle of May?

22 A No, sir. I can't give you a date on that. I'm
23 sorry.

24 Q And -- okay. But you did learn after -- in June?

25 A I stated I cannot give you a date on that. I'm

1 sorry.

2 Q Okay. But it was -- but -- but you -- but you did
3 know after you learned that that was your ex -- you
4 learned -- you knew that the two of them had been a
5 couple -- ex -- for almost a decade, for almost nine
6 years. The ex -- when you learned it, you found out that,
7 hey, I've been -- he went with that girl for almost 10
8 years --

9 A Okay.

10 Q -- right? You knew about that?

11 A He knew I had an ex, as well as I knew he had an ex,
12 yes, sir.

13 Q All right.

14 A Right.

15 Q Now, did you know -- did you know what the -- what
16 shift she was -- worked at -- was working --

17 A I don't know Jasmine, sir.

18 Q You don't know where she worked?

19 A I don't know anything about her personal life, sir.

20 Q Okay. So you didn't know. So do you think there's
21 anything wrong with dating another girl's boyfriend?

22 A Absolutely.

23 Q Did you think there was anything wrong with riding
24 around in a car with a --

25 A If you know about it, that's wrong. Correct.

1 Q Okay. You --

2 A And this is not to get smart with you, sir. But --

3 MR. HAMILTON: Your Honor, I -- I was asking --

4 (WHEREUPON, Mr. Hamilton and the Witness were
5 talking over each other.)

6 THE COURT: Hold on. Hold on.

7 Ma'am, just answer the questions he's asking.

8 THE WITNESS: Yes, sir.

9 No, I --

10 THE COURT: Hold on.

11 MR. HAMILTON: I asked --

12 THE COURT: Hold on. Ask -- ask your next question,
13 Mr. Hamilton.

14 MR. HAMILTON: Okay.

15 BY MR. HAMILTON:

16 Q You believe that Jasmine [sic] wanted to be with you
17 and not Jasmine; is that correct?

18 A I was in a relationship with Desmond, sir. I don't
19 know what he was doing with Jasmine.

20 Q So when -- when y'all left the Spinx, Jasmine was on
21 the phone?

22 A Jasmine?

23 Q Desmond.

24 A Desmond.

25 Q Desmond.

1 A Okay.

2 Q Desmond.

3 Thank you for correcting me.

4 A You're welcome.

5 Q Desmond was on the phone talking to Jasmine?

6 A Yes, sir.

7 Q And is it correct that they were -- they were going
8 kind of fast and you told him to slow down?

9 A No. He started to slow down because he was asking
10 her to stop.

11 Q Okay.

12 A Uh-huh.

13 Q And -- and you were in the courtroom -- well, one of
14 these exhibits -- according to the 911 --

15 A Yes, sir.

16 Q You know, the information is that people were --
17 before the police got there were all around the scene.
18 Before the police got there, how many people were there,
19 besides you?

20 A The young lady that, actually, stopped for me, so
21 Ms. Yolanda and his mom. That's all I can remember.

22 Q Right. And then she -- and she fooled around with --
23 tried to get him to -- or you didn't see that part?

24 A I'm not sure. Who fooled around?

25 Q And you don't --

1 MS. GASSER: Objection, Your Honor.

2 BY MR. HAMILTON:

3 Q And she --

4 THE COURT: Hold on.

5 Yes, ma'am.

6 MS. GASSER: I believe this is lack of personal
7 knowledge on this witnesses part.

8 MR. HAMILTON: I'm asking --

9 THE COURT: All right. I will sustain the objection.
10 Rephrase your question.

11 BY MR. HAMILTON:

12 Q Did you see Yolanda touch the body and try to see
13 whether he was living --

14 A Oh, no, sir.

15 Q Okay. You didn't see that?

16 A No, sir.

17 Q All right. But -- but Yolanda was in the video
18 that's been put into evidence, that other person. All the
19 people -- can you name the people that was in the video?

20 A To be honest, I would have to see that video. I'm
21 not sure who you're recalling to be in that video. That
22 was a very traumatizing time. I'm not looking to see
23 who's all here.

24 Q Okay.

25 A Yes, sir.

1 Q But the -- but the video reflects people there before
2 law enforcement was there?

3 A Ms. Yolanda is the one that stopped for me.

4 Q Right.

5 A I had his mom.

6 Q His mom was there?

7 A Uh-huh, and me.

8 Q Okay. His mom was there. Did she touch the body,
9 move things around?

10 A Not to my knowledge.

11 Q She didn't -- she didn't touch --

12 A Not to my knowledge.

13 Q Okay. And you didn't -- well, you crawled over the
14 body?

15 A Yeah.

16 Q Okay. And then it was another person. Now, did
17 they --

18 A Nobody touched Desmond.

19 Q Did -- did they touch anything about the car?

20 A Oh, no, sir. No, sir.

21 Q Okay. Did -- you said that it slowed down. Did you
22 put the car in park?

23 A I really just -- I can't remember. I don't know, to
24 be honest. I want to be honest with you. I do not
25 remember.

1 Q I appreciate it.

2 A Yes, sir.

3 Q But it was -- it was just stopped in the middle of
4 the road?

5 A Yes, sir. His -- his -- we were already slowing
6 down. And I believe his body may have locked up. Because
7 he was already slowing down. So his body locked in the
8 car just, like, slammed on brakes very hard.

9 Q Slammed on brakes?

10 A Yes, sir.

11 Q Okay. And on direct examination, you say you felt
12 like you were -- were betrayed in this case. And you were
13 betrayed by somebody you didn't know?

14 A I'm not talking about Jasmine, sir. I don't know
15 her.

16 Q Were you betrayed by Desmond?

17 A Because it seemed to be -- I'm -- I'm very
18 intelligent. So there seems to be that there were things
19 going on that I was unaware of.

20 Q Thank you.

21 A You're welcome.

22 Q Thank you.

23 A You're welcome.

24 THE COURT: Anything on redirect?

25 MS. GASSER: Yes, Your Honor. Briefly.

REDIRECT EXAMINATION

BY MS. GASSER:

Q Ms. Parks, Defense Counsel just asked you about why you felt betrayed.

A Uh-huh.

Q Before that night, did you know anything was going on?

A No, ma'am.

MS. GASSER: No further questions, Your Honor.

THE COURT: All right. Anything else that's limited, Mr. Hamilton, to her question?

MR. HAMILTON: No.

THE COURT: All right. Thank you, ma'am.
You can step down.

THE WITNESS: Thank you.

THE COURT: All right.

MS. GASSER: Your Honor --

THE COURT: I got you.

MS. GASSER: I do have a brief witness.

THE COURT: I thought you had something at 12:00.

MS. GASSER: We can get it done, the -- the witness.

THE COURT: All right. Just trying to accommodate you, Counsel.

MS. GASSER: Thank you, Your Honor.

THE COURT: All right. Call your next witness.

1 MS. GASSER: Michelle Morrison, Your Honor.

2 THE CLERK: Please come forward. Just pause here at
3 the bench.

4 Put your left hand on the Bible and raise your right
5 hand.

6 WHEREUPON,

7 MICHELLE DANIELLE MORRISON

8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 You may be seated.

11 And, if you would, state your full name for the
12 record, please.

13 THE WITNESS: Michelle Danielle Morrison.

14 DIRECT EXAMINATION

15 BY MS. GASSER:

16 Q Good morning, Ms. Morrison.

17 Can you tell the jury where you're currently
18 employed?

19 A I work at Oconee County EMS.

20 Q And before that, did you work for Greenville County
21 EMS?

22 A I did.

23 Q How long did you work for Greenville County?

24 A 11 years.

25 Q And were you certified as an EMT?

1 A Yes.

2 Q And can you just tell the jury a little bit about
3 what EMT stands for and what trainings you would have had
4 to get that certification?

5 A Emergency medical technician. I'm, actually, a
6 paramedic. So it's much more advanced. I do advanced
7 cardiac life support, advanced trauma. I've, in the past,
8 had PHTLS, which is a certification for traumas. I, also,
9 do pediatric traumas and life support.

10 I operated an ambulance. In the past, I've been on
11 quick response vehicles, which is for people who are more
12 experienced. Where I work at now, they don't have that,
13 except for supervisors. So I haven't been doing that in
14 the past, roughly, 15 months.

15 Q And you said you're working at Oconee EMS now?

16 A I am.

17 Q Were you working last night?

18 A Yes, I was.

19 Q What was your shift?

20 A 8:00 to 8:00.

21 Q Have you gone to sleep today?

22 A I haven't been asleep since 8:00 yesterday morning.

23 Q Thank you for being here.

24 Can you tell the jury then if you were working for
25 Greenville County in November of 2020?

1 A Yes, I was.

2 Q And what was your position at that time?

3 A I was a paramedic and, also, a training officer,
4 field training officer.

5 Q And were you working on November 6th, 2020?

6 A Yes.

7 Q And how did you become involved in this case?

8 A I was dispatched to a call for a GSW, gunshot wound.

9 Q And what does -- what does that mean when you're
10 dispatched?

11 A We post to different stations. And when a call comes
12 out, our dispatchers receive a call. And then they send
13 the call to us.

14 Q And do you remember where you were dispatched to?

15 A I can't remember the name of the street. I think --
16 honestly, I can't remember the street name.

17 Q But was this in Greenville County?

18 A Yes, it was.

19 Q And what did you do when you arrived on scene?

20 A I arrived. I had some -- there were family members,
21 girlfriend, female -- people that knew the patient. They
22 were very distraught. There was a deputy there.

23 I went up to the vehicle and I saw the patient. I
24 saw the injuries he had sustained to the back of his head.
25 I checked for a pulse. I didn't feel anything. I put him

1 on a heart monitor. The patient was pulseless. Once I
2 put him on that heart machine, I found out that he was
3 asystole. So at that point, there was nothing I could do
4 for him, unfortunately.

5 Q So after you said polsness -- pulseless -- excuse
6 me -- you said a short-term -- a shorthand. Can you
7 explain what that shorthand means for the jury?

8 A Oh, so I checked for a pulse. I checked the carotid.
9 I checked -- checked for anywhere I can feel a heart beat.
10 I could not feel one.

11 At that time, I would expose the chest. And, also,
12 he's apneic, which means he's not breathing.

13 I exposed his chest. I put my heart monitor on,
14 which is four leads. I was not getting anything from
15 that, which we call asystole. The heart was not doing
16 anything at all.

17 Q Did you alert law enforcement to his condition?

18 A Yes, I did. I mean, law enforcement was there prior
19 to and, actually, escorted me to the patient at the time.

20 Q And other than coming to testify here today, did you
21 have anything else to do with this case?

22 A No.

23 MS. GASSER: I have no further questions. Please
24 answer any that Defense Counsel may have.

25 THE COURT: Cross-examination, Mr. Hamilton.

1 MR. HAMILTON: May it please the Court.

2 The Defendant has no questions.

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

4 You can step down.

5 Can this witness be excused?

6 MS. GASSER: Yes, Your Honor. We ask that she be
7 excused and released from her subpoena.

8 THE COURT: Are you in agreement with that,
9 Mr. Hamilton?

10 MR. HAMILTON: The Defense agrees.

11 THE COURT: Thank you, ma'am.

12 THE WITNESS: Thanks.

13 THE COURT: Go get you some sleep.

14 THE WITNESS: I could use it.

15 THE COURT: Okay. You still got your matter?

16 MS. GASSER: Yes, Your Honor.

17 THE COURT: All right. Ladies and gentlemen of the
18 jury panel, this is what we're going to do. I am going to
19 give you an extended lunch. It is almost 12:00, one
20 minute till 12:00. So I need you back in your jury room
21 at 2:00 sharp. Okay. That's an extended lunch. We've
22 got a couple matters we got to take care of before you get
23 back. But 2:00 sharp.

24 Please, ma'am, please, sir, do not talk about the
25 case to anyone.

1 And, Madam Forelady, you know your job.

2 JUROR #177, JENNIFER MILLER: Yes.

3 THE COURT: Okay. Take care. Have a good lunch.

4 (WHEREUPON, the jury was excused from open court at
5 approximately 11:59 a.m.)

6 THE COURT: All right. Counsel, let me just keep
7 your schedule -- I know, Ms. Glazer, you've got something
8 to do upstairs.

9 MS. GASSER: Yes, Your Honor.

10 THE COURT: Okay. At 2:00, I've got something to do
11 here, possibly a plea. I don't know. That's at 2:00. So
12 we'll start promptly after that. Well, it may be 2:30.
13 Because I've got another meeting with two other
14 solicitors. I'm trying to squeeze everybody in my office.
15 So it will probably be about 2:30 when we get started.
16 So the jury won't -- the panel won't be back there too
17 long.

18 Anything we need to cover before we break for a
19 little bit?

20 MS. GASSER: Nothing from the State, Your Honor.

21 THE COURT: All right. And just for scheduling
22 purposes, you might want to consider -- I don't know how
23 many more witnesses you have, Ms. Gazer. But tomorrow is
24 a holiday. So, you know, if you've got a witness that
25 needs to be heard, you know, that kind of thing.

1 MS. GASSER: Yes, Your Honor.

2 THE COURT: All right. If nothing further, we'll
3 be -- stand adjourned until about 2:00.

4 (WHEREUPON, a lunch break was taken.)

5 THE COURT: Anything from either side before we bring
6 the jury out?

7 MS. GASSER: Nothing from the State, Your Honor.

8 MR. HAMILTON: Nothing from the Defendant.

9 THE COURT: All right. Bring them out.

10 (WHEREUPON, the jury came into open court at
11 approximately 2:33 p.m.)

12 THE COURT: All right. The State's ready to proceed?

13 MS. GASSER: Yes, Your Honor.

14 THE COURT: Call your next witness.

15 MS. GASSER: The State calls Yolanda Hunter.

16 THE CLERK: Please pause at the bench.

17 Lay your left hand on the Bible and raise your right
18 hand.

19 WHEREUPON,

20 YOLANDA ROCHELLE HUNTER,
21 after first having been duly sworn, testified as follows:

22 THE CLERK: Thank you.

23 You may be seated.

24 And, please, state your full name for the record.

25 THE WITNESS: Yolanda Rochelle Hunter.

DIRECT EXAMINATION

BY MS. GASSER:

Q Good afternoon, Ms. Hunter.

Can you tell the jury where you're from?

A Originally Anderson, South Carolina.

Q And do you still live in Anderson?

A No.

Q Where do you live now?

A Greenville, South Carolina.

Q And, Ms. Hunter, what do you do for a living?

A I'm a supervisor at [inaudible] King.

Q And, Ms. Hunter, just to go ahead and get us into

this case. How did you become involved in this case?

A I was on my way home from work. And I came upon the car in the road.

Q And when you say "the car," what -- where was this vehicle?

A It was in the road as if it was driving, but just stopped. The passenger door and driver door were both open when I first seen the car.

Q And was anyone with the car, or was it just the car?

A When I first seen it, it was just the car.

Q And why did you stop?

A Because it was weird for a car at 1:00 something in the morning to be out that late. So I stopped at first

1 just to wait to see what was going on. And then as I got
2 ready to go around is when I heard screaming and yelling.

3 Q And who was screaming and yelling?

4 A I don't remember her name.

5 Q Do you see her in the courtroom today?

6 A Yes.

7 Q Can you describe what she's wearing?

8 A A burgundy collared shirt, locks in her hair pulled
9 up with glasses.

10 MS. GASSER: And let the record reflect that the
11 witness has indicated Patience Parks as the person she's
12 just described.

13 THE COURT: All right.

14 BY MS. GASSER:

15 Q Now, Ms. Hunter, what did you do? Did you stay in
16 your car? What did you do?

17 A She came up to me screaming. I asked her what
18 happened. She told me. And I immediately got out of the
19 car.

20 Q And where were -- where did you go after you got out
21 of the car?

22 A She asked me to help her boyfriend while she went and
23 got his mom. So I immediately ran to the car.

24 Q When you ran to the car, what did you see?

25 A When I ran to the car, he was slumped over, head was

1 this way, just there.

2 Q And where did Patience Parks go? Do you know?

3 A She ran in an opposite direction from where she was
4 coming from, like, back down the road a little bit.

5 Q And did she come back?

6 A Yeah. She came back with his mom.

7 Q Do you remember his mom's name?

8 A No, I don't.

9 Q Is his mom in the courtroom?

10 A Yes, she is.

11 Q Now, did you leave at that point?

12 A No.

13 Q What did you do then?

14 A Well, when she left, I stayed to try to -- to assist
15 him.

16 Q How did you try to assist him?

17 A I tried to feel on him to see if I can find where he
18 had been shot to possibly stop the bleeding. There was a
19 noise he was making. And when it stopped, I checked his
20 pulse. I didn't feel one. I put -- I pressed the
21 emergency lights on his car to come on. By the time I
22 finished doing that, they were pulling up in a car.

23 Q When you say "they," who is they?

24 A Her name, I can't remember. Ms. Parks and -- I don't
25 remember the name you just said.

1 Q And were they the only two people that showed up?

2 A Yes, at that time.

3 Q Did law enforcement ever arrive?

4 A Yes.

5 Q Did you speak with law enforcement?

6 A I did.

7 Q Did you give a statement to law enforcement?

8 A I did.

9 Q And did you know the woman that you described in the
10 courtroom before this incident?

11 A No.

12 Q Did you know the person in the car that you just
13 described as being slumped over?

14 A Not really, not personally, no.

15 Q And did you know his mother who you described as
16 being in the courtroom?

17 A No.

18 Q Did you know the Defendant in this case?

19 A No.

20 Q So other than coming to testify here today, did you
21 have any other role in this case?

22 A No.

23 MS. GASSER: I have no further questions. Please
24 answer any that Defense Counsel may have.

25 THE COURT: Cross-examination.

CROSS-EXAMINATION

BY MR. HAMILTON:

Q Ms. Hunter, did you know whether or not the car was still running or in park? It was in the middle of the road. You -- you didn't see --

A The car was -- I believe it was still running. It was parked. It was in park.

Q It was in park?

A Yes, sir.

MR. HAMILTON: No further questions.

THE COURT: Any other questions?

MS. GASSER: Briefly, Your Honor.

REDIRECT EXAMINATION

BY MS. GASSER:

Q Ms. Hunter, when you say it was in park, is that based on you, actually, seeing it in park on the gear shift, or is that from your observation that the car wasn't moving?

A The gear shift was in park.

THE COURT: Anything else?

MS. GASSER: Nothing further, Your Honor.

THE COURT: All right. Ma'am, you can step down.

MS. GASSER: Your Honor, may this witness be released from her subpoena?

THE COURT: Yes.

1 MS. GASSER: The State calls Tammy Parks.

2 THE CLERK: Please pause at the bench.

3 Lay your left hand on the Bible and raise your right
4 hand.

5 WHEREUPON,

6 TAMMY MAUDE PARKS,

7 after first having been duly sworn, testified as follows:

8 THE CLERK: Thank you.

9 You may be seated.

10 And, please, state your full name for the record.

11 THE WITNESS: Tammy Maude Parks.

12 DIRECT EXAMINATION

13 BY MS. GASSER:

14 Q Good afternoon, Ms. Parks.

15 Where are you from originally?

16 A Greenville, South Carolina.

17 Q Have you lived here your whole life?

18 A Yes.

19 Q And, Ms. Parks, are you married?

20 A Yes.

21 Q Do you have any children?

22 A Yes, three sons.

23 Q How old are your sons?

24 A Tyler, the youngest, is 26. Desmond would be 31.

25 And Frank would be 37.

1 Q And have you lived in -- where -- where do you live
2 in Greenville?

3 A [REDACTED] Terilyn Court.

4 Q And did you go to high school here?

5 A Travelers Rest High.

6 Q And you mentioned Desmond. Did Desmond grow up in
7 Greenville?

8 A Yes.

9 Q Did he live here his whole life?

10 A Yes.

11 Q Did he go to school here?

12 A Yes.

13 Q Where did he go to school?

14 A We moved around a lot. So he went to quite a bit of
15 schools, you know, like, he went to Mauldin High. He went
16 to Carolina High, and...

17 Q And was he close with his brothers?

18 A Yes.

19 Q Did he have any other siblings?

20 A Yes. Lekeya, which is his stepsister.

21 Q Was he close with Lekeya?

22 A Oh, yeah, and then Cory.

23 Q Now, Ms. Parks, did Desmond have any children?

24 A Yes.

25 Q How many?

1 A Four.

2 Q And what are their names and ages?

3 A N.P. is 12, J.P. is seven, and C.P. is --
4 wait a minute -- six, and T.P. is six.

5 Q And how many grandkids do you have total?

6 A That's -- those, just the four.

7 Q Just the four. Now, tell us a little bit about
8 Desmond in high school.

9 A Desmond, he -- he liked sports because he -- you
10 know, he played football, you know, when he was in
11 elementary school, and stuff. And he got trophies. He
12 got trophies in track.

13 And he just loved life. He loved doing things. And
14 he was just a -- he didn't meet any strangers. If he
15 loved you, he loved you. And -- and, you know, he had
16 your back on everything.

17 So he was a very observant young child. He used
18 to -- it's funny because whenever we would take a trip
19 somewhere and, like, we're driving and on the way back, we
20 would, like, miss a turn. And he was, like, no, that's
21 not the turn. You go this way, you know. Because he was,
22 you know, very observant. So he was, like, our little
23 guide when he was young.

24 Q And were you close with Desmond?

25 A Oh, that was my heart.

1 Q Ms. Parks, do you know the Defendant, Jasmine
2 Robinson?

3 A Yes.

4 Q How do you know her?

5 A Well, her and Desmond had been in a relationship.

6 Q And is Ms. Parks -- I mean, is Ms. Robinson here in
7 the courtroom today?

8 A Yes.

9 Q Can you point her out for us?

10 A The Defendant.

11 Q Okay. And can you describe what she's wearing?

12 A A black sweatsuit hoodie thing.

13 MS. GASSER: May the record reflect that the witness
14 has identified the Defendant as Jasmine Robinson.

15 THE COURT: All right.

16 BY MS. GASSER:

17 Q So you said that your son, Desmond, and Ms. Robinson
18 were in a relationship?

19 A They had been in the past.

20 Q How long were they in a relationship for?

21 A I can't really say how long of a relationship they
22 had. Because I never knew when they started a
23 relationship. I mean, I knew that they had -- they were
24 in one. But I didn't know when it started. So I can't
25 really say how long it was.

1 Q Okay. Did he bring Jasmine to your house?

2 A Actually, no. He didn't bring her to me and say, you
3 know, like, this is my girlfriend, and whatever. He
4 didn't do that.

5 Q So let's talk about November of 2020. Were you still
6 living at [REDACTED] Terilyn Court?

7 A Yes.

8 Q And who was living with you at the time?

9 A It was Tyler, my youngest son, and my -- Desmond
10 was -- that was his home, you know. Now, he would, you
11 know, go -- you know how men do or young people do. They
12 go spend the night or be at someone else's house for a
13 little while, or whatever. But this was his home.

14 Q So would you consider him living with you?

15 A Yes, yes.

16 Q Now, let's walk through your day on November 6, 2020.
17 What did you do that day?

18 A Okay. I worked third shift. So I guess I had woke
19 up. And I -- it wasn't -- I mean, I was supposed to have
20 worked, but I didn't work that night. I was, like, you
21 know -- it was a mandatory night to work. But I was like,
22 I'm not working, something was saying don't go to work.
23 Of course, I was tired.

24 But I -- I remember I had been asleep. Because I had
25 slept that day. Because that night before, I had worked.

1 And I was asleep. And I woke up in that evening, you
2 know, just moving around, and stuff.

3 But later on that night -- I can't tell you the times
4 because I -- I just can't. Desmond came. And he was
5 like -- he was like -- he thought I had to work. So he
6 was kind of, like, surprised. And he was like, I thought
7 you was going to work.

8 I said, No. I'm not working tonight.

9 He was like, Well, my girl is coming over.

10 And I said, Well, okay, fine, and stuff.

11 Then he said, I'm going to call her and tell her not
12 to come.

13 But he went out the door and he came back in. And he
14 was like, She's coming anyway.

15 I was like, It's -- it's okay, you know, and stuff,
16 so.

17 Q So tell us, what was third shift? What were those
18 hours?

19 A From 7:00 to -- at the time, it was from 7:00 to 7:00
20 in the morning.

21 Q And so you were at home?

22 A I was at home.

23 Q And you just testified that you can't be exactly sure
24 what time?

25 A Right.

1 Q But that Desmond came home. That's what you just
2 testified to?

3 A Right.

4 Q So at that point, he says his girl's coming over.
5 Did you go to bed? What did you do?

6 A No. I didn't go to bed. Because I -- I was up
7 making something to eat. It was late. But when you work
8 third shift, you're going to eat at night. Your routine
9 is, okay, I'm still at work, but, you know.

10 So I was making something to eat. And he was like --
11 okay. He -- he sat there and he talked. I mean, he
12 talked so much. Because we usually, you know, catch up
13 with each other and talk, and stuff. Because we would be
14 seeing each other, you know, like, I'm going to work and
15 he's coming in. And -- and we didn't get to talk a lot.

16 So that night, it was like he was trying to catch me
17 up with everything that was going on with him. So he was
18 just talking, and talking, and talking.

19 And so then Patience came. And we sat in there and
20 we laughed and we talked. Me, and him, and Patience
21 laughed and talked. And I even said, Well, you have met
22 your match. I told him that that night.

23 He said, Yeah, momma. That's what I'm talking about.
24 That's the way he talked.

25 And I said, Yeah, I know.

1 And so we laughed and talked. And then sometime,
2 they were -- they got up to go to the store. And -- no,
3 they -- excuse me. Back this up. They went to get
4 something to eat. And when they came back, he had brought
5 me a biscuit, or something. And, of course, I didn't want
6 it. I had -- had something else I was cooking.

7 And he -- then he says, Well, momma, you need to go
8 to bed.

9 I said, No, I'm not going to bed.

10 He said, Yeah, you're going to bed. And then he
11 said, Well, we're going to the store.

12 And I said, Okay.

13 And he said, All right, I love you. And, you know,
14 I'll see you when I get back.

15 So they left. And I didn't know that they had, you
16 know, pulled off. Because I hadn't -- I didn't lock my
17 front door. Normally, I would lock the front door. But I
18 didn't lock the front door. And they were gone.

19 So all the sudden -- and I'm in the house. And I'm
20 just, you know, doing stuff. And all the sudden, Patience
21 burst back into the door. And I'm like, you know -- she
22 was like, Ms. Parks, Jasmine has shot Desmond.

23 And I was like, Oh, my God.

24 In my mind, I thought, okay, we don't have to be in
25 the hospital for -- for a little while, so. She said,

1 Come on, let's go.

2 So we got Tyler's car. And she drove us back up
3 there. Patience drove me and her back to the scene. She
4 pulled right in front of the car. Okay. Both doors were
5 open. Patience jumped out of the car. And I don't know
6 where she went. Because I wasn't paying attention to her.
7 I got out of the car. And I ran to the driver's side
8 where he was at. And he was slumped over.

9 And I was like, Desmond. You know, I got his hand.
10 And I guess when I tried to take his pulse -- but I
11 couldn't -- I couldn't get a pulse. And I was like, wait
12 a minute, wait a minute, wait a minute. And I just kind
13 of touched his head. And when I touched his head, I felt
14 some glass, some glass in his hair. Because he had really
15 soft hair. And I could feel glass in his hair. And he
16 wasn't moving.

17 And -- and then I -- I ran around to the other side
18 of the car. And I -- I looked at him. And I could see
19 his brown eyes. And he had been -- he had vomited a
20 little. And I could see his eyes. And he wasn't -- he
21 wasn't there.

22 And I -- I just started screaming. Because I could
23 not believe what was just really happening. What -- what
24 is this? Is this -- is this real? And from there, I -- I
25 don't know. And the police came. And -- and I don't

1 know. The ambulance came. And that was all -- I -- I
2 don't know. I -- I don't know.

3 Q Ms. Parks, were you in the courtroom yesterday when
4 Deputy Carpenter's body-worn camera was played?

5 A Yes.

6 Q Okay. And did you recognize yourself on that
7 footage?

8 A Yes.

9 Q And I'm just going to show you a very brief part of
10 that, if that's okay with you. Can you identify yourself
11 on that clip?

12 A Yes.

13 (WHEREUPON, a portion of State's Exhibit No. 5 was
14 played in open court.)

15 BY MS. GASSER:

16 Q Can you just, for the record, tell the jury what
17 they're seeing on the screen.

18 A Well, that's me standing over there. And the
19 officers, I guess, were right there with -- with Desmond.

20 MS. GASSER: And, just for the record, this is
21 State's Exhibit No. 5 that's already been entered into
22 evidence.

23 THE COURT: All right.

24 (WHEREUPON, a portion of State's Exhibit No. 5 was
25 played in open court.)

1 BY MS. GASSER:

2 Q Could you, please, indicate to the jury what we're
3 seeing from State's Exhibit No. 5 there?

4 A Well, that's me standing -- that's me standing here.
5 And that's the car that Desmond was in right there.

6 Q And, Ms. Parks, are you wearing shoes?

7 A No. Because we rushed out of the house so fast.

8 Q Ms. Parks, did you stay on scene and talk with law
9 enforcement?

10 A I stayed on scene, yeah. But I don't -- I don't
11 know -- remember talking to -- to them. Because I don't
12 remember if they asked me anything right then, you know.

13 MS. GASSER: Ms. Parks, I don't have any further
14 questions. Please answer any that Defense Counsel may
15 have.

16 THE COURT: Cross-examination, Mr. Hamilton.

17 MR. HAMILTON: May it please the Court.

18 THE COURT: Yes, sir.

19 CROSS-EXAMINATION

20 BY MR. HAMILTON:

21 Q Ms. Parks, you understand that as Jasmine's lawyer, I
22 have to ask you a couple questions. And we've got to go
23 over this.

24 And one important question is, how long have you
25 known Jasmine Robinson?

1 A I really can't -- like I said, I really can't say how
2 long, you know, I've really known her.

3 Q So Desmond had four kids?

4 A Yes.

5 Q None of them are with Jasmine?

6 A No.

7 Q Are they four different mommas?

8 MS. GASSER: Objection, Your Honor.

9 THE COURT: Sustained.

10 BY MR. HAMILTON:

11 Q One of the kids is J.P.?

12 A Yes.

13 Q Do J.P. stay with Jasmine? Has Jasmine brought J.P.
14 to see you every weekend?

15 A Okay. What -- which one? J.P. does not live with
16 Jasmine.

17 Q Okay. The only time you see J.P. -- or for a period
18 of time, Jasmine brought J.P. to visit you?

19 A Jasmine did baby-sit J.P..

20 Q Okay. Thank you.

21 And in her baby-sitting -- so she baby-sitted her at
22 her place, I'm sure; right?

23 A Yeah.

24 Q Huh?

25 A Yes.

1 Q Okay. And then the times you see J.P. was when
2 Jasmine brought J.P. to see -- is that --

3 A That was not the only times that I saw J.P..

4 Q Okay. Thank you.

5 But that's not the only time you saw J.P.?

6 A No.

7 Q But more than one time, Jasmine brought J.P. to see
8 you?

9 A True.

10 Q Well, so -- and that was the time frame -- when
11 Jasmine brought J.P. to see you, you saw Jasmine and J.P.
12 at the same time; right?

13 A Yes.

14 Q And the period of time that happened was one month?
15 Two months? One year? What...

16 A I don't know. I mean, is she -- baby -- you know,
17 she was baby-sitting her. So she would bring -- well, I
18 mean, I guess they would be out somewhere and they would
19 stop over. So I don't -- I can't say what -- one month,
20 one year. I can't say that.

21 Q Okay. Well, during the time Jasmine would bring J.P.
22 by to see you, Desmond, your son, were boyfriend and
23 girlfriend with Jasmine?

24 A At some point, yes. Because they're -- Desmond would
25 say that, you know, he's not with her. And that, you

1 know, he would tell the baby's mother not to take her over
2 there -- take the child over there. But she would do it
3 any way.

4 Q Okay. And she -- she would take her to Jasmine;
5 right?

6 A Yeah. Because she baby-sitted for her.

7 Q Now, and what type of car do you have?

8 A Me, I have an Impala.

9 Q Okay. And did Jasmine ever drive -- she drove your
10 car at one point. She drove your car?

11 A One day, she did.

12 Q It was just one day. It wasn't a period?

13 A No.

14 Q Just one day, you let her drive your car?

15 A I let her drive my car.

16 Q Right. And do you know the circumstances
17 surrounding --

18 A She drove my car.

19 Q And -- and she needed the car or --

20 A Yes.

21 Q And you gave it to her.

22 So the only time period you've known Jasmine hasn't
23 been years?

24 A It has been some years. But I'm saying I can't say,
25 like, it's been, you know, 10 or -- 10 or 12 years, or

1 whatever. I can't say that. But it's been some years. I
2 won't say that it, you know, hasn't been.

3 Q And -- and -- and you're not telling us that Desmond
4 and Jasmine were not a couple. They were boyfriend and
5 girlfriend?

6 A They were not a couple at -- when this happened, they
7 were not a couple months before this. Because he had --
8 he told me that they were not together.

9 Q Okay. He told you?

10 A He told me, my son.

11 Q Thank you.

12 And then -- but you do know Jasmine?

13 A I do know her.

14 Q Okay. Thank you.

15 Now, Patience, you just met her that day?

16 A I -- I had just physically met her that day. I had
17 talked to her on the phone.

18 Q Okay.

19 A But physically met her.

20 Q That day?

21 A Yes.

22 Q The day you lost your son?

23 A Yes.

24 Q That's the same day?

25 A Yes.

1 Q You talked to her on the phone how many days before?
2 Was that --

3 A No. It wasn't just, like, many days. It was, you
4 know -- at one point, Desmond thought he had COVID. I
5 talked to her at that point. Because, you know, they were
6 together. And he -- he thought he had COVID. And on
7 other occasions, I have, you know, been talking to Desmond
8 and, you know, she would be there.

9 Q Okay. And do you have any -- you said you felt for
10 his pulse and couldn't -- was it --

11 A I just grabbed his hand --

12 Q Right.

13 A -- and tried to take his pulse.

14 Q And then when you got there, who else was around the
15 scene?

16 A All -- I don't know. All I knew was Patience and --
17 and the lady that testified. What was her name, the one
18 that testified?

19 Q Yolanda Hunter?

20 A Yeah, her. But I don't know her. But I saw her
21 there. She was standing, you know, on the side of the
22 road.

23 MR. HAMILTON: Thank you, Ms. Parks.

24 THE COURT: Anything on redirect?

25 MS. GASSER: No redirect, Your Honor.

1 THE COURT: All right. We're going to take about a
2 10-minute break.

3 MS. GASSER: Yes, Your Honor.

4 THE COURT: All right. Ladies and gentlemen, I'm
5 going to send you back to your jury room for an afternoon
6 break.

7 Please, ma'am, and, please, sir, don't talk about the
8 case with anyone.

9 Okay. We'll be back in about 10 minutes.

10 (WHEREUPON, the jury was excused from open court at
11 approximately 3:03 p.m.)

12 THE COURT: We'll be down for about 10 minutes.

13 (WHEREUPON, a break was taken.)

14 THE COURT: All right. Are you ready for the jury?

15 MS. GASSER: Yes, Your Honor.

16 THE COURT: All right. Bring the jury back.

17 (WHEREUPON, the jury came into open court at
18 approximately 3:22 p.m.)

19 THE COURT: The State's ready to proceed?

20 MS. GASSER: Yes, Your Honor.

21 THE COURT: You can call your next witness.

22 MS. GASSER: The State calls Kimberly Libus.

23 I beg the Court's indulgence.

24 THE COURT: Yes.

25 (Pause.)

1 MS. GASSER: Your Honor, we are going to be using the
2 overhead projector for the next several witnesses.

3 THE CLERK: Pause at the bench.

4 Put your left hand on the Bible and raise your right
5 hand.

6 WHEREUPON,

7 KIMBERLY LIBUS,
8 after first having been duly sworn, testified as follows:

9 THE CLERK: Thank you.

10 You may be seated.

11 And, please, state your full name for the record.

12 THE WITNESS: Kimberly Libus.

13 DIRECT EXAMINATION

14 BY MS. GASSER:

15 Q Good afternoon, Ms. Libus.

16 Can you tell the jury a little bit about yourself?

17 Where are you currently employed?

18 A I was employed with the Greenville County forensics
19 division for about five and a half years.

20 Q And how did you -- or how did you get into the
21 forensics division? Where did you come from?

22 A So I have a Bachelor of Science Degree in Integrated
23 Science and Forensics from the Harrisburg University of
24 Science and Technology.

25 Q And was with Greenville County your first job?

1 A Yes. That's correct.

2 Q And are you still with the forensics division?

3 A No, I'm not currently.

4 Q When did you leave the forensics division?

5 A About three weeks ago.

6 Q And where are you working now?

7 A I currently don't have a new position.

8 Q Have you moved?

9 A No, not officially.

10 Q Oh, okay. Are you moving somewhere?

11 A Yes.

12 Q Okay. Where to?

13 A Delaware.

14 Q So, Ms. Libus, can you take us back to November of
15 2020. Were you employed with the Greenville County
16 forensics division at that time?

17 A Yes.

18 Q And what was your job or your position?

19 A So my title was a forensics evidence technician.

20 Q And were you working on November 6th, 2020?

21 A Yes.

22 Q And did you become involved in this case?

23 A Yes.

24 Q Okay. So tell us a little bit about your role in
25 this case. What did you do?

1 A So I received the call. And I responded to the
2 initial crime scene.

3 Q Okay. And in -- as a forensics technician, do you,
4 typically, write a report?

5 A Yes.

6 Q And have you brought that report with you today?

7 A Yes.

8 Q Okay. So if you need to check your notes or
9 anything, will you just let us know?

10 A Sure.

11 Q And are you nervous?

12 A No. I'm all right.

13 Q All right. Ms. Libus, can you tell us where was --
14 where were you called out to?

15 A So I represent in my report, near the intersection of
16 Old Easley Bridge Road and Stallings Road in Greenville.

17 Q So are you -- do you know, is that in Greenville
18 County?

19 A Yes.

20 Q And when you got out to that location, what did you
21 do?

22 A So I met with the investigator on scene. And I was
23 given the information that was available at the time about
24 the scene.

25 Q And so, as a forensics technician, just, generally,

1 what would y'all do when you got on scene? Not
2 necessarily just for this -- this scene, but just, in
3 general, what would y'all do?

4 A So, typically, we do start with meeting with either a
5 deputy or investigator on scene to get the information.
6 Once we have all the information, then that kind of
7 determines our -- the next steps that we take, which that,
8 typically, includes photographing the scene, processing
9 for fingerprints, or collecting evidence.

10 Q So when you say that you meet with the investigator
11 first and get the information, is that information about
12 the case? I mean, you just talked about it a little bit,
13 why it's important. But tell the jury, why is it
14 important to get that information from the investigator?

15 A So we like to get as much information about what's
16 going on as possible. That gives us a better
17 understanding of what we need to look for processing and
18 evidence wise.

19 Q And in this case, did you speak with the -- an
20 investigator on scene?

21 A Yes.

22 Q And you mentioned earlier that y'all take photos.
23 Did you take photos in this case?

24 A Yes, I did.

25 Q Okay. And if you were to see those photos again,

1 would you recognize them?

2 A Yes.

3 Q I am handing up to you what's been pre-marked for
4 identification purposes as State's Exhibit Nos. 6 through
5 19.

6 MS. GASSER: I just beg the Court's indulgence.

7 (Pause.)

8 BY MS. GASSER:

9 Q All right. Ms. Libus, so if you can look through
10 State's Exhibit Nos. 6 through 19. And just after you've
11 reviewed them, let us know if you recognize them.

12 A Yes. I recognize them.

13 Q And how do you recognize them?

14 A I took these photos.

15 Q Are they a fair and accurate depiction of the
16 photographs -- or of the scene that you photographed that
17 night?

18 A Yes.

19 Q The scene that you had listed as Old Easley Bridge
20 Road and Stallings Road in Greenville County?

21 A Yes.

22 Q Have they been changed or altered in any way?

23 A No.

24 MS. GASSER: Your Honor, at this time, the State
25 moves to enter State's Exhibit Nos. 6 through 19 into

1 evidence.

2 THE COURT: Any objection?

3 MR. HAMILTON: No objection, Your Honor.

4 THE COURT: All right. So entered without objection.

5 (WHEREUPON, State's Exhibit Nos. 6, 7, 8, 9, 10, 11,
6 12, 13, 14, 15, 16, 17, 18, and 19 were admitted into
7 evidence.)

8 BY MS. GASSER:

9 Q So, Ms. Libus, I'm going to take these from you. And
10 we're just going to walk through these with the jury
11 together. If you can, can you use the screen behind you
12 to just indicate anything that you're discussing so that
13 the jury can see?

14 A (There was no response.)

15 Q All right. So starting with State's Exhibit No. 6,
16 can you tell the jury a little bit about what they're
17 seeing here.

18 A Yes. So this is the crime scene secured. There's
19 another piece of crime scene tape on this side blocking
20 the section of the roadway. And this is the vehicle that
21 the victim was found in, as well as a piece of evidence
22 that's marked and a passerby vehicle that's there.

23 Q And just so the record is clear, you said the vehicle
24 that the victim was found in, is that the vehicle that you
25 pointed to in the middle of the picture?

1 A Yes. Correct.

2 Q And can you tell what kind of vehicle that is from
3 this photo?

4 A From this specific photo, no.

5 Q Okay. Well, let's go to State's Exhibit No. 7. Is
6 this a picture of that same crime scene just from a
7 slightly different angle?

8 A Yes.

9 Q Is it now within the crime scene tape?

10 A Yes. That's correct.

11 Q Let's go to State's Exhibit No. 8. Again, is this
12 that same crime scene you just described?

13 A That's correct.

14 Q Okay. But -- and this is just from a different
15 angle?

16 A Correct.

17 Q And can you describe to the jury what they are seeing
18 in this photograph in reference to the vehicle you pointed
19 out as the victim's vehicle?

20 A Sure. The -- again, this is the piece of evidence
21 that's marked. And this is the driver's side of that
22 vehicle. And the two doors are open on this side.

23 Q And those two doors, can you -- just so the record is
24 clear, which side of the car are those doors on?

25 A The driver's side.

1 Q And the two doors that are on the driver's side, is
2 that the driver's door and the back passenger's door?

3 A Yes. The front and the rear driver doors.

4 Q Let's go to the next -- State's Exhibit No. 9. So
5 can you tell the jury what they're seeing here?

6 A Yes. So this is the passenger side of the vehicle
7 that the victim was found in. And there's, also, this
8 cigarette box that was found on the ground below the front
9 passenger door.

10 Q We're going to go to State's Exhibit No. 10. All
11 right. Ms. Libus, can you now tell what kind of vehicle
12 the victim's vehicle was?

13 A Yes.

14 Q What kind of vehicle is that?

15 A It was an Acura 3.2 TL.

16 Q And what color was that Acura?

17 A A silver color.

18 Q Let's go to State's Exhibit 11. Ms. Libus, can you
19 describe to the jury what they're seeing in this
20 photograph?

21 A Yes. So, again, this is the driver's side of the
22 vehicle. The two doors are open. There's some medical
23 equipment that was left here. And this rear driver door,
24 the window is mainly shattered and broken. And there's a
25 hole in the glass there.

1 Q Let's go on to State's Exhibit No. 12. Can you
2 describe to the jury what they're seeing in this
3 photograph?

4 A Yes. So this is another angle of the vehicle of the
5 driver's side where you can see inside of that rear -- or
6 I'm sorry, the driver's side where you can see the inside
7 of the rear driver door with the broken window and
8 slightly inside of the vehicle.

9 Q State's Exhibit No. 13. So tell the jury what's
10 going on in this photograph.

11 A Yes. So this is the broken rear driver door window.
12 And this is my scale for this hole. So here, you can see
13 that the window is mainly broken and shattered. But this
14 is a fairly large hole. And there's another possible
15 projectile hole here.

16 Q And is that your arm in the photograph?

17 A Yes. That's correct.

18 Q Let's go to State's Exhibit No. 13. Ms. Libus, can
19 you tell the jury what they're seeing here?

20 A Yes. So, again, this is the inside of the rear
21 driver door with the broken window. And in this photo,
22 you can see the glass slightly falling inside of the
23 window.

24 Q And I apologize, Ms. Libus. This is, actually,
25 State's Exhibit No. 14. I just want to make the record

1 clear on that.

2 So in this photograph, you said the glass is falling.
3 How is it captured from falling? How can you -- how is it
4 staying like that?

5 A So, typically, the window tint on windows holds some
6 of the glass together. So this section here is the broken
7 glass. But it's still mainly held together by the tint
8 hanging inside of the vehicle.

9 Q All right. So, Ms. Libus, just -- just showing
10 State's Exhibit No. 13 that we just went over, along with
11 State's Exhibit No. 14. You indicated that there was a
12 large hole here; correct?

13 A Yes.

14 Q And is that hole corresponding to the glass being
15 held together by the tint that you've just described in
16 State's Exhibit No. 14?

17 A Yes. That's correct.

18 Q Let's go to State's Exhibit No. 15. Can you describe
19 to the jury what they're seeing here?

20 A Yes. So this is the inside of the vehicle through
21 the rear driver's door. And it's showing the backside of
22 the front driver's seat and along the rear seats of the
23 vehicle.

24 Q And in this photograph, is there a headrest
25 displayed?

1 A Yes.

2 Q In your examination on scene, was there any damage to
3 the headrest that you could tell?

4 A If I can reference my report.

5 I don't believe we could see any damage,
6 specifically, to the headrest.

7 Q And, Ms. Libus, going to State's Exhibit No. 16. Can
8 you tell the jury what they're seeing in this photograph?

9 A Yes. So this is the gear shift in the front of the
10 vehicle. And it's just showing the positioning of the
11 gear shift.

12 Q Now, when you took these photographs, was the victim
13 still on scene?

14 A Yes.

15 Q And was he left in -- was he left in the vehicle
16 while you took these photographs?

17 A Yes. That's correct.

18 Q Going to State's Exhibit No. 17. Can you tell the
19 jury what this is a photograph of?

20 A Yes. It is a photograph of one of the seals that I
21 placed on the vehicle.

22 Q So tell us about sealing. What is that?

23 A So after all the initial photographs are taken, the
24 body's removed, and any other necessary things are removed
25 from the vehicle. It's sealed with red evidence tape on

1 the hood, the trunk, and all of the vehicle doors, which I
2 then signed and dated with the respective initials.

3 Q And was this signed and dated?

4 A Yes.

5 Q Whose signature?

6 A It's mine, my initials.

7 Q Let me go to State's Exhibit No. 18. Ms. Libus, you
8 just described the process of sealing. And I believe you
9 listed out all of the locations on the vehicle that are
10 sealed, typically. Was this vehicle sealed in accordance
11 with what you just said was the typical practice?

12 A Yes.

13 Q And in this photograph, are there any of those seals
14 visible?

15 A Yes. So there's two evidence seals here on the
16 bottom of the door, and here at the bottom of the door
17 here.

18 Q Can we go to the next, State's Exhibit No. 19? And,
19 again, are there any other evidence seals visible in this
20 photograph?

21 A Yes. They're along the doors.

22 Q And is this that same side as State's Exhibit No. 18?

23 A No. The first side was the driver's side. And this
24 is the passenger side of the vehicle.

25 Q So after you seal a vehicle -- after you sealed this

1 vehicle, what did you do?

2 A So I took other photographs of the vehicle with the
3 seals. But after that, that is the only thing I did with
4 the vehicle.

5 Q Was the vehicle -- where was the vehicle taken? Do
6 you know?

7 A I believe referencing on my report -- no. I don't
8 know, specifically, where it was taken.

9 Q And other than coming to testify here today, did you
10 have any other involvement in this case?

11 A No.

12 MS. GASSER: I have no further questions. Please
13 answer any that Defense Counsel may have.

14 THE COURT: Cross-examination, Mr. Hamilton.

15 MR. HAMILTON: May it please the Court.

16 THE COURT: Yes, sir.

17 CROSS-EXAMINATION

18 BY MR. HAMILTON:

19 Q I just want to reference, Officer, one particular
20 State's Exhibit -- well, can I show -- show you this,
21 State's Exhibit No. 13?

22 MR. HAMILTON: May I approach, Judge?

23 BY MR. HAMILTON:

24 Q State's Exhibit No. 13, you indicated was a gunshot,
25 based on your forensics process. That's a -- a picture of

1 a gunshot?

2 A We, typically, refer to it as a projectile hole -- a
3 suspected projectile hole.

4 Q Okay. So a projectile. And then, also, in that, you
5 mentioned another projectile?

6 A I'm sorry. Could you repeat the question?

7 Q Can you describe it like you did on direct what that
8 indicates, that -- State's Exhibit No. 13 as far as a
9 projectile?

10 A Yes. So --

11 THE COURT: Mr. Hamilton, do you -- do you want to
12 use the screen? There's a screen available on your side
13 of the table.

14 MR. HAMILTON: Oh, okay. I'm catching up with this
15 process, yeah.

16 BY MR. HAMILTON:

17 Q Where my finger is pointing, that's a projectile
18 indication -- your intention of photographing that is to
19 show a projectile?

20 A Yes. It is a suspected projectile.

21 Q Suspected. And then I made a note. You said this --
22 this portion over here indicates another projectile?

23 A No. That is just a -- a hole caused by the broken
24 glass.

25 Q Okay. Well, that's why I'm asking. Because I

1 thought you said it was a projectile. And then this was
2 an indication of another projectile, you know, some force?

3 A Yes. So we can take -- we can -- why we call it a
4 suspected projectile hole as this is, typically, an
5 indication of a projectile. This -- because the hole is
6 so large, we cannot, specifically, say that it's a
7 projectile hole. We just identify that there is a larger
8 hole in the window.

9 Q Okay. So what I -- I'm just wanting clarification of
10 it being the bullet hole -- a projectile -- the initial
11 where you got your ruler -- your ruler. But I was
12 thinking that -- thinking that you said that's an
13 indication of a projectile. And that was -- I wrote down
14 another projectile. And I'm misstating that you said
15 that?

16 A If I did, I misspoke.

17 Q Yeah. I'm not trying to trick you. I'm just -- I
18 need for you to say that, really. I mean, you know, you
19 said it. You're not --

20 MR. HAMILTON: Okay. Never mind. I'm done.

21 BY MR. HAMILTON:

22 Q You can't say that's another projectile?

23 A Correct.

24 MR. HAMILTON: Thank you.

25 No further questions.

1 THE COURT: Anything on redirect?

2 MS. GASSER: Yes, Your Honor. Briefly.

3 REDIRECT EXAMINATION

4 BY MS. GASSER:

5 Q So, Ms. Libus, just to, I think, help clarify things
6 and maybe going a little bit with the Defense attorney --
7 what Defense Counsel was talking about. So State's
8 Exhibit No. 13, he was asking you about this -- as what
9 you have indicated this is a suspected projectile hole;
10 right?

11 A Correct.

12 Q Okay. And then down here in your report, what did
13 you classify this as?

14 A Again, referencing my report, I noted a suspected
15 projectile hole. And then there was another large hole in
16 the window.

17 Q So per your report, this is what you're talking
18 about, a suspected projectile hole?

19 A Correct.

20 Q And this is the large hole?

21 A Yes.

22 Q Okay. So then going to State's Exhibit No. 14 -- I'm
23 going to put these up here. State's Exhibit No. 14,
24 you've already testified that this is tint holding broken
25 glass together; right?

1 A Correct.

2 Q Now, why did you take this picture?

3 A Again, to show that the glass was leaning inside the
4 vehicle.

5 Q And is that glass -- even though it is broken and
6 hanging inside the vehicle, is that glass substantially
7 still together?

8 A It's shattered, but, again, just held together by
9 that tint.

10 Q And then up here, is this the back of that suspected
11 projectile hole?

12 A Correct.

13 Q Okay. And is there any glass hanging out of this
14 section right here?

15 A No.

16 MS. GASSER: Thank you, Ms. Libus.

17 I have no other questions.

18 THE COURT: Recross?

19 RECROSS-EXAMINATION

20 BY MR. HAMILTON:

21 Q Now, this portion here -- okay. Now, that part is
22 leaning on the inside. And from your experience from
23 projectiles -- from projectiles -- from projectiles, is
24 that the indication that there was additional pressure
25 that happened that caused that to lay out? Or it's just a

1 bullet hole? You know how you see just a bullet hole,
2 just one bullet hole?

3 A Uh-huh.

4 Q Okay. And then this laying out -- because the safety
5 glass, that's what it is, ain't it? It's to keep it from
6 shattering?

7 A Uh-huh.

8 Q Is that an indication that it got pushed in?

9 A So, typically, glass will fall into the direction
10 that a projectile is moving. So based on this, a
11 projectile came from the outside of the vehicle inside
12 causing the glass to fall inside.

13 MR. HAMILTON: All right. Thank you.

14 THE COURT: Any other questions?

15 MS. GASSER: No other questions, Your Honor.

16 THE COURT: All right. Ma'am, you can step down.
17 Any objection to this witness being excused?

18 MS. GASSER: No, Your Honor.

19 MR. HAMILTON: None.

20 MS. GASSER: And we'd ask that she be released from
21 her subpoena.

22 THE COURT: Any objection to that, Mr. Hamilton?

23 MR. HAMILTON: None, Your Honor.

24 THE COURT: All right. Ma'am, thank you for coming.
25 All right. The State call its next witness.

1 MS. GASSER: Yes, Your Honor. The State calls Kali
2 Stevens.

3 THE CLERK: Come forward. Just pause here at the
4 bench by the Bible.

5 Lay your left hand on the Bible and raise your right
6 hand.

7 WHEREUPON,

8 KALI WOLF,
9 after first having been duly sworn, testified as follows:

10 THE CLERK: Thank you.

11 You may be seated.

12 And, please, state your whole name for the record.

13 THE WITNESS: My name is Kali Wolf.

14 DIRECT EXAMINATION

15 BY MS. GASSER

16 Q And I apologize, Ms. Wolf. I believe I called you
17 Kali Stevens. Can you explain to the jury why I would
18 have called you Ms. Stevens?

19 A I got married.

20 Q So, Ms. Wolf, tell us a little bit about yourself.
21 Where are you currently employed?

22 A I'm currently employed at the Greenville County
23 property and evidence section.

24 Q And what did you do before working at the property
25 and evidence section?

1 A I was at the Greenville County crime scene section.

2 Q And what was your role or position at the crime scene
3 section?

4 A I was an evidence technician. I, basically, provided
5 photographic documentation, collected and preserved
6 evidence. I, also, performed different types of analysis
7 on evidence in accordance to federal, state, and local
8 laws.

9 Q And how long were you at the forensics division?

10 A I was there for about two and a half years.

11 Q All right. And, Ms. Wolf, in reference to this case,
12 how did you become involved?

13 A I ordered the autopsy.

14 Q So were you working for the forensics division in
15 November of 2020?

16 A Yes, I was.

17 Q And were you working on November 6th, 2020?

18 A Yes.

19 Q And you just indicated to the jury that you became
20 involved in this case by -- were you at the autopsy?

21 A Yes.

22 Q And was your role to conduct the autopsy?

23 A I did the photographs and collected the victim's
24 clothing.

25 Q All right. So you have told them that you -- you

1 took photographs. And if you were to see those
2 photographs again, would you recognize them?

3 A Yes.

4 Q All right. Ms. Wolf, I'm handing you what's been
5 pre-marked for identification purposes as State's Exhibit
6 Nos. 31 and 33. Take a look at those. And when you're
7 ready, let us know if you recognize those documents.

8 A Yes. I recognize them.

9 Q And how do you recognize them?

10 A I took these photographs.

11 Q And are they a fair and accurate depiction of the
12 photographs that you took during the autopsy in this
13 case?

14 A Yes.

15 Q And can you tell us, have they been changed or
16 altered in any way?

17 A No, they have not.

18 MS. GASSER: At this time, Your Honor, the State
19 moves to enter State's Exhibit Nos. 31 and 33 into
20 evidence.

21 THE COURT: Any objection?

22 MR. HAMILTON: Without objection.

23 THE COURT: All right. So entered.

24 (WHEREUPON, State's Exhibit Nos. 31 and 33 were
25 admitted into evidence.)

1 BY MS. GASSER:

2 Q So, Ms. Wolf, let's talk about State's Exhibit
3 Nos. 31 and 33. Can you tell us whose autopsy did you
4 take these photographs at?

5 A It was Desmond Lamar Parks.

6 Q And who was conducting the autopsy?

7 A Forensics pathologist Dr. Ward.

8 Q And looking at State's Exhibit No. 31, can you tell
9 the jury what this is a photograph of?

10 A That is the X-ray of the inside of his head.

11 Q And when you say "his head," are you talking about
12 Desmond Parks?

13 A Yes, the victim.

14 Q And in this photograph -- why did you take this
15 photograph?

16 A Because you can see the little round spot is the
17 projectile in his head.

18 Q Going on to State's Exhibit No. 33, can you tell the
19 jury what this is a photograph of?

20 A That is the projectile after the pathologist removed
21 it from the victim's head.

22 Q And, again, when you say "victim's head," you're
23 referring to Desmond Parks?

24 A Yes, Desmond Parks.

25 Q And so when you took this photograph, was the

1 projectile in your line of sight?

2 A Yes.

3 Q And what happened to that projectile after this
4 photograph?

5 A We transferred it into my custody with a P&E sheet.
6 So Dr. Ward signed it over to my custody showing the chain
7 of custody.

8 Q Okay. And the chain of custody, tell us -- it's now
9 in your possession. What do you do with that projectile?

10 A I took it back to the crime scene office and I placed
11 it in my storage locker. It's secured with a lock. And
12 then I transferred it to the property and evidence section
13 where it had stayed.

14 Q And since it stayed in property and evidence, how do
15 you know when evidence is -- how do you know when evidence
16 is kept secure? Is there a way to tell whether evidence
17 has been kept secure?

18 A Oh, there's a chain of custody through the online
19 system. So it would have shown if it was ever checked
20 out, who it was checked out to, and, like, the date and time.

21 Q Okay. I am handing you what has been pre-marked for
22 identification purposes as State's Exhibit No. 34. Do you
23 recognize State's Exhibit No. 34?

24 A Yes, I do.

25 Q How so?

1 A I'm the one that packaged it with my initials and the
2 date.

3 Q And what is State's Exhibit No. 34?

4 A It is the projectile from the head.

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

6 A Not that I am aware. It looks like the -- the
7 firearms instructor had opened it.

8 Q But your initials are still on this --

9 A Yes, yes.

10 MS. GASSER: Your Honor, at this time, the State asks
11 to move State's Exhibit No. 34 into evidence.

12 THE COURT: Any objection?

13 MR. HAMILTON: Yes, Your Honor. I do have an
14 objection.

15 THE COURT: Is it a matter that needs to be discussed
16 outside the presence of the jury?

17 MR. HAMILTON: I --

18 THE COURT: I think so.

19 Ladies and gentlemen of the jury, I'm going to send
20 you back to your jury room for about five minutes. I'll
21 bring you back in.

22 Please, ma'am, please, sir, do not talk about the
23 case to each other or to anyone.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 3:56 p.m.)

1 THE COURT: All right. We're back on the record.

2 Mr. Hamilton, your objection?

3 MR. HAMILTON: Your Honor, it -- it may be that I --
4 I made a misstep in that she is not the person that took
5 this out of the -- of the deceased's -- the projectile out
6 as far as, actually, removing it.

7 THE COURT: Okay. So what -- what's your objection?
8 What -- what do you want -- what do you want the Court to
9 do?

10 MR. HAMILTON: I want the Court to not allow it to be
11 entered in that the chain of custody -- the chain of it
12 coming out of the deceased's head and to this courtroom
13 is -- has not been established in being presented.

14 THE COURT: You just thought that -- you just thought
15 of that just now?

16 MR. HAMILTON: I mean, yes, yes.

17 THE COURT: What do you say, Ms. Glazer?

18 MS. GASSER: Yes, Your Honor. The State has laid
19 sufficient foundation. This witness has testified that
20 she was present during the autopsy that was conducted by
21 Dr. Michael Ward. She indicated that she took a
22 photograph of the deceased's head with the projectile
23 located inside of it. Once it was removed and clearly not
24 in the head anymore, she did take a photograph of it.
25 She identified it as the projectile from the same

1 photograph from located inside the victim's head. And it
2 was placed into her care and custody for which she placed
3 it into property and evidence. I believe this witness has
4 laid sufficient foundation to testify that that is what it
5 is for this jury.

6 THE COURT: All right. Mr. Hamilton, you'll have
7 plenty of latitude on cross-examination to ask this
8 witness any questions that you may like -- that you may
9 like to ask her.

10 MR. HAMILTON: Yes, Your Honor.

11 THE COURT: I mean, you're going to have an
12 opportunity to cross-examine this witness to any extent
13 that you would like.

14 MR. HAMILTON: Just note it for the record, Judge, if
15 you please.

16 THE COURT: It's noted for the record.

17 All right. Anything else before we bring the jury
18 back?

19 MS. GASSER: No, Your Honor.

20 THE COURT: All right. Let's bring the jury back.

21 MS. GASSER: Your Honor, may we pass up an instrument
22 in order to allow the witness to open this piece of
23 evidence?

24 THE COURT: Okay.

25 THE COURTROOM DEPUTY: Is it okay if I open it?

1 THE COURT: Yeah.

2 You got any objection to the officer opening it?

3 MR. HAMILTON: Be careful.

4 (WHEREUPON, the jury came into open court at
5 approximately 4:00 p.m.)

6 THE COURT: All right. Ms. Gazer.

7 MS. GASSER: And, Your Honor, just for the record,
8 this is -- the State is moving to enter State's Exhibit
9 No. 34 into evidence.

10 THE COURT: All right. And it's so entered subject
11 to Defense Counsel's objection; is that correct?

12 MR. HAMILTON: Thank you, Your Honor.

13 THE COURT: All right.

14 MR. HAMILTON: Subject to my objection.

15 THE COURT: All right.

16 MS. GASSER: Thank you, Your Honor.

17 (WHEREUPON, State's Exhibit No. 34 was admitted into
18 evidence.)

19 CONTINUED DIRECT EXAMINATION

20 BY MS. GASSER:

21 Q So, Ms. Wolf, can you go ahead and open that up just
22 so we can see what's inside of it?

23 A (Witness complied.)

24 Q And do you recognize that?

25 A Yes.

1 Q What is it?

2 A This is the envelope that the pathologist put the
3 projectile in.

4 Q And you were present when the projectile was placed
5 into that envelope?

6 A I was.

7 Q And what happened to that envelope after the
8 projectile was placed into it?

9 A The pathologist sealed this envelope. And then I
10 placed it in this brown bag.

11 Q And can you go ahead and open that up?

12 A Can I have a knife?

13 THE CLERK: Oh, here. I've got scissors.

14 THE WITNESS: Thank you.

15 BY MS. GASSER:

16 Q State's Exhibit No. 34, is that the projectile that
17 you have been previously discussing?

18 A Yes. That's the projectile.

19 MS. GASSER: I have no further questions. Please
20 answer any that Defense Counsel may have.

21 THE COURT: Cross-examination, Mr. Hamilton.

22 MR. HAMILTON: May it please the Court.

23 CROSS-EXAMINATION

24 BY MR. HAMILTON:

25 Q Ms. Dukes [sic] in -- in regard to the projectile,

1 you did not -- you was in the room, but you did not take
2 the bullet out?

3 A I'm Wolf, Kali Wolf.

4 Q I'm sorry. Ms. Wolf. Okay. But you was in the
5 procedure. But you did not remove this bullet from the
6 deceased?

7 A I did not remove that from him.

8 Q Okay. Did you witness that happening?

9 A Yes. I was right there.

10 Q Okay. And then do you know what it takes to remove
11 something, that process? Could you explain how that
12 bullet -- where that bullet was lodged and how it was
13 removed?

14 A No --

15 MS. GASSER: Objection, Your Honor. I believe this
16 is outside the scope of this witnesses test -- testimony.

17 THE COURT: I'll sustain that objection.

18 You can rephrase your question or ask another
19 question, Mr. Hamilton.

20 MR. HAMILTON: Okay.

21 BY MR. HAMILTON:

22 Q Ms. Wolf, you can't tell us how that -- where that
23 bullet was in the head, can you?

24 A I can show it on the X-ray. But I -- I wasn't the
25 one that removed it.

1 Q Okay. And then in that process, can you tell what
2 caliber gun the bullet is?

3 A I personally can't, no.

4 Q Okay. And you can't tell us what kind -- yeah, what
5 kind of gun it came out of?

6 A No. I -- I was just there at the autopsy to see the
7 projectile.

8 Q Okay. And the evidence of the wound track, can you
9 tell from standing where you was the wound track, where
10 it -- the bullet went from left to right or right to left?
11 How did -- can you tell that?

12 A No. My job duties was just to take photographs and
13 collect his evidence.

14 Q Okay. So you can't testify to the track of the
15 bullet?

16 A I cannot.

17 Q Okay. And can you testify to whether or not it was
18 in the front lobe or the right -- the right frontal lobe
19 or the left frontal lobe?

20 A I cannot.

21 Q But it's your testimony that this bullet came out of
22 the decedent's head?

23 A Yes. Because I watched the pathologist pull it out.

24 MR. HAMILTON: Thank you.

25 No further questions.

1 THE COURT: Anything on redirect?

2 MS. GASSER: No redirect, Your Honor.

3 THE COURT: All right. Ma'am, you can step down.

4 Any objection to this witness, also, being released
5 from subpoena and being excused?

6 MS. GASSER: No, Your Honor.

7 THE COURT: All right. Any objection, Mr. Hamilton?

8 MR. HAMILTON: No objection.

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

10 I appreciate you coming.

11 All right. Everybody over there is good?

12 (WHEREUPON, the jurors indicated in the affirmative.)

13 THE COURT: All right. The State call its next
14 witness.

15 MS. SCOTT: One moment, Your Honor, so we can get the
16 bullet back into --

17 THE COURT: Okay.

18 MS. GASSER: Dr. Grace Dukes, Your Honor.

19 THE COURT: Okay.

20 THE CLERK: Please pause at the bench.

21 Lay your left hand on the Bible and raise your right
22 hand.

23 WHEREUPON,

24 GRACE DUKES, M.D.,

25 after first having been duly sworn, testified as follows:

1 THE CLERK: Thank you.

2 Have a seat, please.

3 And, please, state your full name for the record.

4 THE WITNESS: Grace Dukes.

5 DIRECT EXAMINATION

6 BY MS. GASSER:

7 Q Good afternoon, Dr. Dukes.

8 Can you tell the jury broadly what you do?

9 A I am a forensics pathologist and medical examiner.
10 And I do autopsies to determine cause and manner of death
11 in someone who's died.

12 Q And are you a licensed medical doctor in South
13 Carolina?

14 A I am.

15 Q In what areas?

16 A In anatomic and forensic pathology.

17 Q And how long have you been a medical examiner?

18 A Six years -- almost six years.

19 Q And can you tell the jury just a little bit about
20 your educational background?

21 A Sure. I completed my undergraduate degree at Clemson
22 University. I then completed medical school at the
23 Medical University of South Carolina in 2012.

24 I then completed a four-year anatomic and clinical
25 pathology residency at the University of Kentucky. I then

1 did my specialty training in forensic pathology during a
2 one-year fellowship at the Cook County Medical Examiner's
3 Office in Chicago.

4 MS. GASSER: And, Your Honor, I do want to just -- I
5 believe that there is a matter that we discussed in
6 preliminaries that we may need to take up outside the
7 presence of the jury. I do apologize.

8 THE COURT: That's fine. Yes.

9 Ladies and gentlemen of the jury, I'm giving you some
10 exercise. I'm going to send you back to your jury room
11 for about five minutes. I'll bring you back shortly.

12 Please, ma'am, please, sir, do not talk about the
13 case at all.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 4:08 p.m.)

16 THE COURT: I'm assuming, Ms. Glazer, this is the
17 State's motion in limine number four.

18 MS. GASSER: Yes, Your Honor.

19 THE COURT: And I was going to call -- bring that to
20 the -- to your attention prior to the call of the witness.
21 But the reason I did not was because I thought that -- I'm
22 not speaking for Mr. Hamilton. But it would be the same
23 objection that he would have probably made as to the
24 previous witness and the cross-examination that was
25 conducted by him subject to his objection.

1 So I thought the same thing would be applicable to
2 this witness. And I'm not wanting to put anything -- any
3 words in your mouth, Mr. Hamilton. If I misspoke your
4 position, you let me know.

5 Am I stating that correctly?

6 MR. HAMILTON: Your Honor, the Defendant do object.
7 And we ask the Court to note, for the record, that the
8 Defendant objects to the testimony from this witness.

9 THE COURT: All right. And the basis -- what's the
10 basis of the objection?

11 I want the record to be clear. Because if you're
12 objecting, I want the record to be explicitly clear the
13 basis for your objection. I think motion in limine number
14 four -- I think we -- the dialog pre-trial was that this
15 particular witness Ms. -- Dr. Dukes, who's present, was --
16 I think the wording was peer -- peer review.

17 MS. GASSER: Yes, Your Honor.

18 THE COURT: And it was not -- I think you were
19 questioning whether or not she had privy to the same
20 information as Dr. Ward, and whether or not she would be
21 able to testify as to what she saw, which means that she
22 saw the same things -- allegedly saw the same things that
23 Dr. Ward was doing during his examination.

24 MR. HAMILTON: Yes, Your Honor. We object that she
25 don't -- she may -- she don't have the knowledge to

1 testify to the findings of Dr. Ward.

2 MS. GASSER: Your Honor, I would just like to amend
3 my motion in limine to include Rule 702. I do have
4 applicable case law and argument ready.

5 THE COURT: All right. Go ahead. 702?

6 MS. GASSER: Yes, Your Honor.

7 THE COURT: Hold on. Let me get to it.

8 And this is relative to the testimony of expert
9 witnesses?

10 MS. GASSER: Yes, Your Honor.

11 THE COURT: All right. Go ahead. Let me hear from
12 you.

13 MS. GASSER: Yes, Your Honor. We'd, first, like to
14 clarify for the record that an expert in forensic
15 pathology's opinion and testimony as to cause and manner
16 of death is admissible under Rule 702, as long as the
17 expert does not opine on the Defendant's state of mind, or
18 guilt, or testify about matters of law in such a way that
19 the jury is not permitted to reach its own conclusions
20 concerning guilt or innocence.

21 In this specific case because she was not the
22 pathologist who -- and that is under 702, as well as State
23 vs. Commander.

24 THE COURT: Give -- give us -- give us the cite on --

25 MS. GASSER: Yes, Your Honor.

1 THE COURT: -- the cite on the State vs. Commander
2 case.

3 MS. GASSER: 396 S.C. 254 from 2011.

4 THE COURT: Court of -- Court of Appeals or --

5 MS. GASSER: Supreme Court, Your Honor.

6 THE COURT: Supreme Court. Okay.

7 MS. GASSER: And I do have a copy for Your Honor, if
8 you need that.

9 THE COURT: All right. Yes.

10 MS. GASSER: May I approach, Your Honor?

11 THE COURT: Uh-huh.

12 MS. GASSER: So State vs. Commander does lay out the
13 appropriate testimony that a forensic pathologist can
14 testify to. In this case, it is unique in the fact that
15 Dr. Michael Ward is not available to testify. And
16 Dr. Dukes was the listed peer reviewer on this medical
17 examination.

18 So that's just the first rule under the medical
19 examiners. However, I am arguing that she should be
20 permitted to testify because under State vs. Hutto, which
21 I, also, have a copy of, Your Honor.

22 THE COURT: All right. Do you want to give me a copy
23 of that?

24 MS. GASSER: Yes, Your Honor.

25 THE COURT: Could you give me that citation, for the

1 record, please, ma'am?

2 MS. GASSER: Yes, Your Honor. 325 S.C. 221, Supreme
3 Court of South Carolina, 1997.

4 THE COURT: All right.

5 MS. GASSER: Now, there was -- just for the record,
6 there was an overruling in part. But it was on something
7 separate from this specific issue.

8 THE COURT: Okay.

9 MS. GASSER: And it was done by Crawford vs.
10 Washington. And I'll explain that a little further.

11 THE COURT: Okay.

12 MS. GASSER: So in State vs. Hutto, in the facts were
13 data that an expert relies upon are the type reasonably
14 relied on by experts in that particular field in forming
15 opinions. Those facts or data need not be admitted into
16 evidence. We are not seeking to enter the forensics --
17 we're not seeking to enter the autopsy report.

18 THE COURT: Okay.

19 MS. GASSER: So the example given in this case was
20 that a SLED agent testified about corroborating results of
21 a test performed by another agent who did not testify.

22 Then moving on to State vs. Slocumb, which I, also,
23 have a copy of, Your Honor. I apologize. I should have
24 brought these all up at the same time.

25 A party cannot question an expert about another

1 expert's report if he did not use it to form his opinion,
2 which, of course, is the objection here. However, the
3 party should either offer the expert who wrote the report,
4 which is when we would, typically, bring Dr. Michael Ward,
5 or offer the expert who relied upon it to form -- excuse
6 me, to form the basis of his -- or in this case her
7 opinion. That's under State vs. Slocumb.

8 Your Honor --

9 THE COURT: So -- so what I'm hearing in Slocumb, you
10 can -- this expert relied upon the findings of the other
11 expert to form an opinion.

12 MS. GASSER: Yes, Your Honor. That's what we are
13 going to be asking her is if she was able to come to her
14 own conclusion after reviewing the other findings of the
15 other expert.

16 Additionally, Your Honor --

17 THE COURT: Did you offer her as an expert?

18 MS. GASSER: Not yet. We were told in prelims that
19 we would possibly need to do a proffer to determine
20 whether or not his objection had merit as to her
21 qualifications.

22 THE COURT: All right. Yeah. Let's -- let's --
23 let's do a proffer.

24 And then you're going to qualify her as an expert --

25 MS. GASSER: Yes, Your Honor.

1 THE COURT: -- initially, and then do a proffer. And
2 then Mr. Hamilton will have an opportunity to
3 cross-examine.

4 MS. GASSER: Absolutely, Your Honor.

5 THE COURT: Okay.

6 DIRECT EXAMINATION

7 BY MS. GASSER:

8 Q So, Dr. Dukes, are you a licensed medical doctor in
9 South Carolina?

10 A Yes.

11 Q In what areas?

12 A In pathology.

13 Q How long have you been a medical examiner?

14 A Almost six years.

15 Q Can you tell us about your educational background?

16 A Yes. I completed my undergraduate degree at Clemson
17 University. I completed medical school at the Medical
18 University of South Carolina.

19 I then completed a four-year anatomic and clinical
20 pathology residency at -- at the University of Kentucky.
21 And then I completed my one year specialty training in
22 forensic pathology at the Cook County Medical Examiner's
23 Office in Chicago.

24 Q And can you tell us a little bit about your
25 professional working experience? I think you just touched

1 on that a little bit at the end there. But can you just
2 highlight that again for us?

3 A Yes. Since I completed my training, I worked for one
4 year at the Georgia Bureau of Investigations in Georgia.
5 And then I moved to Greenville and took the job as the
6 medical examiner in Greenville County.

7 Q And are you a member of any professional
8 organizations or committees?

9 A I am.

10 Q And can you tell us what those are?

11 A I'm a member of the National Association of Medical
12 Examiners and the College of American Pathologists. And I
13 serve on various committees in both of those
14 organizations.

15 Q And do you have a specialty?

16 A I do.

17 Q What is it?

18 A Forensic pathology.

19 Q And can you tell us what forensic pathology is?

20 A Yes. Forensic pathology is the investigation of
21 deaths from a medical standpoint to determine cause and
22 manner of that death.

23 Q And what is the American Board of Pathology?

24 A The American Board of Pathology is the governing body
25 that oversees the board certification of pathologists.

1 Q And are you certified by the American Board of
2 Pathology?

3 A I am.

4 Q And what requirements are there to be certified by
5 the American Board of Pathology?

6 A You have to complete the appropriately listed
7 training, which I, you know, said earlier that I
8 completed. And then you have to pass a board exam. And
9 in my case, it's in anatomic pathology and then in
10 forensic pathology.

11 Q And what is the South Carolina Board of Medical
12 Examiners?

13 A It is the governing body that licenses physicians in
14 South Carolina.

15 Q And are you licensed by that association?

16 A Yes.

17 Q And let's see here. Do you have any additional
18 trainings or certificates?

19 A I completed a training in, I think, 2015 at the
20 American Board of Medical Legal Death Investigators
21 training. That's all.

22 Q And who do you work for now?

23 A I work for PathGroup.

24 Q And what are your -- or do you still work for
25 Greenville County?

1 A I do. I'm employed by PathGroup. And I operate in
2 Greenville County.

3 Q Okay. And what are your duties as a forensic
4 pathologist for Greenville County?

5 A I accept decedents' bodies that are submitted to me by
6 the coroner. The coroner is the investigator. And then I
7 perform an autopsy to determine cause and manner of death
8 in those cases.

9 Q And approximately, how many autopsies have you
10 performed?

11 A Approximately 2,300.

12 Q And do any of those 2,300 autopsies involve gunshot
13 wounds?

14 A Yes.

15 Q And can you approximate how many gunshot involved
16 autopsies that you've performed?

17 A Not all homicides, but gunshot wound cases, probably
18 around 300.

19 Q And what is the purpose of an autopsy on someone who
20 has died?

21 A The purpose of an autopsy is to examine for injuries
22 or illnesses that cause death, and make an analysis from a
23 medical perspective as to that cause of death.

24 Q And have you ever been qualified in a court of law as
25 an expert in forensic pathology?

1 A Yes.

2 Q Which courts?

3 A Cook County, Illinois, multiple counts in Georgia,
4 and multiple counties in South Carolina.

5 Q And can you just tell us approximately how many times
6 you've been qualified as an expert in forensic pathology?

7 A About a dozen.

8 Q And have you testified in court in the area of
9 forensic pathology after being qualified as an expert?

10 A Yes.

11 Q And is it the same dozen number?

12 A Yes.

13 MS. GASSER: And, at this point, Your Honor, we'd
14 move to qualify Dr. Grace Dukes as an expert in forensic
15 pathology.

16 THE COURT: Any objection?

17 MR. HAMILTON: Can -- can I ask one question?

18 THE COURT: Regarding qualifications?

19 MR. HAMILTON: Yes.

20 THE COURT: Go ahead.

21 EXAMINATION

22 BY MR. HAMILTON:

23 Q Have you ever been qualified in Greenville County as
24 an expert?

25 A Yes.

1 THE COURT: All right. Do you have any objection to
2 her being --

3 MR. HAMILTON: No objection.

4 THE COURT: All right. She -- she is deemed to be an
5 expert in what area of pathology?

6 MS. GASSER: Forensic pathology, Your Honor.

7 THE COURT: Forensic pathology. Let the record so
8 reflect.

9 All right. Mr. -- go ahead.

10 MS. GASSER: Your Honor, would you like to proffer
11 the remaining questions we would have?

12 THE COURT: Yeah, yes.

13 CONTINUED DIRECT EXAMINATION

14 BY MS. GASSER:

15 Q Dr. Dukes, were you serving as a forensic pathologist
16 and medical examiner for Greenville County on November
17 6th, 2020?

18 A Yes.

19 Q And did you perform the autopsy on the body of
20 Desmond Lamar Parks?

21 A No.

22 Q Who performed that autopsy?

23 A Dr. Michael Ward.

24 Q And was Dr. Ward available this week to testify?

25 A He was not.

1 Q And what was your role -- or did you review the
2 autopsy on Desmond Lamar Parks performed by Dr. Ward?

3 A I did.

4 Q Is it a common procedure for medical examiners to
5 review each others autopsies?

6 A It is, especially in homicides. It's a quality
7 assurance measure that a second medical examiner will
8 routinely read the autopsy report, examine the photos,
9 examine the scene investigation, and all of that
10 information, and then edit the report, and sign off in
11 agreement.

12 Q And after reviewing the autopsy report on Desmond
13 Lamar Parks, did you agree with Dr. Ward's findings?

14 A Yes.

15 Q And what injuries, if any, did Desmond Parks have?

16 A He had a gunshot wound of the head.

17 Q And can you tell us where that gunshot wound on the
18 head was located?

19 A It was on the left parietal scalp on the left side of
20 the head.

21 Q And was there an entrance wound located?

22 A Yes.

23 Q Was there an exit wound located?

24 A No.

25 Q Was a projectile located in Desmond Parks' head?

1 A Yes.

2 Q And you testified earlier that the purpose of an
3 autopsy is to help determine cause of death. Was a cause
4 of death determined in this case?

5 A Yes.

6 Q What was it?

7 A Gunshot wound of the head.

8 Q And did you agree with that cause of death as
9 determined by Dr. Michael Ward?

10 A Yes.

11 Q And I just -- I just want to kind of clarify and ask
12 a couple more photos [sic] about that peer review process.
13 You had mentioned that you read the report. So is that
14 the autopsy report prepared by the other medical examiner?

15 A Yes.

16 Q Okay. You, also, mentioned photos. What are those
17 photos of?

18 A The photos taken by Dr. Ward at the autopsy.

19 Q And do those -- are those -- is it one photo? Two
20 photos? Is -- or is it numerous photos?

21 A There may have been maybe 10 photos in this case.

22 Q Okay.

23 A Something like that.

24 Q And you, also, said that you talked about scene
25 information. What is that?

1 A The coroner's report regarding the scene
2 investigation.

3 Q And why would you review not only the autopsy report,
4 but the coroner's report and these photographs?

5 A It's a standard part of our file. And we try to get
6 a full picture of the case.

7 Q Is that because you have to come to an agreement and
8 sign off on the report?

9 A I don't sign off on the coroner's report. But I
10 review the report and then sign off on the autopsy report.

11 Q Sorry. I should have been clear. So you -- you have
12 to review all of that information in order to help you
13 come to your personal conclusion; is that correct?

14 A Yes.

15 Q And in this case, just to be clear, did you agree
16 with Dr. Ward's cause of Desmond Parks' death?

17 A Yes.

18 THE COURT: All right. Mr. Hamilton, do you have any
19 cross-examination of the proffered testimony?

20 MR. HAMILTON: Yes, Your Honor.

21 May it please...

22 CROSS-EXAMINATION

23 BY MR. HAMILTON:

24 Q Doctor, my question is, specifically, the -- the
25 purpose of reviewing the report to see if it matches what

1 happened in the report to be able to testify to cause of
2 death. And it's important that you review the coroner's
3 report. And it's your testimony that you did review that?

4 A Yes.

5 Q Okay. And then is it important that you know every
6 scenario of how the bullet got in his head, the direction
7 or...

8 A My -- my role is to review what Dr. Ward had
9 documented, which is the injury to the body.

10 Q Okay. There's -- the -- does the review -- is -- I'm
11 asking for it -- is -- can there be anything lost in the
12 review or not, actually, being there as far as the
13 projectile direction or how close it was to the
14 projectile, distance? Does distance matter?

15 A There is --

16 MS. GASSER: Objection, Your Honor.

17 MR. HAMILTON: She can --

18 THE COURT: Hold on.

19 What's --

20 MS. GASSER: I do believe he's asking for conclusions
21 about the criminal culpability in this case, which any
22 forensic pathologist whether it be Dr. Dukes or
23 Dr. Michael Ward cannot attest to. He just asked about
24 distance between, I believe, the gunshot and the -- he --
25 I think he's asking criminal culpability questions, which

1 is a different [inaudible] opinion by an expert witness.

2 MR. HAMILTON: And --

3 THE COURT: What's your reply?

4 MR. HAMILTON: My reply, Judge, is my question
5 pertains to the -- it takes the actual person who
6 performed the examination to testify to matters of that
7 nature, not reading the report.

8 THE COURT: Okay. So -- so it goes to the fact that
9 you don't think that this is the -- the witness that
10 should be rendering that testimony. Is that what --

11 MR. HAMILTON: Yes, sir.

12 THE COURT: All right. You got any other questions?

13 MR. HAMILTON: No. That's all.

14 THE COURT: All right. I'm going to find on the
15 record that this witness is deemed to be an expert in
16 forensic pathology, number one.

17 Secondly, I'm going to rule that she is permitted to
18 testify as to her findings -- her findings if they
19 were based -- even if they were based upon her review of
20 Dr. Ward's report.

21 And that would be subject to your objection,
22 Mr. Hamilton. For the record, your objection is noted not
23 only for this witness, but the previous witnesses in the
24 same regard; is that correct?

25 MR. HAMILTON: That's correct, Judge.

1 THE COURT: All right. Bring the jury back.

2 (WHEREUPON, the jury came into open court at
3 approximately 4:28 p.m.)

4 THE COURT: All right. Ms. Gazer.

5 MS. GASSER: Thank you, Your Honor.

6 CONTINUED DIRECT EXAMINATION

7 BY MS. GASSER:

8 Q And, Dr. Dukes, I'm just going to start at the
9 beginning just so we keep the record nice and clear. Can
10 you tell the jury just broadly what is -- what it is that
11 you do?

12 A Yes. I'm a forensic pathologist. And my job is to
13 examine the body of the decedent to make a medical
14 determination of cause and manner of death.

15 Q And are you a licensed medical doctor in South
16 Carolina?

17 A Yes.

18 Q And in what areas?

19 A In pathology.

20 Q And how long have you been a medical examiner?

21 A Almost six years.

22 Q And can you tell the jury about your educational
23 background?

24 A Yes. I completed my undergraduate degree at Clemson
25 University. I then completed medical school at the

1 Medical University of South Carolina. I then completed a
2 four-year anatomic and clinical pathology residency at the
3 University of Kentucky. I --

4 MR. HAMILTON: We'll stipulate to the -- her
5 qualifications.

6 THE COURT: You stipulate to the qualifications?

7 MR. HAMILTON: Yes.

8 THE COURT: Do you stipulate that she's deemed to be
9 an expert with -- in the area of forensic pathology? Is
10 that what the stipulation is?

11 MR. HAMILTON: Yes. I'm sorry. Yeah.

12 THE COURT: Okay.

13 MS. GASSER: So Your Honor, at this time, the State
14 then would move to not only qualify Dr. Grace Dukes as an
15 expert in the field of forensic pie -- pathology -- excuse
16 me -- but, also, to utilize her testimony as an expert.

17 THE COURT: All right. That's without objection from
18 the Defense.

19 BY MS. GASSER:

20 Q All right. Dr. Dukes, so let's move forward. And
21 were you serving as a forensic pathologist and medical
22 examiner with Greenville County on November 6th, 2020?

23 A Yes.

24 Q And did you perform an autopsy on the body of Desmond
25 Lamar Parks?

1 A No.

2 Q Who performed that autopsy?

3 A Dr. Michael Ward.

4 Q And was Dr. Ward available to testify this week?

5 A He was not.

6 Q Did you review the autopsy on Desmond Lamar Parks
7 performed by Dr. Ward?

8 A Yes.

9 Q And is it common procedure for medical examiner's to
10 peer review other medical examiner's autopsy reports?

11 A Yes.

12 Q And why is that a common procedure?

13 A It's commonly done in medical examiner's offices as a
14 quality assurance measure, especially in cases of
15 homicide. The reviewer will look at the autopsy report,
16 the photos taken at the time of autopsy, and the
17 investigative report, any relevant radiographs, and then
18 sign off in agreement on the autopsy report.

19 Q So talking about things that you reviewed, you
20 mentioned the autopsy report of the other medical
21 examiner; right?

22 A Yes.

23 Q And then you said photographs?

24 A Yes.

25 Q And then you said investigative reports? What do --

1 what does that mean?

2 A It's the report submitted to us by the coroner, who
3 is the investigator, with the investigative information
4 they've collected.

5 Q And why is it that you would need to review all of
6 these things in a peer review?

7 A Those are standard parts of our file that we review
8 to get a full picture of the death -- of the circumstances
9 of the death.

10 Q And why would you need to have a full picture of the
11 circumstances of the death?

12 A Because as a reviewer, I would -- in order to sign
13 off on the autopsy and the cause and manner of death, I
14 would need to have an understanding of all of the
15 circumstances and areas of documentation and agree.

16 Q So you just said sign off and agree. So you're,
17 actually, forming your own opinion when you're reviewing
18 all of these documents?

19 A Yes.

20 Q Okay. And after doing everything -- did you review
21 everything in this case?

22 A Yes, those things mentioned.

23 Q And after reviewing the autopsy report, did you agree
24 with Dr. Ward's findings?

25 A Yes.

1 Q And what injuries, if any, did Desmond Parks have?

2 A He had a gunshot wound to the head.

3 Q And where was that located?

4 A It was -- the entrance wound was on the left side of
5 the head on the parietal scalp.

6 Q And you just did an indication. Just for the record
7 to be clear, you indicated with your finger to your head.
8 Is that where the left parietal scalp is located?

9 A Yes.

10 Q And was there an exit wound located?

11 A No.

12 Q Was a projectile located in Desmond Parks' skull?

13 A Yes, it was.

14 Q And you testified -- what is the purpose of an
15 autopsy?

16 A The purpose of an autopsy is to examine the body of
17 the decedent and make a medical conclusion as to the cause
18 and manner of death.

19 Q And how many approximately autopsies have you
20 conducted yourself?

21 A Approximately 2,300.

22 Q And have any of those autopsies been involving
23 gunshot wounds?

24 A Yes.

25 Q How many would you say?

1 A I think around 300.

2 Q And in this case, what was the cause of Desmond
3 Parks' death?

4 A Gunshot wound of the head.

5 Q And was that your opinion -- is that your opinion
6 after review of all of the documents in this case?

7 A Yes.

8 MS. GASSER: I have no further questions. Please
9 answer any that Defense Counsel may have.

10 THE COURT: Cross-examination, Mr. Hamilton.

11 MR. HAMILTON: May it please the Court.

12 THE COURT: Yes, sir.

13 CROSS-EXAMINATION

14 BY MR. HAMILTON:

15 Q Dr. Dukes, you've testified that you -- you follow-up
16 the process that Dr. Ward performed in this matter and
17 determined that the -- his findings you agree to?

18 A Yes.

19 Q Right. And had he made an error, how would it have
20 been picked up by you?

21 A What type of error?

22 Q I mean, that's what I'm saying. Did he -- your --
23 the fact that you're sitting there, he did not make an
24 error in his findings?

25 A Based on the materials that I reviewed, I agreed with

1 his -- I agreed with his conclusions.

2 Q Right. So it was concluded -- yeah. You agree with
3 it. And in determining -- and it's important to find the
4 track of the wound. He has to make a finding of the track
5 of the wound?

6 A Yes.

7 Q Right. And you reviewed the same information, the
8 coroner's report, and agreed with his finding -- his
9 report that the track continued from left and right
10 cerebral hemisphere?

11 A Yes.

12 Q Left to right. And you indicated from -- how does
13 that go with the left to right?

14 A The wound track was from left to right, slightly back
15 to front, and slightly downward.

16 Q Left to right. So -- and there's -- so left to right
17 at the top of the head, or the back of the head, or what
18 was the findings?

19 A We do our descriptions of -- in the body in anatomic
20 position. So facing forward with the palms forward would
21 be anatomic position. And so with the -- within the body
22 in that position, it would be from left to right, back to
23 front, and slightly downward.

24 Q And that's the projectile's path?

25 A Correct.

1 Q And that path -- the entering and following that path
2 is the cause of death?

3 A The wound is the cause of death.

4 Q Right. And then the caliber of the pistol and the
5 projectile is -- it's not -- it's not important to the
6 cause of death?

7 A It's not for us to document. We collect the
8 projectile from the body and turn it over to the experts.

9 Q But it is documented it was medium caliber.

10 A Okay.

11 Q The report says medium caliber.

12 A Sure.

13 MR. HAMILTON: Whatever that means.

14 Thank you.

15 That's all the questions I have.

16 THE COURT: Anything on redirect?

17 MS. GASSER: No redirect, Your Honor.

18 THE COURT: All right. Ma'am, you can step down.

19 Thank you for your testimony.

20 MS. GASSER: Your Honor, we do ask that she be
21 allowed to be released from her subpoena.

22 THE COURT: Any objection to that --

23 MR. HAMILTON: No objection, Your Honor.

24 THE COURT: All right. The State call its next
25 witness.

1 MS. GASSER: Yes, Your Honor. Toni Godfrey.

2 THE CLERK: Please pause at the bench.

3 Lay your left hand on the Bible and raise your right
4 hand.

5 WHEREUPON,

6 TONI GODFREY,

7 after first having been duly sworn, testified as follows:

8 THE CLERK: Thank you.

9 You may be seated.

10 And if you would, please, state your full name for
11 the record.

12 THE WITNESS: Toni Godfrey.

13 DIRECT EXAMINATION

14 BY MS. GASSER:

15 Q Good afternoon, Ms. Godfrey.

16 Can you tell the jury just a little bit about
17 yourself? Where are you currently employed?

18 A Currently, I work for the Laurens County Sheriff's
19 Office.

20 Q And before working at the Laurens County Sheriff's
21 Office, where were you employed?

22 A Greenville County forensics division.

23 Q And how long were you at the forensics division?

24 A In Greenville County, about two and a half years.

25 Q And you said, "in Greenville County." Were you at

1 another forensics division?

2 A No.

3 Q And what do you do at the Laurens Sheriff's Office?

4 A I still do crime scene work there just for the
5 sheriff's office.

6 Q And were you working for the Greenville County
7 forensics division in November of 2020?

8 A Yes, ma'am.

9 Q And were you working on November 6th, 2020?

10 A Yes, ma'am.

11 Q And how did you become involved in this case?

12 A I was working my normal shift. And we received a
13 call after the incident occurred. And I was just
14 instructed that I needed to respond to the listed location
15 in reference to the vehicle.

16 Q And what is the listed location?

17 A Just referencing my report, it was [REDACTED] Third Street in
18 Greenville.

19 Q And you said "the vehicle," what vehicle?

20 A It's a Nissan Altima, 2005.

21 THE COURT: Keep your voice up a little bit.

22 BY MS. GASSER:

23 Q And what -- what did you do when you got to this
24 address and to this Nissan Altima?

25 A I was just advised that it needed to be sealed. And

1 it was going to be towed to a secondary location to be
2 processed later. So I just photographed the vehicle and
3 sealed the doors with red evidence tape. And I
4 photographed the seals as they were in place. And that
5 was all I did at that location.

6 Q And so you said "at that location," did you go to
7 another location?

8 A I did.

9 Q All right. Where did you go to?

10 A After that, I went to the original incident briefly.
11 And then I responded to the law enforcement center.

12 Q And the law enforcement center, what did you do
13 there?

14 A That is where I met with my FTO at the time and
15 collected evidence from the subject.

16 Q And the subject, who is that?

17 A Jasmine Robinson.

18 Q Okay. And what evidence did you collect from the
19 subject?

20 A Again, just referencing my report here, there was the
21 gunshot residue collection kit, buccal swabs, and her
22 clothing. And I took photographs as well.

23 Q And so you've described that you've taken photographs
24 both at the [REDACTED] Third Street in Greenville location and
25 you've testified that you took photographs of the

1 Defendant at the law enforcement center. Would you
2 recognize those photographs again if you were to see them?

3 A Yes.

4 Q I'm now handing you what's been pre-marked for
5 identification purposes as State's Exhibit Nos. 35 through
6 45. If you would, can you just take a look at those? And
7 when you're ready, let me know if I recognize those
8 documents.

9 A I do.

10 Q And how do you recognize those?

11 A I took these photos.

12 Q And are they a fair and accurate depiction of the
13 photographs -- or of the scene that you've described and
14 of the Defendant --

15 A Yes --

16 Q -- from your prior testimony?

17 A Uh-huh.

18 Q Have they been changed or altered in any way?

19 A No, ma'am.

20 MS. GASSER: Your Honor, at this time, the State
21 moves to enter State's Exhibit Nos. 35 through 45 into
22 evidence.

23 THE COURT: Mr. Hamilton.

24 MR. HAMILTON: Without objection.

25 THE COURT: All right. So entered without objection.

1 (WHEREUPON, State's Exhibit Nos. 35, 36, 37, 38, 39,
2 40, 41, 42, 43, 44, and 45 were admitted into
3 evidence.)

4 MS. GASSER: Permission to publish these to the jury,
5 Your Honor.

6 THE COURT: Any objection, Mr. Hamilton?

7 MR. HAMILTON: No objection.

8 THE COURT: Without objection, so publish.

9 BY MS. GASSER:

10 Q All right. So, Ms. Godfrey, let's just walk through
11 these exhibits starting with State's Exhibit No. 35. Can
12 you tell the jury what this is a photograph of?

13 A That's the photograph of the vehicle that I sealed.

14 Q And going to State's Exhibit No. 36. What is this?

15 A The same vehicle just from the side.

16 Q Okay. State's Exhibit No. 37?

17 A Same vehicle from the back.

18 Q And State's Exhibit No. 38?

19 A And the other side.

20 Q State's Exhibit No. 39 --

21 A That's --

22 Q -- can you tell the jury what that is?

23 A So this is how we seal the vehicle doors. You just
24 place a piece of tape over there. And that's my initials
25 and the date that I placed the seal there. When we seal a

1 vehicle, we, typically, do it on all four doors, the
2 trunk, and the hood. And it just ensures the interior of
3 the vehicle hasn't been tampered with or altered in any
4 way.

5 Q So moving on to State's Exhibit No. 40. Can you tell
6 the jury what is depicted in this photograph?

7 A It's just a picture of the subject at the law
8 enforcement center.

9 Q State's Exhibit No. 41. Can you tell the jury what
10 this is a photograph of?

11 A Her hands.

12 Q Why would you take a picture of her hands?

13 A That's, actually, just a standard photograph that we
14 take whenever we respond there. It's -- we usually do all
15 four sides and then the hands, the top, and the palms as
16 well.

17 Q Did you -- State's Exhibit No. 42. What is this a
18 picture of?

19 A There was suspected blood on her hands. You can kind
20 of see it -- if I can point -- on her fingers there.

21 Q So just to be clear, for the record, which hand is
22 this?

23 A Her --

24 Q Let me back it up.

25 A I believe that's her right hand.

1 Q Okay. And you just said that there was suspected
2 blood, which is why you took this photograph of her right
3 hand, specifically?

4 A Yes.

5 Q Okay. And talking about where that blood was
6 located, which finger was that blood located on?

7 A That's her index finger.

8 Q Let me scoot it up. All right. Going to the next
9 photograph. What is this a picture -- this is State's
10 Exhibit No. 43. Can you tell the jury what this depicts?

11 A Just the palm of her hand.

12 Q Let me go to State's Exhibit No. 44. Is this a close
13 up of what was just depicted in State's Exhibit No. 43?

14 A I believe so, yes.

15 Q And why would you take a photograph of this?

16 A It looks like there's additional suspected blood on
17 her finger there.

18 MS. GASSER: Can we zoom in on that finger that she's
19 referencing?

20 BY MS. GASSER:

21 Q And just to make sure the record is clear, which
22 finger is there suspected blood on in State's Exhibit
23 No --

24 A Her index finger again.

25 Q -- State's Exhibit No. 44?

1 Let me go to State's Exhibit No. 45. What is this a
2 photograph of?

3 A Her other hand.

4 Q So when you say, her "other hand," what --

5 A Her left hand.

6 Q Thank you.

7 State's Exhibit No. 46. Sorry. We only got to
8 State's Exhibit No. 45. I apologize.

9 All right. And in this photograph, was there
10 anything on her hand?

11 A I don't recall, specifically, if there was anything
12 on that hand.

13 MS. GASSER: I have no further questions. Please
14 answer any that Defense Counsel may have.

15 THE COURT: Cross-examination, Mr. Hamilton.

16 CROSS-EXAMINATION

17 BY MR. HAMILTON:

18 Q On this hand, is that an indication of a cut or --
19 don't you have a picture where there was a cut on her
20 finger? Do you remember taking a picture like that?

21 A It's possible. I don't recall. I can check my
22 report. It does say here that there was a small cut on
23 her left thumb.

24 MR. HAMILTON: That's all the questions I have.

25 THE COURT: All right. Anything on redirect?

1 MS. GASSER: No, Your Honor.

2 THE COURT: All right. Ma'am, you can step down.

3 I appreciate you coming.

4 Can this witness, also, be released from her
5 subpoena?

6 MS. GASSER: Yes, Your Honor. We ask that she be
7 released.

8 THE COURT: Any objection, Mr. Hamilton?

9 MR. HAMILTON: No objection.

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

11 The State call its next witness.

12 MS. GASSER: Yes, Your Honor. And just to let Your
13 Honor know, I believe this is, also, a brief witness. I
14 know we're closing in on 5:00.

15 THE COURT: Okay.

16 MS. GASSER: Jonathan Hamilton.

17 THE CLERK: Please pause at the bench.

18 Put your left hand on the Bible and raise your right
19 hand.

20 WHEREUPON,

21 JONATHAN HAMILTON,

22 after first having been duly sworn, testified as follows:

23 THE CLERK: Thank you.

24 You may be seated --

25 THE WITNESS: Jonathan Hamilton.

DIRECT EXAMINATION

BY MS. GASSER:

Q Good afternoon, Mr. Hamilton.

Can you tell the jury where is it that you're employed?

A I currently work for the Greenville County Coroner's Office.

Q And what's your role there?

A I'm a deputy coroner.

Q And before you were working for the coroner's office, where were you employed?

A The Greenville County Department of Public Safety forensics division.

Q And how long were you at the forensics division?

A I started in 2007. And I stayed until 2021.

Q And when you were at the forensics division, what was your role or title?

A When I left there, I was a sergeant. And I was a sergeant in 2020 as well.

Q I was about to ask. Were you working for the forensics division in November of 2020?

A I was.

Q And were you working on November 6th, 2020?

A The 6th -- I was on the 9th.

Q Oh, okay. Well, let's -- let's -- let's talk

1 about -- were you involved in this case?

2 A I was.

3 Q Okay. And when you say you weren't working on the
4 6th, you were working the 9th, did you process evidence in
5 this case?

6 A I did. On the 9th, I, actually, processed a scene.

7 Q Okay. And with -- when you say "a scene," what did
8 you process?

9 A I was contacted by an investigator with the
10 Greenville County Sheriff's Office with the purpose of
11 executing and processing a vehicle with a search warrant.

12 Q And where did you execute that search warrant? Where
13 did you process that vehicle?

14 A 657 Keith Drive. It's within the city limits of
15 Greenville. It's the Greenville County vehicle service
16 center.

17 Q And what does processing a vehicle entail?

18 A Normally, we get an idea from the investigating
19 agency what they are needing done in the execution of a
20 search warrant. Normal parameters would be taking digital
21 photographs, collecting evidence of interest, swabs for
22 DNA, things of that nature.

23 Q And you mentioned photographs. Did you take
24 photographs in this particular case?

25 A I did.

1 Q And if you were to see those photographs again, would
2 you recognize them?

3 A Yes, ma'am.

4 Q All right. I am now handing up what has been
5 premarked for identification purposes only as State's
6 Exhibit No. 46 through 52. Now, look through those. And
7 when you're ready, let me know if you recognize those
8 documents.

9 A Yes, ma'am. These appear to be the photographs I
10 took on the date of 11/9.

11 Q Have they been changed or altered in any way?

12 A Not that I can tell.

13 Q And are they a fair and accurate depiction of what
14 you photographed in this case?

15 A Yes, ma'am.

16 MS. GASSER: Your Honor, at this time, the State
17 moves to enter State's Exhibit Nos. 46 through 52.

18 THE COURT: All right. Any objection?

19 MR. HAMILTON: Without objection.

20 THE COURT: All right. So entered.

21 (WHEREUPON, State's Exhibit Nos. 46, 47, 48, 49, 50,
22 51, and 52 were admitted into evidence.)

23 BY MS. GASSER:

24 Q Mr. Hamilton, let's walk through these photographs
25 for the jury. State's Exhibit No. 46. Can you tell the

1 jury what's depicted there?

2 A This is the digital photograph of the back of the
3 2005 Nissan Altima, which was requested on the search
4 warrant that day.

5 Q All right. Going to State's Exhibit No. 47. What is
6 depicted here?

7 A So that is a piece of red evidence tape, which we
8 taught our forensics officers to place on vehicles to show
9 that the doors, hood, and front are secured. And we take
10 a picture prior to any processing to show that the seal is
11 not broken.

12 Q So did this car -- did this vehicle come to you with
13 these red evidence tapes on them?

14 A Yes, ma'am.

15 Q Okay. Was the seal broken?

16 A No. None of the seals were broken.

17 Q So if the seals weren't broken, what does that
18 indicate?

19 A That means that the original forensics officer who
20 demented and sealed the vehicle, nobody got into that
21 vehicle until I was there and I processed that vehicle.

22 Q And were you the original forensics technician that
23 sealed that vehicle?

24 A No.

25 Q Who was?

1 A Toni Godfrey.

2 Q All right. And how do you know it was Toni Godfrey?

3 A If you look over to the left there, you'll see a TMG
4 with 11/6 of 2020. That shows her initials and then the
5 date in which she placed the tape on the car.

6 Q So no one got inside of this vehicle between 11/6 and
7 when you processed this vehicle on 11/9?

8 A No, ma'am.

9 Q All right. Going on to State's Exhibit -- is that
10 State's Exhibit No. 48? Yes, 48. Can you tell the jury
11 what's depicted here?

12 A This is the driver's side front seat and the steering
13 wheel of the same Nissan Altima.

14 Q And let's go to State's Exhibit No. 50 -- 49. Sorry.
15 What is depicted here?

16 A This is a center console cup holder in between the
17 driver's side front and the passenger side front seats.

18 Q So let's go to State's Exhibit No. 50. What is
19 depicted here?

20 A This is an in progression of me emptying out the cup
21 holder at that center console in between the two seats.
22 And this is a credit card that was found inside that cup
23 holder.

24 Q And just so the -- the record is clear, what -- is
25 there anything written on that credit card?

1 A Yes, ma'am. It's got, of course, the number,
2 expiration, CVV number. But it, also, has Jasmine
3 Robinson in the bottom left there.

4 Q All right. Going to the next -- what is this a
5 photograph of?

6 A This is a cartridge -- a firearm cartridge, which was
7 underneath the credit card.

8 Q And this, just for the record, is State's Exhibit No.
9 51.

10 So let's go to State's Exhibit No. 52. Is this a --
11 as you -- using your words, a progression into that cup
12 holder as you emptied it out?

13 A Yes. This is a more zoomed-in shot of that cartridge
14 that was in the cup holder in the center console.

15 Q And what happened to that cartridge?

16 A It was documented with additional photographs. It
17 was, also, documented with an evidence placard and then
18 collected by me.

19 Q And after you collected it, what did you do with it?

20 A We always verify the head stamp of the -- of the
21 cartridge. And then we place it into an envelope
22 container and seal that. And then we take it back to our
23 forensics office.

24 Q All right. After taking it back to the forensics
25 office, what did you do with that cartridge?

1 A I believe -- let me make sure. If you'll just bear
2 with me one second.

3 The -- it was just -- it was secured. And then it
4 was transported over to the property and evidence section.

5 Q And if you were to see that cartridge again, would
6 you recognize it?

7 A As long as the head stamp is the same, yes, ma'am.

8 Q I'm now handing up to you what's been pre-marked for
9 identification purposes as State's Exhibit No. 53. Do you
10 recognize this item?

11 A Yes, ma'am. This is the envelope with the cartridge
12 that's seen here depicted in the pictures.

13 Q And how do you know it's the envelope with the
14 cartridge?

15 A First off, the envelope has a label on the front,
16 which indicates not only the case number that is
17 associated to the case with the sheriff's office, but
18 there's, also, an item number there, which indicates that
19 it is one of my pieces of evidence. My evidence is always
20 listed as JFH with a numeric or JFH with an alpha. And
21 this one is JFH5.

22 Q And what do your initials indicate on there?

23 A The initials on the back indicate that I sealed it
24 and the date in which I sealed it.

25 Q And is this a fair -- has it been altered or changed

1 in any way?

2 A It has been opened by someone on 6/10 of 2021, as
3 indicated on this piece of evidence tape at the bottom.
4 So whenever someone opens up items that's already been
5 sealed, a lot of times they'll go to the opposite side of
6 the original tape. Then they will open it up and tape it.
7 So that way, you have a clear depiction of who opened that
8 item.

9 Q And is this normal for an item like this to be opened
10 up in any kind of further processing or testing?

11 A Yes. Through the investigation process, yes, ma'am.

12 MS. GASSER: Your Honor, at this time, the State
13 moves to enter State's Exhibit No. 53 into evidence.

14 THE COURT: Any objection?

15 MR. HAMILTON: Without objection.

16 THE COURT: All right. So entered.

17 (WHEREUPON, State's Exhibit No. 53 was admitted into
18 evidence.)

19 BY MS. GASSER:

20 Q So, Mr. Hamilton, what I'm going to ask you to do is,
21 can you go ahead and open that up so that we can see what
22 is inside of that using these scissors provided?

23 And while you're opening that up, we're using the
24 term "cartridge." What does that mean?

25 A So forensics terminology, especially in Greenville

1 County, we indicate a non-fired bullet as a cartridge. A
2 fired bullet is a cartridge casing. So a cartridge
3 indicates that it is a non-fired bullet.

4 Q So go ahead and open that up --

5 A Is there any worry of me touching this with my bare
6 hands -- oh, you've got it up there.

7 Q And just to confirm, is that the cartridge that you
8 collected from that vehicle that you processed on
9 November 9th, 2020?

10 A Yes, ma'am.

11 Q Okay. Thank you.

12 And just so the jury can see what we're talking
13 about, just to confirm again. Is this that cartridge?

14 A Yes, ma'am. And if you can put the -- that side up,
15 if it shows, it should say FC nine-millimeter Luger or
16 nine MM Luger, which is the same head stamp which I
17 documented the day that it was collected.

18 There it is.

19 MS. GASSER: There it is.

20 I beg the Court's indulgence. I do apologize.

21 (Pause.)

22 BY MS. GASSER:

23 Q So you just said you listed it as the FC?

24 A FC and then nine MM Luger, which is the
25 manufacturer's stamp for that cartridge for the company

1 who made it.

2 MS. GASSER: I have no further questions. Please
3 answer any that Defense Counsel may have.

4 THE COURT: Mr. Hamilton, cross-examination.

5 CROSS-EXAMINATION

6 BY MR. HAMILTON:

7 Q Mr. Hamilton --

8 MR. HAMILTON: May it please the Court.

9 BY MR. HAMILTON:

10 Q Mr. Hamilton, what I wanted to ask you -- as soon as
11 I find another document that's been placed into evidence.

12 In your report, it shows that you were performing at
13 the request of the investigating officer. Was that [sic]
14 a search warrant?

15 A There was a search warrant --

16 Q A search warrant. And in that search warrant, it
17 was -- it -- the information is that you are to look for a
18 cartridge in the cup holder?

19 A No, sir. It was just to look for any kind of firearm
20 or firearm-related items, I believe. I'd have --

21 Q In your --

22 A -- to see the -- I don't have the search warrant with
23 me.

24 Q In your report, you said -- you say -- the last
25 sentence in your report on the first paragraph, you say

1 that --

2 A That the suspect had left a -- had reportedly left a
3 cartridge inside the listed vehicle.

4 Q Yeah, yeah. So and that -- and that was an
5 indication that the suspect had indicated that the
6 cartridge was there, I mean, you know.

7 A It was indicated that the suspect had left it
8 there --

9 Q Yeah.

10 A -- but I don't know which suspect --

11 Q Right.

12 A -- or how that ended up there.

13 Q Right.

14 A Yes, sir.

15 Q Yeah. So the suspect told them --

16 MS. GASSER: Objection, Your Honor. Self-serving
17 hearsay.

18 THE COURT: Sustained.

19 MR. HAMILTON: I'm sorry, Your Honor.

20 THE COURT: Sustained, Mr. Hamilton.

21 BY MR. HAMILTON:

22 Q But I show you State's Exhibit No. 7. And that
23 accurately shows a -- a cartridge --

24 MS. GASSER: Objection, Your Honor. He's testifying
25 as to facts not in evidence.

1 MR. HAMILTON: That is in evidence, a picture.

2 MS. GASSER: The photograph. But he is testifying as
3 to what he believes is depicted in that photograph, which
4 is not in evidence.

5 THE COURT: I'm going to -- I'm going to sustain the
6 objection.

7 But I'll allow you to rephrase your question,
8 Mr. Hamilton. If you're going to make reference to the
9 photograph, it's probably better to place it on the screen
10 so the jury can see it, as well as yourself.

11 MR. HAMILTON: Thank you, Judge.

12 BY MR. HAMILTON:

13 Q Sergeant Hamilton --

14 A Yes, sir.

15 Q -- this is State's Exhibit No. 7.

16 A Okay.

17 Q And it's in evidence.

18 A Okay.

19 Q And in that picture, what does that indicate? Is
20 that a piece of evidence?

21 A I have no clue, sir.

22 Q Okay. But -- but the purpose of that yellow thing
23 shows that it's evidence?

24 A Due to the -- it being whitewashed, I can't tell if
25 there's numbers on it. If there's numbers on it, then,

1 yes, sir, that is a placard. If not, I'm not sure what it
2 is.

3 Q Right. But -- and from your experience, is a -- a --
4 an indication of evidence found at -- at the scene or
5 wherever State's Exhibit No. 7 talks about? And then this
6 is the -- the item that in your report shows the suspect
7 says or look for this in --

8 A A cartridge?

9 Q Yeah. Look for the cartridge in the cup holder.

10 A Not the cup holder, just in the car.

11 MR. HAMILTON: Oh, in the car.

12 Okay. That's all the questions I have.

13 THE COURT: Anything on redirect?

14 MS. GASSER: No redirect, Your Honor.

15 We do ask that this witness be allowed to be released
16 from his subpoena.

17 THE COURT: All right. That's without objection,
18 Mr. Hamilton?

19 MR. HAMILTON: Without objection.

20 THE COURT: All right. Sir, you're free to go.

21 THE WITNESS: Thank you, Judge.

22 I appreciate it.

23 THE COURT: All right. Ladies and gentlemen of the
24 jury, a couple of things I need to tell you. Tomorrow
25 just happens to be a state holiday that's placed directly

1 in the middle of the week on Wednesday. So what I'm
2 asking you to do is to come back on Thursday morning.

3 I'm going to trust you and rely upon you that even
4 though you're going to be away from me for a day or so
5 that -- please, ma'am, and, please, sir, don't slip up and
6 talk about the case to anyone, anyone in your household,
7 any one of your friends. Don't look for anything about
8 this case on social media, anything of that nature at all.
9 Because I believe I can trust you.

10 So I would like for you to report back on Thursday
11 morning at 10:00. 10:00. Be in your jury room at 10:00.

12 So have a good evening. See you Thursday morning at
13 10:00. All right. Take care.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 5:06 p.m.)

16 THE COURT: All right. Let me just -- we're still on
17 the record.

18 Let me just get logistically where we are. Where is
19 the State at in terms of number of witness?

20 MS. GASSER: Your Honor, we're right on track for
21 what I was hoping to accomplish. I do believe that we
22 would be done either Thursday at lunch or maybe one or two
23 witnesses in the afternoon. The State is prepared to be
24 completed on Thursday.

25 THE COURT: All right. And, Mr. Hamilton, are you

1 prepared to tell me or tell the Court where you are in
2 terms of the number of witnesses that you're going to
3 present, if any?

4 MR. HAMILTON: I'm not prepared to tell the Court
5 that at this juncture.

6 THE COURT: All right. That -- that -- that's fine.

7 The other thing I want to tell the -- the folks in
8 pews out there is that, as I said earlier, I think half of
9 the pews -- was people in the pews was here and the other
10 half was not here. But let me just say this to you.
11 Nobody wants to be here, but we're here. And since we're
12 here, you've got to deal with what's before the Court.

13 What I'm asking from both sides is that the two --
14 both sides act civil towards each other and be cordial to
15 each other when you're here in the Court. And even though
16 there's going to be a day in between and we're going to
17 get back together on Thursday morning, I expect you to --
18 your -- your conduct to be just like mine.

19 And I -- and I -- I try to exemplify the conduct that
20 I would like for all litigants to display in the
21 courtroom -- the courtroom. So if you would just pattern
22 your conduct after mine. You do not see me up here
23 yelling at anybody. I haven't yelled at anybody. I
24 haven't screamed at anybody. I expect you all to do the
25 same. And I'm sure you can do that.

1 All right. So we're going to stand adjourned until
2 10:00 on Thursday morning.

3 Just for the record, Mr. Hamilton, I -- your client
4 is -- is out on bond. I expect you to be present with her
5 on Thursday morning. I will allow her to be out on bond.
6 I encourage her to get with her family members to make
7 sure that the situation regarding the child is being
8 rectified --

9 MR. HAMILTON: Thank you, Your Honor.

10 THE COURT: -- that they're putting place -- people
11 in place to do that. You've got adequate time to do that
12 in the interim period of time.

13 Anything further from anyone?

14 MS. GASSER: Nothing from the State, Your Honor.

15 THE COURT: Anything?

16 MR. HAMILTON: Nothing further, Judge.

17 THE COURT: All right. We'll reconvene Thursday
18 morning at 10:00.

19 (WHEREUPON, the proceedings were concluded at
20 approximately 5:10 p.m., to be reconvened on
21 Thursday, May 11, 2023.)
22
23
24
25

1 THURSDAY, MAY 11, 2023

2 (WHEREUPON, State's Exhibit Nos. 59 and 60 were marked
3 for identification only.)

4 THE COURT: All right. Let's go on the record.

5 This is the State vs. Jasmine Liz Marie Robinson,
6 indictment number 2021-GS-23-04474 and 75.

7 Any preliminary matters that we need to take up
8 before we bring the jury out from the State?

9 MS. GASSER: Nothing from the State, Your Honor.

10 THE COURT: All right. Mr. Hamilton, anything from
11 the Defense?

12 MR. HAMILTON: Nothing from the Defense.

13 THE COURT: All right. Bring the jury out.

14 (WHEREUPON, the jury came into open court at
15 approximately 10:38 a.m.)

16 THE COURT: Good morning. How's everybody?
17 Everybody good?

18 (WHEREUPON, the jurors indicated in the affirmative.)

19 THE COURT: Good, good, good.

20 All right. The State's ready to proceed?

21 MS. GASSER: Yes, Your Honor.

22 THE COURT: The State call its next witness.

23 MS. GASSER: Crystal Minwegen.

24 THE CLERK: Okay. If you would, pause there at the
25 bench.

1 Put your left hand on the Bible and raise your right
2 hand.

3 WHEREUPON,

4 CRYSTAL MINWEGEN,
5 after first having been duly sworn, testified as follows:

6 THE CLERK: Thank you.

7 You may be seated.

8 And, please, state your full name for the record.

9 THE WITNESS: Crystal Minwegen.

10 DIRECT EXAMINATION

11 BY MS. GASSER:

12 Q Good morning, Ms. Minwegen.

13 Can you tell the jury where you're currently
14 employed?

15 A I am currently employed with the Department of Public
16 Safety within our crime scene unit.

17 Q And how long have you been with the crime scene unit?

18 A Just shy of seven years.

19 Q What is your position or title?

20 A I am currently a sergeant.

21 Q And what does that mean? Tell us about your duties
22 and responsibilities.

23 A It's mostly an admin role. I do still take crimes.
24 I review reports, delegate daily tasks, things like that.

25 Q And have you always been employed with Greenville

1 County, or did you have any prior experience before that?

2 A I did have some prior experience.

3 Q Can you tell us about that?

4 A Directly out of college, I started to work for an FBI
5 contractor in northern Virginia. And I worked on IEDs and
6 explosive devices that were transported over here from
7 overseas.

8 Q And where did you go after working for that
9 contractor?

10 A I worked at Quantico in their latent print unit.

11 Q And then did you come to Greenville County after
12 that?

13 A Yes.

14 Q So you've been there for, you said, seven years?

15 A Yes.

16 Q And tell me a little bit about -- I guess the -- you
17 said your duties, your responsibilities. Tell me a little
18 bit about what you do as a member of the crime scene unit
19 when you come on an incident scene?

20 A So when I first arrive on scene, I -- obviously, I
21 get the run down of what happened. And I take the
22 instructions from investigators. And if they say they
23 need this or they need that, I collect things, take
24 pictures, things like that.

25 Q And were you working for Greenville County Department

1 of Public Safety in the crime scene unit on November 6th,
2 2020?

3 A Yes.

4 Q And were you working that day?

5 A Yes.

6 Q And how did you become involved in this case?

7 A I received a phone call that I needed to get to the
8 law enforcement center to assist Technician Godfrey and to
9 collect some items that were recovered.

10 Q And what items were recovered that you had to assist
11 her with?

12 A A hat and a firearm.

13 Q And when y'all collect evidence, tell me -- what does
14 that process look like?

15 A In this specific case, I collected it from an
16 investigator. So I obtained a P&E -- or property and
17 evidence sheet, which is a form of the chain of custody
18 that's transferred from one person to another.

19 Q And which investigator did you receive --

20 A Investigator McHale.

21 Q And what -- you said a hat and a firearm?

22 A Yes.

23 Q So what do you do once you take that firearm into
24 your possession? What is your first step?

25 A I seal it into a box. And then I transport it back

1 to our office.

2 Q I am handing you what's been marked as State's
3 Exhibit No. 45 -- 44 through 54 -- excuse me, State's
4 Exhibit Nos. 54, 55, and 56. Can you, please, review
5 these documents and let me know if you recognize them?

6 A Yes.

7 Q And how do you recognize them?

8 A I took them.

9 Q And what are they?

10 A They are the firearm that I collected.

11 Q Okay. Are they photographs of that firearm?

12 A Yes.

13 Q And are they a fair and accurate depiction of that
14 firearm from --

15 A Yes.

16 Q -- November 6th, 2020?

17 A Yes.

18 Q Have they been changed or altered in any way?

19 A No.

20 MS. GASSER: Your Honor, at this time, the State
21 moves to enter State's Exhibit Nos. 54, 55, and 56 into
22 evidence.

23 THE COURT: Any objection, Mr. Hamilton?

24 MR. HAMILTON: Your Honor, I just -- I wasn't sure
25 where she collected it from.

1 THE COURT: Do you want to --

2 MR. HAMILTON: I object to -- I don't understand.

3 THE COURT: I couldn't hear you.

4 MR. HAMILTON: I don't understand where she got the
5 gun.

6 THE COURT: All right. I'm going -- I'm going to let
7 it in subject to your objection. And you can
8 cross-examine her.

9 MR. HAMILTON: Thank you, Judge.

10 (WHEREUPON, State's Exhibit Nos. 54, 55, and 56 were
11 admitted into evidence.)

12 BY MS. GASSER:

13 Q So, Ms. Minwegen, can we just walk through these with
14 the jury? We're going to use the overhead projector.

15 And can you explain to the jury just what is depicted
16 in State's Exhibit No. 54?

17 A That is a picture of the firearm that I collected
18 that is in the box.

19 Q And so you're discussing this firearm?

20 A Yes.

21 Q So what is this here?

22 A That is a cartridge.

23 Q Okay. And what is this over here?

24 A A magazine.

25 Q All right. And what does this mean?

1 A That is just an evidence identifying marker.

2 Q What does SEM2 stand for?

3 A That, I believe, is Shannon McHale's initials.

4 Q Okay. And then State's Exhibit No. 55, can you tell
5 the jury what's depicted in this?

6 A Yes. That is the serial number that was on the gun
7 that I collected.

8 Q Okay. And State's Exhibit No. 56, can you tell the
9 jury what's depicted here?

10 A Those were the rounds that were recovered from the
11 magazine -- or from the firearm in general.

12 Q All right. So going back to State's Exhibit No. 54,
13 you said that you collected this firearm; is that right?

14 A Yes, from Investigator McHale.

15 Q And if you were to see the firearm again, would you
16 recognize it?

17 A Yes.

18 Q I'm handing you what's been pre-marked for
19 identification purposes as State's Exhibit No. 57. I
20 believe we have -- can you go ahead and open that? And
21 review what's inside the box. And let me know if you
22 recognize that.

23 A Yes.

24 Q And how do you recognize it?

25 A Because it's the description that's in my report.

1 The case number matches. And there are some envelopes in
2 here that have my handwriting on them.

3 Q And can you tell us what is -- what is the actual
4 items in that box?

5 A In the box, it's a magazine, a firearm, a holster,
6 and the cartridges that were removed from the firearm.

7 Q And does it align with what's in exhibit -- or what
8 has been presented in State's Exhibit No. 54?

9 A Yes.

10 Q Now, in State's Exhibit No. 54, this firearm, what
11 color would you say this firearm is?

12 A Purple.

13 Q Okay. And is that the same -- it aligns with what is
14 in State's Exhibit No. 57?

15 A Yes.

16 MS. GASSER: Your Honor, at this time, the State
17 moves to enter State's Exhibit No. 57 into evidence.

18 MR. HAMILTON: Without objection, Judge.

19 THE COURT: All right. Without objection.

20 (WHEREUPON, State's Exhibit No. 57 was admitted into
21 evidence.)

22 BY MS. GASSER:

23 Q Ms. Minwegen, I'm going to use the projector again.
24 So can you tell us -- is this the firearm that was
25 depicted in State's Exhibit No. 54?

1 A Yes.

2 Q Now, it looks a little bit different. Can you tell
3 me, what does this mean? Do you know?

4 A The --

5 Q The -- the red lock on it. Do you know what that is?

6 A I guess it's to make sure that the firearm is safe.

7 Q So tell me -- and why would the firearm be made safe?

8 A So that it doesn't accidentally discharge at some
9 point.

10 Q Thank you.

11 Was this, also, depicted in State's Exhibit No. 54?

12 A Yes.

13 Q So you have previously identified this as a magazine.
14 Is this that same magazine?

15 A Yes.

16 Q And then earlier, you testified that there were some
17 notes on the packages in here. Can you explain to the
18 jury what these are, what they contain?

19 A Yes. The small envelope labeled "From Chamber" was
20 the cartridge that was removed from the chamber. And the
21 envelope labeled "From Magazine" were the cartridges
22 removed from the magazine.

23 Q And then, finally, this being the last item in the
24 box, can you tell the jury what -- what this is?

25 A It appears to be a cloth holster.

1 Q Okay. And that was depicted in State's Exhibit
2 No. 54?

3 A Yes.

4 Q And just to be clear on the color of the gun,
5 Ms. Minwegen, does this picture appear blue?

6 A It does appear a little blue.

7 Q But when you took the photograph, was it purple in
8 actuality?

9 A Yes.

10 Q Okay. And is this -- just to be sure, is this the
11 same gun that is photographed in State's Exhibit No. 54?

12 A Yes.

13 MS. GASSER: I have no further questions. Please
14 answer any that the Defense attorney has.

15 THE COURT: Cross-examination, Mr. Hamilton.

16 MR. HAMILTON: May it please the Court.

17 THE COURT: Yes, sir.

18 CROSS-EXAMINATION

19 BY MR. HAMILTON:

20 Q Just a couple questions. Particularly, State's
21 Exhibit No. 54, you said that this picture reflects the
22 actual picture that you took. And that it was -- this is
23 the picture that you took of it?

24 A Yes.

25 Q Okay. And then when we look at the real gun, it

1 looks -- that looks blue. It's purple?

2 A Yes.

3 Q So --

4 A I mean, the lighting elements could have affected the
5 color of that, the flash.

6 Q But -- so it -- but when you take pictures, the flash
7 help you accurately take color pictures -- when you take
8 color pictures with blue, color pictures with purple, it
9 comes out blue. It comes out purple. In this case, the
10 picture is blue, but the item is purple. Can you explain
11 that?

12 A No.

13 MS. GASSER: Brief redirect, Your Honor.

14 THE COURT: All right.

15 REDIRECT EXAMINATION

16 BY MS. GASSER:

17 Q I think we can clear this up, Ms. Minwegen. Using
18 State's Exhibit No. 57 -- I'm going to hand this to you.
19 Can you read out the serial number listed on this firearm?

20 A It's ABC 349692.

21 MS. GASSER: I have no further questions.

22 THE COURT: Anything else, Mr. Hamilton?

23 MR. HAMILTON: Nothing, Judge.

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

25 You can step down.

1 Can this witness be excused?

2 MS. GASSER: Yes, Your Honor. I'd ask that she be
3 released from her subpoena.

4 THE COURT: Any objection?

5 MR. HAMILTON: No objection.

6 THE COURT: All right. Ma'am, thank you for coming.
7 Take care.

8 MS. GASSER: The State calls James Armstrong.

9 THE COURT: All right.

10 THE CLERK: Please pause at the bench.

11 Place your left hand on the Bible and raise your
12 right hand.

13 WHEREUPON,

14 JAMES WILLIAM ARMSTRONG,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 You may be seated.

18 And, please, state your full name for the record.

19 THE WITNESS: James William Armstrong.

20 DIRECT EXAMINATION

21 BY MS. GASSER:

22 Q Good morning, Mr. Armstrong.

23 Can you tell the jury where you're currently
24 employed?

25 A I'm currently employed -- an employee of Walden

1 Security as a contract U.S. deputy marshall at the federal
2 courthouse here in Greenville.

3 Q Where did you previously work?

4 A I previously worked for the Greenville County
5 Department of Public Safety forensics division.

6 Q And what was your job title or goal there?

7 A I was the criminalist when I retired in June of 2021
8 where I was over the drug lab and the firearms lab.

9 Q And how long did you work for the Department of
10 Public Safety?

11 A A little over 25 years.

12 Q And so you just said the -- you did both drugs and
13 the firearms lab?

14 A Yes, ma'am.

15 Q So did you leave on good terms with the Department of
16 Public Safety?

17 A Yes, ma'am, I did.

18 Q Was it just time to retire?

19 A It was time to retire.

20 Q So how long were you, specifically, a firearms
21 examiner?

22 A About 22 years.

23 Q And what did your work in firearms examination
24 consist of?

25 A I looked at anything that was related to firearms and

1 tool marks, such as the operation of firearms, comparing
2 of firearms, fired evidence such as fired cartridge
3 casings and projectiles, and other related evidence. And
4 I did reports to reflect those findings.

5 Q So what education and training did you receive in
6 order to --

7 MR. HAMILTON: May it please the Court.

8 We'll stipulate to his qualifications. I'm well
9 aware of his qualifications.

10 THE COURT: All right.

11 MS. GASSER: So, Your Honor, at this time, the State
12 would move to qualify James Armstrong as an expert in
13 firearms examination.

14 THE COURT: All right. So ordered. Counsel for the
15 Defense stipulates to his qualifications.

16 BY MS. GASSER:

17 Q So, Mr. Armstrong, how often did you examine firearms
18 for the Department of Public Safety?

19 A I averaged approximately 150 to 200 cases a month.

20 Q So are you able to tell us how many firearms
21 you've -- or approximately how many firearms you've
22 examined in your career?

23 A Probably over 20,000.

24 Q And just to be clear, have you testified in court and
25 been qualified as an expert before in firearms

1 examination?

2 A Yes, ma'am. At least, 76 times in federal and state
3 court.

4 Q And can you walk the jury and me through a usual
5 case, just a general case when you would receive a firearm
6 and any thing -- and any projectiles, casings, anything
7 like that? Can you tell us about that process?

8 A Well I, first -- I, first, receive the items and
9 bring them back to our office from the property and
10 evidence room. I cut the items open, make sure they are
11 sealed when I receive them.

12 And then I start doing my inventory and making my
13 notes about those items. Such as the firearm, I would
14 have cut the bag -- the box open, placed my initials and
15 the date where I opened that seal, and then start
16 examining the firearm.

17 Then I'd make my notes about the make, model, serial
18 number, the caliber, and any notes that may need to be
19 made about that firearm, so any kind of malfunctioning
20 mechanisms on it, or whatnot it. And then we go to the
21 next piece of evidence, such as the fired cartridge
22 casings and the projectiles and do the same thing.

23 On each item, I, also, make sure I have identifying
24 features. Such as the fired cartridge case, I put my
25 initials and the item number somewhere located not to be

1 seen on the outside and not interfere with any microscopic
2 parts for identification. So I could always identify it
3 later and not get stuff mixed up.

4 Q And have you -- were you submitted evidence in this
5 case for the purpose of examination?

6 A Yes, ma'am, I was.

7 Q And on November 6th, 2020, were you working for the
8 Department of Safety at that time?

9 A I was.

10 Q In your role as a firearms examiner?

11 A Yes, ma'am.

12 Q So I'm going to show you what has already been
13 entered into evidence as State's Exhibit No. 57. All
14 right. So has State's Exhibit No. 57 ever been in your
15 possession for the purpose of firearms analysis?

16 A Yes, ma'am, it has.

17 Q And how do you know that?

18 A One, on the -- on the box, as well as I have my
19 initials and the date where I, actually, opened and looked
20 at the items. And the serial number of the firearm, also,
21 matches the serial number in my report.

22 Q And what date did you review this firearm?

23 A I received it on two different occasions. The first
24 time I received it was on March the 18th of 2021.

25 Q And did you take it back to property and evidence

1 after you were finished?

2 A Yes, ma'am, I did.

3 Q And is it -- is this gun in substantially the same
4 condition as when you originally received it?

5 A Yes, ma'am, it is.

6 Q And what can you tell us about this firearm?

7 A This is a -- a Taurus model PT111 G2A semi-automatic
8 pistol with serial number ABC349692. It's a
9 nine-millimeter caliber. It was manufactured in Brazil
10 and imported by Taurus, which is located in Georgia.

11 Q Thank you.

12 What does semiautomatic mean?

13 A It means it would fire one round per pull of the
14 trigger.

15 Q And can you tell how many, I guess, cartridges are in
16 the magazine or in the chamber of this firearm?

17 A This one had a magazine capacity of, I believe, 12.
18 And then one in the -- in the chamber would have been a
19 capacity of 13.

20 Q I'm handing you what has already been entered into
21 evidence as State's Exhibit No. 34. Do you recognize this
22 item?

23 A Yes, ma'am, I do.

24 Q And what is it?

25 A This is the item that was referenced in case number

1 2020182711 item MW1, which is a 38 9-millimeter caliber
2 fired bullet specimen.

3 Q And has this been in your possession for the process
4 of analysis?

5 A Yes, ma'am it has.

6 Q And how can you tell this?

7 A Once again, this -- the packaging has my initials and
8 the date where I opened and closed the seals. And the
9 projectile, actually, has my initials and item number on
10 the base.

11 Q And when you were finished with the analysis of this
12 item, did you return it to property and evidence?

13 A Yes, ma'am, I did.

14 Q And is it in substantially the same condition as when
15 you received it?

16 A Yes, ma'am, it is.

17 Q And what can you tell us about this projectile?

18 A It is a 38 -- or a nine-millimeter class projectile.
19 The jacketing is, basically, missing. It's just a little
20 bit of copper jacket over lead. That's about it.

21 Q And can you tell the jury, in your opinion, as an
22 expert and having done analysis on these items, why would
23 there be jacketing missing?

24 A The jacket is apparently -- the projectile may have
25 hit something hard or an intermediate target which can

1 cause the jacket to be stripped off.

2 Q Something hard, would that include glass?

3 A Yes, ma'am.

4 Q Would that include a skull?

5 A It could.

6 Q I'm now handing you what has been entered into
7 evidence as State's Exhibit No. 53. Do you recognize this
8 item?

9 A Yes, ma'am, I do.

10 Q And how do you recognize it?

11 A Once again, this -- this item -- the same case number
12 item JFH5. This one has my initials and the date on the
13 outside package as well where I sealed it. And the item
14 number and my initials are, also, on the projectile
15 portion of the cartridge.

16 Q So was this cartridge in your possession for
17 analysis?

18 A Yes, ma'am, it was.

19 Q And when you were finished with the analysis, did you
20 return it to property and evidence?

21 A I did.

22 Q Is it in the same -- substantially the same condition
23 as when you received it?

24 A Yes, ma'am, it is.

25 Q And what can you tell us about this cartridge?

1 A It is a -- it's a nine-millimeter Luger caliber
2 cartridge. And I compared the extractor and the ejector
3 marks from there on this one to this firearm. And I later
4 determined that it was chambered in and extracted from
5 this firearm.

6 Q So that cartridge matches that?

7 A That's correct.

8 Q Okay. Now, you just said "chambered in," what does
9 that mean?

10 A That means that at one point in time, this cartridge
11 had been, actually, inserted into this firearm and
12 removed.

13 Q And then you said -- I believe the term was
14 "extracted from," what does that mean?

15 A Yeah. That's where it was, actually, removed.
16 It's -- or was in the slide and then removed to the
17 chambered [phonetic] position. And the cartridge then was
18 knocked out.

19 Q So usually when a cartridge exits a firearm, is it
20 being shot or -- what -- why is this of note that it was
21 chambered and extracted?

22 A At some point in time, the firearm was -- this was
23 then loaded into the firearm. And then for some reason,
24 the slide had been pulled to the rear to eject this
25 cartridge. That's the only reason I know.

1 Q Now, would it be -- would chambered in and extracted
2 marks take place on a cartridge that was just in the
3 magazine?

4 A No, ma'am.

5 Q So it, actually, has to go into the gun?

6 A Into the firearm.

7 Q Okay. Did you -- so I think we talked about this a
8 little bit. So you did an examination as to whether these
9 two projectiles matched that firearm?

10 A The projectile and the cartridge case, yes, ma'am.

11 Q Yes. I apologize. So can you tell the jury exactly
12 how this type of examination is done?

13 A When I receive the firearm itself, I then go and
14 collect the known specimens for test samples. I will then
15 go and -- I test fire that firearm. I have my own test
16 fire and do comparisons to the unknowns, which is the
17 evidence.

18 Then I sit down at a microscope and do a side-by-side
19 comparison with the knowns and unknowns. And I try to
20 line up the -- the -- the marks that are left behind in
21 the manufacturing process from the firearm to each of
22 those items.

23 Q So can two firearms leave the same marks?

24 A They may leave some similarities, but not individual
25 marks. They would all be different.

1 Q Just like a fingerprint?

2 A Like fingerprints.

3 Q And what causes these marks?

4 A In the manufacturing process any imperfections in the
5 tools that are making the tool itself. And then it would
6 depend on the wear and tear of the firearm as well, and
7 how the person may clean the firearm, and different things
8 like that.

9 Q And what did you determine from your examinations of
10 these items?

11 A That the -- the item JFH5 cartridge was chambered in
12 and extracted from this firearm. And the MW1 fired bullet
13 specimen is -- was -- had insufficient microscopic marks
14 for identification to the pistol that I gave the list of
15 firearms. That could have been potentially used in
16 this -- the fired out projectile.

17 Q All right. So let's talk about that specific
18 projectile. So State's Exhibit No. 34, we're just going
19 to put it up here on the projector. And can you tell the
20 jury what would have hindered your examination which lead
21 to you listing it as bearing insufficient microscopic
22 marks?

23 A Looking there, there's a -- you mainly see just,
24 like, the gray metal. That's -- that's the lead core.
25 There's just a little bit of the -- the copper that is

1 shining on it, the copper color. That is the jacket.
2 The -- if the -- if the jacket had been completely intact,
3 there may have been a great possibility of being able to
4 do an identification. Because that's the part that was,
5 actually, touching the firearm when it was going down the
6 barrel is the jacket. And with the jacket being missing,
7 it did not leave any individual characteristics to make a
8 true identification.

9 Q And you said earlier, I believe, based on your
10 results that -- did you talk about the general rifling
11 characteristics?

12 A I did not. But it did have some rifling
13 characteristics in there that would lean -- that lead me
14 to a list of firearms that could have been used to fire
15 that firearm -- that -- that projectile.

16 Q And is this type of firearm that you compared it to
17 in that list?

18 A Yes, ma'am, it is.

19 Q And what factors would lend support to this
20 projectile having been shot from that pistol?

21 A I have no -- nothing that really links it to it.
22 Because there's insufficient marks to lean it toward
23 there.

24 Q Was it the same caliber?

25 A Same caliber, same rifling characteristics. That's

1 all I could say.

2 Q But you said before that the cartridge was chambered
3 and extracted from this specific firearm?

4 A That's correct.

5 Q I want to ask you a couple of questions. When you
6 said semiautomatic, you said that that requires one
7 trigger pull; right?

8 A Yes, ma'am.

9 Q And can a gun just go off?

10 A Not typically.

11 Q So what does that mean, "not typically"? Can you
12 explain that?

13 A If a firearm has been altered in a way where it's
14 unsafe, if it then is hit or dropped real hard or
15 something to an area, it could fire if things are not
16 properly aligned. I did not notice any abnormalities in
17 this firearm when I was examining it. Most firearms will
18 only fire then if the trigger is pulled.

19 Q So you said you noticed no abnormalities in this gun?

20 A That's correct.

21 Q And you just, also, testified that abnormalities,
22 typically, lend to a gun just if -- if it's going to go
23 off?

24 A Typically, yes, ma'am.

25 Q Now, what would you say is the likelihood of a gun

1 just going off?

2 A It's slim.

3 Q And when you examined this gun, just to be clear, you
4 saw no abnormalities in the way that it fired?

5 A I did not.

6 Q And you, also, said if it was to -- correct me if I'm
7 wrong. Your testimony was if a gun was -- one of the
8 other ways that it could go off was -- was striking --

9 A Striking a hard surface or dropped from a hard --
10 height -- a different height, yes, ma'am.

11 Q What height would you say, in your expertise, would
12 be necessary in order to make a gun just go off?

13 A I have tested some where we had to drop it at a
14 height of about four feet off the ground in order to make
15 it, actually, go off.

16 Q And can you, also, tell us why a firearm would not
17 shoot after, if there was nothing wrong with this firearm?

18 A If it didn't fire, there's multiple reasons. One, it
19 could be unloaded. Two, there could be a faulty
20 cartridge.

21 You, also, have where the cartridge may not be loaded
22 completely into the firearm. The person may not have
23 pulled the trigger completely to the rear. They may have
24 thought it was and it didn't -- it didn't function. If it
25 did fire and the slide didn't pick up the cartridge

1 properly, it could lead to all kinds of different
2 mis-feeds. And then the gun would not be functional at
3 that time.

4 Q So is it possible that a firearm can fire correctly
5 and there be nothing wrong with the firearm. So then when
6 they try to do a second trigger pull that a gun wouldn't
7 go off?

8 A It's possible. And it, also, depends on how the
9 person is holding the firearm. If they're -- it's called
10 limp wristing or anything being gotten in the way of the
11 slide coming backwards and not picking up a cartridge, a
12 lot of variables in there.

13 Q And I just want to be very clear for the record.
14 There -- in your examination of this firearm, there was no
15 abnormalities?

16 A Correct.

17 Q And you testified that abnormalities, typically,
18 aren't what would cause a gun to just go off?

19 A Typically.

20 Q And that there is a very slim chance that a gun would
21 just go off?

22 A That's correct.

23 MS. GASSER: I have no further questions. Please
24 answer any that Defense Counsel may have.

25 THE COURT: Cross-examination, Mr. Hamilton.

1 MR. HAMILTON: May it please the Court.

2 THE COURT: Yes, sir.

3 CROSS-EXAMINATION

4 BY MR. HAMILTON:

5 Q Mr. Armstrong, how are you, sir?

6 A Good.

7 Q So I'm just going to get right to what -- well, I do
8 have to ask you some preliminary questions to get to where
9 we need to be. And so -- so how many items you process in
10 this case?

11 A I believe total, I had four items completed.

12 Q Four items?

13 A Yes.

14 Q And what were the items?

15 A I had the item JFH5, which is the nine millimeter
16 Luger cartridge --

17 Q JFH --

18 A This one right here, the cartridge.

19 Q And do you know where this cartridge came from?

20 A No, sir. I just pick them up from the property and
21 evidence room.

22 Q Okay. So you don't know nothing about this?

23 A No, sir.

24 Q Okay.

25 A And then I had the firearm itself with the components

1 inside. And then there was an item MW1, which was a
2 fired -- the fired bullet specimen. I believe she has it.

3 Q The bullet?

4 A Yes.

5 Q And you don't know where it come from?

6 A I have no idea. And then there was a fired cartridge
7 case that was, also, examined.

8 Q And the fired cartridge case, you don't know where
9 that came from?

10 A No, sir, I do not.

11 Q So are there any descriptions between -- you know,
12 any description between the items, unusual descriptions,
13 unusual markings about them?

14 A Unusual meaning?

15 Q The normal case, the --

16 A It appeared to be a normal case.

17 Q All right. And even to the gun, did it operate?

18 A It operated just fine.

19 Q Just fine. So how many times did you test fire the
20 gun?

21 A I test fire them, at least, three times.

22 Q Three times?

23 A Yes, sir.

24 Q And each time checked off, check, check --

25 A Yes.

1 Q And the specimen -- what type of bullet you say it
2 is? What kind of bullet is it?

3 A The fired bullet specimen was a 38/nine millimeter
4 caliber.

5 Q 38 nine millimeter. So what's the difference
6 between a -- what's the 38 nine millimeter? What does the
7 38 mean?

8 A It's -- the 38 nine millimeter are same caliber
9 class. I can't tell them apart, whether it be from a 38
10 by just looking at a projectile, just by looking at a
11 size. So that's why I call it that class characteristic
12 of 38/nine-millimeter. They're -- by dimension wise,
13 they're exactly the same.

14 Q The same. Can you shoot a 38? So what's a
15 38-caliber pistol? I mean, do you factor that in? What
16 is that?

17 A Well, it's kind of confusing when you're just looking
18 at it from the outside. The -- when we're looking at a 38
19 caliber -- 38/nine millimeter is only on the projectile
20 itself. Because that projectile could be loaded into a 38
21 special cartridge if someone's a reloader, or something
22 like that. But this right here, I couldn't tell if it was
23 really from a 38 or a nine-millimeter cartridge case
24 because I didn't have enough of the jacketing to,
25 actually, do a true identification.

1 Q And we're talking about the specimen?

2 A The specimen, yes, sir.

3 Q And then -- so let's -- you talked about item KL1,
4 the -- a fired cartridge case. Did you look at that?

5 A Yes, sir, I did.

6 Q And then did that case come out of that gun?

7 A When I did my examination, that fired cartridge case
8 was not fired out of that firearm.

9 Q It was not -- you -- now, you -- you mentioned
10 about -- between the specimen and the cartridge. You know
11 absolutely that that was not fired out of the gun?

12 A Correct.

13 Q But the cartridge specimen, you're not sure whether
14 or not it was fired out of that gun?

15 A Well, the cartridge itself -- the live cartridge,
16 item JFH5, was chambered in and extracted from. It was
17 not fired. It's still live. The fired cartridge case
18 that I examined was not fired from this firearm.

19 Q Okay. And then the specimen?

20 A The bullet specimen?

21 Q The bullet specimen, you absolutely say it came -- it
22 came -- the other items come from the gun. Can you
23 absolutely say the bullet specimen came from that gun?

24 A No, sir. It had insufficient marks to make an
25 identification.

1 Q Do you -- and you don't know where these items you
2 examined came from?

3 A No, sir.

4 Q So when you talk about the gun -- she was asking you
5 about the jamming of the gun. If -- if a gun is jammed
6 and you pull the trigger, what happens?

7 A Odds are it's not going to fire.

8 Q It's not going to fire. And so the mechanism in
9 this -- these cartridges, they pop up automatic --
10 semiautomatic meaning it's -- you know, the -- the old --
11 when I grew up, they turned it around. But -- but now,
12 they just pop right up there ready to go?

13 A Yes, sir.

14 Q And that mechanism from your expert opinion is --
15 how -- how does that work for it to jam? Does it jam
16 while you pull the trigger or is it jammed after you pull
17 the trigger?

18 A There's a variety of reasons it could jam. Like I
19 said, if you're holding the firearm and you're holding it
20 real limp wristed, the slide may not go to the rear all
21 the way. So they eject the fired one, but not pick up a
22 live one. It could jam for that purpose. Or when you
23 fire it, the slide might not go back far enough. And then
24 it picks up what we call stove pipe. That cartridge can
25 get stuck in the firing mechanism area and just be stuck

1 there.

2 Q So how does that part happen? That it be stuck --
3 does it -- does pulling the trigger cause it to be stuck?

4 A No, sir. There's -- it's going to be a lot of -- it
5 can be human error and/or ammunition error.

6 Q Okay. I'm really not clear. My -- I guess -- and we
7 were just talking about this.

8 MR. HAMILTON: I hate, Your Honor, to repeat myself.
9 I'm just not clear on the jamming of a gun, the -- the
10 cartridge.

11 BY MR. HAMILTON:

12 Q Is it -- is it immediately after a shot has went off?

13 A Potentially, yes, sir.

14 Q Okay. A shot goes off. The next bullet jams?

15 A Well, what it could be, a jam -- when you pull the
16 trigger, that firing -- it then fires. So the projectile
17 goes down the barrel.

18 Q Whoosh. That's out.

19 A What happens then, once the projectile leaves the
20 barrel, the slide starts coming to a railroad position.

21 Q Right.

22 A So it's going to kick the fired cartridge case out,
23 if it has nothing that interferes with the movement of
24 that slide. That slide could hit clothing, or another
25 body part, or something and cause a jam from there.

1 Q Right. So --

2 A Or that cartridge might not be strong enough to eject
3 it completely out and can cause another jam. There's
4 different -- a variety of jams that can happen in here.

5 Q Right. But -- but -- and it could -- a jam -- okay.
6 All right. So the clothing may have interfered, somebody
7 with long clothing --

8 A It's a possibility. Clothing, body parts, or
9 something else just interfered with the movement of the
10 slide or weak ammo. Like I said, there's a whole book of
11 reasoning that can do that.

12 Q The jam -- because of the jam -- and you, also, said
13 the limp wrist, you know, not holding it properly?

14 A Yes, sir.

15 Q All right. And then you said striking, four feet,
16 the gun will go off --

17 A It potentially could. I did not do a drop test on
18 this firearm. I did not see anything that would indicate
19 that it would go off.

20 Q But it's not out of the realm of possibility. Like
21 you said, anything can happen?

22 A It's a possibility.

23 Q That's why you got to be careful. That's they got
24 that red thing in there?

25 A That's correct.

1 Q Okay. So it ain't no --

2 A Just to be safe.

3 Q We don't want no Alec Baldwin situation.

4 A That's correct.

5 Q All right. So the realm of things happening and the
6 possibility -- the banging of it, some kind of way, boom,
7 it could go off?

8 A It could, yes, sir.

9 Q All right. And part of that -- and you said the
10 trigger pressure -- when you squeeze something, when you
11 bang something, you're probably going to squeeze a little
12 bit?

13 A Yes, sir.

14 Q And that could affect the trigger?

15 A Definitely --

16 Q Even though you ain't really got your hand on the
17 trigger?

18 A You know, a lot of people -- a lot of people -- if I
19 pick up a firearm, their finger is automatically going
20 toward what they call the trigger guard --

21 Q The trigger -- they -- they on the trigger.

22 A They're in there on the trigger. They touch right at
23 the trigger where they're touching it, not -- not meaning
24 to --

25 Q Not meaning to.

1 A But when they hit something or they tense up, it
2 could fire off, yes, sir.

3 MR. HAMILTON: Thank you.

4 THE COURT: Anything on redirect Ms. Gazer?

5 (WHEREUPON, there was no response.)

6 THE COURT: Anything on redirect?

7 MS. GASSER: Yes, Your Honor. Briefly.

8 REDIRECT EXAMINATION

9 BY MS. GASSER:

10 Q So I just want to be clear. State's Exhibit No. 53,
11 the -- you called this the chambered in and extracted
12 cartridge?

13 A Correct.

14 Q This absolutely came from this firearm?

15 A That's correct.

16 Q Okay. Through your analysis?

17 A Correct.

18 Q And then State's Exhibit No. 34, the fired projectile
19 located in the deceased's head, through your analysis,
20 bears insufficient microscopic markings; correct?

21 A Correct.

22 Q That's what you testified to?

23 A Insufficient, yes.

24 Q Okay. And did -- and you explained to the jury
25 already what those insufficient markings were?

1 A Yes.

2 Q And just tell the jury a little bit more, what could
3 cause insufficient microscopic -- what would hinder you
4 being able to match that projectile to that gun?

5 A Well, having insufficient -- there's -- most of the
6 jacket was missing. I was unable to get that identifying
7 feature --

8 MR. HAMILTON: Your Honor, I object --

9 THE COURT: Hold on. What's your objection?

10 MR. HAMILTON: My objection is we've already
11 discussed this. That wasn't cross-examination.

12 THE COURT: Well, I'm going to overrule your
13 objection.

14 You can go ahead.

15 MS. GASSER: Thank you, Your Honor.

16 BY MS. GASSER:

17 Q So can you just explain to the jury -- I apologize.
18 Will you repeat yourself on why -- what would hinder you
19 from being able to matching that projectile to that gun?

20 A Once again, it's the -- the amount of markings that
21 are left behind. Because the jacket or the identifying
22 areas were missing.

23 Q And, again, just to clarify, a firearm just going
24 off, you said that was a slim chance?

25 A Yes, extremely.

1 MS. GASSER: I have no further questions.

2 Thank you.

3 THE COURT: Anything on recross, Mr. Hamilton?

4 MR. HAMILTON: I -- I do, Judge.

5 RECROSS-EXAMINATION

6 BY MR. HAMILTON:

7 Q It's clear that the projectile -- and you didn't know
8 before today -- well, you had figured it out that it was
9 something about its head. But the -- the projectile you
10 said, no pacific [sic] -- but then on the cartridge, the
11 non-fired cartridge -- the fired cartridge case, that was
12 there. It wasn't found in his head, but it was found
13 there. And it definitely did not come out of that gun?

14 A That's correct.

15 Q There ain't no way it could have been. In the thing
16 where -- it's got some missing stuff. If I had more, I
17 could say pacific. You can't be pacific about it. But
18 you can say absolutely that that case did not come out of
19 that gun?

20 A That's correct.

21 THE COURT: Anything further?

22 MS. GASSER: No, Your Honor.

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

24 You can step down.

25 THE WITNESS: Thank you.

1 THE COURT: Any objection to this witness being
2 released from subpoena?

3 MS. GASSER: No, Your Honor.

4 THE COURT: Any objection, Mr. Hamilton?

5 MR. HAMILTON: No objection.

6 THE COURT: Thank you, sir, for coming.

7 I appreciate it.

8 Is the State ready to call its next witness?

9 MS. GASSER: Jim Perry, Your Honor.

10 THE CLERK: Please pause at the Bible.

11 Lay your left hand on the Bible and raise your right
12 hand.

13 WHEREUPON,

14 JAMES PHILLIP PERRY,
15 after first having been duly sworn, testified as follows:

16 THE CLERK: Thank you.

17 You may be seated.

18 Please state your full name for the record.

19 THE WITNESS: James Phillip Perry.

20 DIRECT EXAMINATION

21 BY MS. GASSER:

22 Q Good morning, Mr. Perry.

23 Can you tell the jury where you're currently
24 employed?

25 A I work with the Greenville County Sheriff's Office.

1 Q And what do you do at the Greenville County Sheriff's
2 Office?

3 A I work in the computer crimes investigation unit. I
4 do cell phone forensics. We, also, handle computer
5 forensics. We do the online predators, cyber tips,
6 anything dealing with electronic devices.

7 Q And how long have you been with the sheriff's
8 department?

9 A About 27, 28 years with them. And total, I have 41
10 years of law enforcement.

11 Q And how long have you been working in the cyber
12 division?

13 A I started the unit in 2004.

14 Q And can you tell us approximately how many cell
15 phones have you looked at?

16 A I've examined cell phone wise over 2,500.

17 Q And can you tell us what -- tell us the process.
18 What is included when you do a cell phone examination?

19 A I'm sorry.

20 Q Can you tell us the process?

21 A The process?

22 Q Yeah.

23 A What we normally do -- what we do is we connect the
24 cell phone to our cell phone forensics tool, which is
25 called Cellebrite. We'll do a -- what we call an image.

1 And depending on the make of the phone, the model of the
2 phone, it'll determine how much data we can get off,
3 whether we can get deleted stuff or not.

4 So each individual phone is different. But we'll do,
5 like, a logical file system or physical extraction. We
6 load that on to a hard drive. Then we transfer that to
7 our forensics computer, which then we use a program called
8 Physical Analyzer. We load the program in -- or the
9 extraction into that program. And then it brings it up
10 into a format that we can go through and search through
11 and find things and determine what's on the phone.

12 Q And would those things include call history?

13 A It -- it does call histories.

14 Q And when you receive a call history or when you're
15 looking at a call history on a phone, are you able to
16 search for specific contacts?

17 A Yes, yeah. We can go in and we can search for --
18 whether it's the cell phone number or if -- if a name is
19 saved a certain way, we can search for that name if we
20 don't know the phone number.

21 Q And were you working for the Greenville County cyber
22 division in November of 2020?

23 A I was.

24 Q And have you been working there since November of
25 2020?

1 A I have.

2 Q And forgive me, I don't think I asked what your rank
3 was.

4 A I'm an investigator.

5 Q And, Investigator Perry, did you receive evidence in
6 this case to analyze?

7 A I did.

8 Q And how would you receive -- tell us about the
9 process of receiving that evidence, and what you need, and
10 what you did in this case?

11 A In this particular case, the phone when we got it in
12 2020, we -- we could not get into it because it was
13 password protected. And it was not one of the cell phones
14 that we -- that Cellebrite could break. So we kept it.

15 Well, as the years have gone on, there have been
16 several updates to Cellebrite. Plus, we've bought some
17 new programs, Cellebrite Premium, which is mainly for
18 breaking pass codes on Android phones and iPhones.

19 So I notified our investigator that it might be
20 beneficial if we tried to access the phone again now. And
21 so after they obtained a new search warrant, I went to
22 property and evidence. I checked out the phone, brought
23 it back to my office. I connected it to our Cellebrite
24 Premium.

25 After a while -- because it has to do a brute force

1 attack. I was able to extract the pin code for that
2 phone. And once I had the pin code, then I was able to do
3 the image extraction, which allowed me to access the phone
4 and do a forensic report.

5 Q All right. So let's back up just a little bit. So
6 when you say "the phone," which phone are you referring
7 to?

8 A I'm referring to the -- the LG322 item BB13.

9 Q And was this the cell phone that Jarred Sparkman
10 retrieved from the victim's vehicle?

11 A I -- I assume it was. It was the one that was in
12 property and evidence.

13 Q Do you know who the owner of the phone was?

14 A Not -- not by name. I'm -- I'm not sure. I was told
15 it belonged to the victim.

16 Q Okay. And was that through your discussions with
17 Investigator Grubbs?

18 A Correct.

19 Q And do you know the phone number that was associated
20 with that phone?

21 A I'm not sure that I have that copy of that right now.
22 I'm not sure of the -- I've got the phone number, the --
23 the phone that you're curious about, I -- I don't have the
24 printout of -- of the actual phone that was on there. If
25 you have the --

1 Q Yes, sir. So -- but you retrieved this phone from
2 property and evidence?

3 A Correct.

4 Q After receiving a request to run a phone extraction?

5 A Correct.

6 Q And through your discussions with the lead
7 investigating officer, you were told that this was the
8 victim's phone?

9 A Correct.

10 Q Okay. Just to be clear. Now, when you ran a phone
11 extraction, we talked a little bit earlier and you said
12 that you can look at call histories?

13 A Correct.

14 Q And you could look up specific contacts by their name
15 or their phone number?

16 A That is correct.

17 Q Okay. And did you do that in this case?

18 A I'm sorry.

19 Q Did you do that in this case? Did you look up a
20 specific phone number?

21 A I did.

22 Q Okay. And do you remember which phone number that
23 was?

24 A Yes. That one is the [REDACTED]-6632.

25 Q Okay. And what was the -- do you know the contact

1 name that was associated with that number?

2 A Right. He had listed it as Thugga Jas.

3 Q And just to be clear, this is not that phone number's
4 extraction. This is just any calls from that phone
5 number?

6 A Correct.

7 Q And did you look up phone calls for the pertinent
8 dates of November 5th, 2020, through November 6th, 2020?

9 A I did.

10 Q And were you able to provide the State with a screen
11 shot of that extraction data?

12 A I did.

13 Q And if you were to see that extraction data screen
14 shot again, would you recognize it?

15 A I would.

16 Q I am now handing you what's been pre-marked for
17 identification purposes as State's Exhibit Nos. 58 and 60.
18 Can you review those and let us know if you recognize
19 them?

20 A Yeah. These are the ones that I gave y'all.

21 Q And how -- so you recognize them because you gave
22 them to us; is that right?

23 A Correct.

24 Q Okay. And are they a fair and accurate depiction of
25 that call log that you searched for on the victim's phone?

1 A Correct. For that specific time period, yes.

2 Q And with that specific phone number?

3 A Correct.

4 Q And that contact being listed as Thugga Jas?

5 A Correct.

6 Q Okay. And are -- has it been changed or altered in
7 any way?

8 A No.

9 Q And are these exhibits the same?

10 A Yes. They're -- they're identical.

11 MS. GASSER: Your Honor, at this time, the State
12 moves to enter State's Exhibit Nos. 58 and 60 into
13 evidence.

14 THE COURT: Any objection?

15 MR. HAMILTON: No objection.

16 THE COURT: All right. So entered without objection.

17 (WHEREUPON, State's Exhibit Nos. 58 and 60 were
18 admitted into evidence.)

19 BY MS. GASSER:

20 Q So I am going to use State's Exhibit No. 58 on the
21 projector and walk through this. On State's Exhibit
22 No. 58, let's just walk through. So up here, can you tell
23 the jury what this is in reference to?

24 A That's the case number. And then next to it
25 is the -- describes the type of phone that we're examining.

1 Q So the physical phone that you took out P&E. Okay.
2 And then can you tell the jury what this is?

3 A That -- that was just where I had the timeline
4 highlighted. That's nothing in particular there.

5 Q Okay. So looking down here, can you tell the jury
6 what this reads as?

7 A 11/5/2020.

8 Q And then what this reads as?

9 A 11/6/2020.

10 Q And what does this two and five reference?

11 A It -- it just represents the extractions where the
12 number of items that I have on the screen when I took this.

13 Q So was this the number of phone calls between these
14 two numbers?

15 A Right. It -- it was those two. And then the five
16 shows that I've got five items highlighted.

17 Q And so this -- was this the extraction for just this
18 phone number?

19 A Correct.

20 Q Okay.

21 A During the time frame.

22 Q So this is only showing the phone calls between this
23 phone number that you've already listed --

24 A Correct.

25 Q -- and this contact that you've already listed --

1 A Correct.

2 Q -- and the physical phone from P&E?

3 A Correct.

4 Q Okay. So walking through this a little bit more.
5 Right here, what does this mean?

6 A That's UTC. That's Greenwich Mean Time. Basically,
7 the world is set up on a time zone where Greenwich means
8 the zero time. And then as you go west, you add an hour
9 as you go.

10 So right here, you're going to take -- because that's
11 on November 5th, it's going to be standard time. You
12 subtract five hours from that. It if it had been daylight
13 savings time, we would have just subtracted four hours.

14 So you have to -- to get the actual time of that
15 call, you have to subtract five hours.

16 Q So I would ask -- since you've already testified that
17 State's Exhibit Nos. 58 and 60 are the same --

18 MS. GASSER: At this time -- and, Counsel, I don't
19 know if you have an objection.

20 But we would like to create a demonstrative, Your
21 Honor, using State's Exhibit No. 60.

22 THE COURT: Okay.

23 BY MS. GASSER:

24 Q And, Mr. Perry, is there -- your capability based on
25 the math you just explained, can you use that time

1 difference and write out what the time would be in Eastern
2 Standard Time over to the right of each of these phone
3 calls?

4 A On this?

5 Q Yes.

6 A Sure. Okay.

7 Q So, Investigator Perry, I just want to walk through
8 and make sure. So on this date that you've already
9 testified, it's on November 5th, 2020. And so taking the
10 UTC time and turn -- and listing what the Eastern Standard
11 Time would be, what would that be?

12 A You'd take five hours from that, so it'd be 4:28.

13 Q And how long did that call last?

14 A Nine seconds.

15 Q Okay. And then going to the second one on November
16 5th, 2020, it's listed as 9:55:46 in UTC. What would that
17 be in Eastern Standard Time?

18 A 4:55 and 46 seconds.

19 Q And how long was that phone call for?

20 A 23 seconds.

21 Q And then coming down to November 6th, 2020, the phone
22 call listed as 6:17:34 a.m. --

23 A That would be 1:17 --

24 Q -- UTC -- what time would that be in UTC?

25 A 1:17 a.m.

1 Q Okay. And how long was that for?

2 A Zero seconds.

3 Q Going to the next one, November 6th, 2020, at 6:19:50
4 UTC, what would that be in --

5 A That would be 1:19:50 a.m.

6 Q And how long was that phone call for?

7 A Zero seconds.

8 Q On November 6th, 2020, the UTC is listed as 6:25:27.
9 What would that be in Eastern Standard Time?

10 A It'd be six -- I'm sorry. 1:25:27.

11 Q And how long was that phone call for?

12 A 48 seconds.

13 Q Going to number six, November 6th, 2020, the UTC time
14 is listed as 6:28:40. And how long -- and what would that
15 be in Eastern Standard Time?

16 A That'd be 1:28:40.

17 Q And how long was that phone call for?

18 A Zero seconds.

19 Q Okay. And then on November 6th, 2020, it's listed as
20 6:34:08 UTC time. What would that be in Eastern
21 Standard --

22 A 1:34:08 a.m.

23 Q Okay. And how long is that phone call for?

24 A Two minutes and 27 seconds.

25 Q Okay. And then just to be clear, what do these

1 items --

2 A The downward arrow into the handset is an incoming.
3 And then that's the blue. And then the green is an
4 outgoing call.

5 Q So, again, just to be clear, blue means incoming?

6 A Correct.

7 Q So that means what? That it's a -- whose number
8 is -- is incoming?

9 A That's Thugga Jas.

10 Q Okay. And green means what?

11 A It's an outgoing call to her phone.

12 Q To her?

13 A Right.

14 Q From the phone in P&E listed as this?

15 A Correct.

16 Q Okay. And then I just want to be clear. This is the
17 demonstrative on State's Exhibit No. 60 that's been
18 entered into evidence where you've listed out the proper
19 Eastern Standard Times --

20 A Correct.

21 Q -- to the right?

22 MS. GASSER: All right. I have no further questions.
23 Please answer any that Defense Counsel may have.

24 THE COURT: Cross-examination, Mr. Hamilton.

25 MR. HAMILTON: May it please the Court.

1 THE COURT: Yes, sir.

2 CROSS-EXAMINATION

3 BY MR. HAMILTON:

4 Q Officer, now, I'm interested in the calls made to --
5 item number seven would be the one I pointed to. Item
6 seven. That happened on November the 6th. And what time?

7 A 1:34:08.

8 Q 1:34:08?

9 A a.m.

10 Q a.m. And that should match everybody's --

11 MS. GASSER: Objection.

12 BY MR. HAMILTON:

13 Q I'm just looking at this. I'm just saying I -- 1:34
14 a.m. and 1:34 -- so, in other words, this is going to the
15 number Thugga Jas -- Jas?

16 A Right.

17 Q And then on her phone, it would show the same time;
18 right?

19 A On her call detail records, it'd show the same thing.
20 Because when her -- when her -- when a phone call goes
21 out, there may be a couple seconds difference from the
22 time she gets it and answers the phone.

23 Q Okay. The -- the seconds there --

24 A It should be within, you know, just some seconds,
25 yes.

1 Q Okay. And then on the -- the time -- the -- and the
2 time stamp is two -- two minutes -- or two -- is it two
3 minutes?

4 A Two minutes and 27 seconds.

5 Q Two minutes. That call went out from this phone to
6 some -- to the -- to the -- and then the other times, it's
7 zero. So that's -- that's a text message?

8 A No. It's -- that's a phone call. That's a call log.
9 That's not a text message.

10 Q All right. So when -- when you call somebody --

11 A They didn't answer.

12 Q They didn't answer. So -- so she got a call -- this
13 is showing that he received the call about that time. But
14 he did not answer or the person did not -- this -- yeah.

15 A Correct.

16 Q And then -- and then we talk about five maybe. So
17 number five says that's out from the victim?

18 A Correct.

19 Q Okay. To the Defendant and then incoming --
20 incoming?

21 A Correct.

22 MR. HAMILTON: Okay. Thank you.

23 THE COURT: Anything on redirect?

24 MS. GASSER: No redirect, Your Honor.

25 And I do ask that this witness be allowed to be

1 released from his subpoena.

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

3 You're excused. I appreciate you coming.

4 THE WITNESS: Thank you.

5 THE COURT: Is the State prepared to call its next
6 witness?

7 MS. GASSER: Yes, Your Honor. Brittany Brown.

8 THE CLERK: Come forward, please. Pause at the
9 bench.

10 Lay your left hand on the Bible and hold your right
11 hand up.

12 WHEREUPON,

13 BRITTANY BROWN,

14 after first having been duly sworn, testified as follows:

15 THE CLERK: Thank you.

16 You may be seated.

17 And, please, state your full name for the record.

18 THE WITNESS: Brittany Brown.

19 DIRECT EXAMINATION

20 BY MS. GASSER:

21 Q Good morning, Ms. Brown.

22 Can you tell the jury where you're currently
23 employed?

24 A Greenville County forensics.

25 Q And how long have you been with Greenville County

1 forensics?

2 A Four years.

3 Q And did you work anywhere before that?

4 A No, ma'am.

5 Q Where did you go to -- can you tell us about your
6 educational background?

7 A I got my bachelors degree in -- at Waynesburg
8 University in Pennsylvania. And I got my masters degree
9 in Nebraska -- Nebraska Wesleyan University in Nebraska.

10 Q And tell us a little bit about your job working in
11 forensics. Tell us about your duties and your
12 responsibilities.

13 A I collect and document -- collect and preserve
14 evidence. So I go out to crime scenes and collect the
15 evidence, then package them, and take them to property and
16 evidence.

17 Q And were you working for Greenville County forensics
18 in November of 2020?

19 A Yes.

20 Q And were you working on November 6th, 2020?

21 A Yes.

22 Q And can you tell the jury, how did you become
23 involved in this case?

24 A There was a search warrant for a vehicle. And I
25 completed the search warrant.

1 Q And so when you say you "completed the search
2 warrant," walk us through what you do when you're --

3 A Sure.

4 Q Is that called executing a search warrant?

5 A Well, we take pictures. We collect evidence, process
6 for latent prints, anything that the search warrant allows
7 us to do.

8 Q And did you take photographs in this case?

9 A Yes.

10 Q And if you were to see those photographs again, would
11 you recognize them?

12 A Yes.

13 Q Okay. I'm now handing you what's been pre-marked for
14 identification purposes as State's Exhibit Nos. 20 through
15 30. Can you look through these? And after you're done,
16 let us know whether or not you recognize them.

17 A Yes. I recognize them.

18 Q And how do you recognize them?

19 A I took them.

20 Q And are they a fair and accurate depiction of what
21 you photographed on November 6th, 2020?

22 A Yes.

23 Q Have they been changed or altered in any way?

24 A No.

25 MS. GASSER: Your Honor, at this time, the State

1 moves to enter State's Exhibit Nos. 20 through 30.

2 THE COURT: Any objection?

3 MR. HAMILTON: Without objection.

4 THE COURT: Without objection, so entered.

5 (WHEREUPON, State's Exhibit Nos. 20, 21, 22, 23, 24,
6 25, 26, 27, 28, 29, and 30 were admitted into
7 evidence.)

8 BY MS. GASSER:

9 Q Using the projector, I just want to walk through
10 these with the jury. Looking at State's Exhibit No. 20,
11 can you tell the jury what's depicted therein?

12 A It's a vehicle for the search warrant.

13 Q Okay. And do you know what type of vehicle it is?

14 A Can I look at my notes?

15 Q Yes. Do you have your -- well, do you write a
16 report?

17 A Yes.

18 Q And would looking at your report help refresh your
19 recollection?

20 A Yes.

21 Q So which vehicle is this?

22 A It's a 2002 Acura TL.

23 Q Okay. And going to State's Exhibit No. 21. What's
24 depicted therein?

25 A It's a seal that Crime Scene Technician Libus put on

1 the vehicle for initials and date.

2 Q And has it been broken?

3 A No.

4 Q And what -- if it's not broken, what does that
5 indicate to you?

6 A That since the time that she sealed it on scene to
7 the time that I got it, no one had entered the vehicle.

8 Q And going to State's Exhibit No. 22. What is
9 depicted therein?

10 A That is the rear driver's side door of the vehicle.

11 Q And just to be clear, are we -- where are we located
12 when these photographs are being taken?

13 A The crime scene office's secured vehicle bay.

14 Q So you're not on scene?

15 A No. The vehicle was towed to our bay.

16 Q Going to State's Exhibit No. 23. Can you tell the
17 jury what's depicted therein?

18 A That is a -- a projectile hole with an L-Scale for
19 measurements.

20 Q And can you tell the jury a little bit about what
21 they're seeing? So you said there's a projectile hole.
22 What is around the projectile hole?

23 A Broken glass fragments.

24 Q And what does that broken glass fragments indicate to
25 you?

1 A That the impact was in the glass. And the glass
2 expanded outward when it was broken.

3 Q Let's go to State's Exhibit No. 24. What is depicted
4 therein?

5 A That is the same window, the rear driver's side
6 window.

7 Q And what is the jury looking at in this photograph,
8 specifically?

9 A Just the hole.

10 Q Okay. And to be clear, is that considered a
11 projectile hole or just a hole?

12 A So the damaged glass kind of collapsed in on itself
13 on the interior. But that's -- I can't say that that was
14 a projectile additionally.

15 Q Okay. So let's go to State's Exhibit No. 25. What
16 is depicted therein?

17 A That's the interior side of the rear driver's side
18 door.

19 Q And you just testified that the glass had fallen in?

20 A Yes.

21 Q Is that depicted in this photograph?

22 A Yes. You can see it hanging inside the vehicle.

23 Q Let's go to State's Exhibit No. 26. Is -- what's
24 this showing?

25 A That's, also, the interior side of the broken glass.

1 Q And is this, also, depicting the glass falling in?

2 A Correct.

3 Q State's Exhibit No. 27. What is depicted therein?

4 And if you need me to bring that over to you so you can
5 look at it closer.

6 A Yeah. I believe it was the phone that was underneath
7 the driver's seat.

8 Q And State's Exhibit No. 28 may help out. So what
9 does -- what is this?

10 A That's an evidence placard.

11 Q And what does that indicate?

12 A What number of evidence that -- that specific item is
13 associated with.

14 Q So you just testified that you think this is about a
15 phone. Does this photograph help, State's Exhibit No. 28?

16 A Yes.

17 Q Okay. So --

18 A I believe it was underneath the seat.

19 Q Okay. Is this a fair --

20 A Yes.

21 Q -- description of where that phone was located?

22 A Yeah.

23 Q Okay. Let's go to State's Exhibit No. 29. Can you
24 tell the jury what's depicted in this photograph?

25 A That is a projectile path.

1 Q And what -- you said this was a projectile path. How
2 do you know that it's a projectile path?

3 A Because of the small diameter of the impact.

4 Q Let's go to State's Exhibit 30. Is this -- what is
5 depicted in this photograph?

6 A It's the same photograph -- or it's just zoomed in a
7 little bit.

8 Q And was there any other projectile path indicated --
9 did you indicate any other projectile path on this
10 vehicle?

11 A No.

12 Q Now, after you take these photographs and after you
13 process the vehicle, what do you do with the photographs
14 and with anything that you find of note in the vehicle?

15 A So anything that we take out of the vehicle, we
16 package and collect. It stays in my custody. And then
17 once it's -- if it doesn't need any further processing, we
18 take it to property and evidence where it's stored.

19 Q All right. So that cell phone that you indicated in
20 State's Exhibit No. 28, was that placed into property and
21 evidence?

22 A So that specific piece of evidence was signed over to
23 Investigator Grubbs via a signed P&E -- property and
24 evidence sheet. So I did not, specifically, take that to
25 property and evidence. It was handed to Investigator

1 Grubbs.

2 Q But you did photograph it and notate it?

3 A Yes. I collected it as my evidence. But I gave it
4 to him for transfer of custody.

5 Q Okay. So, Ms. Brown, I just want to ask a couple
6 clarifying questions regarding this projectile path.

7 A Okay.

8 Q Is this -- you said that this was just a close up of
9 what's in State's Exhibit No. 29?

10 A Correct.

11 Q Okay. And just to be clear -- sorry. That's turned.
12 So is this the right side up?

13 A Yes.

14 Q And is that what's, also, depicted in State's Exhibit
15 No. 22?

16 A That's the same window, yes.

17 Q Okay. But there's just a projectile indication on
18 this photograph --

19 A Correct.

20 Q -- versus this one?

21 A Yes.

22 Q Okay. Again, on State's Exhibit No. 24, is that
23 still indicating the same projectile path here?

24 A Yes.

25 Q Which was shown to scale in State's Exhibit No. 23?

1 A Yes.

2 MS. GASSER: All right. I have no further questions.
3 Please answer any that Defense Counsel may have.

4 THE COURT: Mr. Hamilton, cross-examination.

5 CROSS-EXAMINATION

6 BY MR. HAMILTON:

7 Q The only questions that determine the projectile
8 path -- what instrument -- you just look at it and say the
9 projectile path is a certain way?

10 A Yes.

11 Q Just -- just looking at it. If the hole too big, you
12 can't determine it?

13 A I couldn't determine any trajectory.

14 Q Okay.

15 A But we can determine projectile path.

16 MR. HAMILTON: Okay. Thank you.

17 MS. GASSER: No redirect, Your Honor.

18 We do ask that this witness be released from her
19 subpoena.

20 THE COURT: All right. Ma'am, you can step down.

21 I appreciate you coming.

22 She's excused.

23 Any objection, Mr. Hamilton?

24 MR. HAMILTON: No objection.

25 THE COURT: All right.

1 MS. GASSER: May it please the Court, Your Honor.

2 The State has one remaining witness. It may be a
3 little longer than the last few witnesses.

4 THE COURT: Okay.

5 MS. GASSER: So a bathroom break may be necessary.

6 THE COURT: All right. One remaining witness?

7 MS. GASSER: Yes, Your Honor.

8 THE COURT: Ladies and gentlemen -- gentlemen of the
9 jury, we're going to take about a 10 -- 10 or 12, maybe
10 13-minute break. And I'll get you back in here.

11 Please, ma'am, and, please, sir, don't talk about the
12 case with each other. And we'll get you back in.

13 (WHEREUPON, the jury was excused from open court at
14 approximately 11:56 a.m.)

15 THE COURT: Okay. We're going to -- we're going to
16 be down for about -- about 10 or 15 minutes, or so.

17 (WHEREUPON, a break was taken.)

18 THE COURT: Yesterday, I -- before we bring the jury
19 out. Yesterday, I -- I addressed a matter that was
20 brought to my attention. And I addressed it off the
21 record. Because I thought that I could do that and
22 address the parties in the pews.

23 I'm on the record this time. Because it's been
24 brought to my attention that there's still some back and
25 forth between both sides of the family.

1 Now, I understand that this is a very difficult time
2 for both sides. But I can't -- the Court cannot --
3 yesterday, I talked about it. And I thought that I
4 resolved it and everybody was on board with being civil.
5 I'm being told that that's not being -- that's not
6 happening with a few people.

7 Now, I will say this to you, that if it's reported to
8 me again that somebody is saying something they shouldn't
9 be saying or they're engaging in something that they
10 shouldn't be engaging in, then there's consequences for
11 that. So I'm not going to let you do that.

12 So, you know, this is a difficult time for both
13 sides. I know that there's friction. There's tension on
14 both sides. But we cannot have any contact -- any conduct
15 that's not civil in the Court.

16 So I'm putting that on the record this time. I
17 didn't yesterday because I thought I could communicate
18 that to everyone and everyone would abide by it. But I
19 will not tolerate -- the Court -- the Court will not
20 tolerate any conduct when we take breaks between both
21 sides of the family.

22 Do you understand that?

23 Because there will be consequences. And that's why I
24 wanted to put it on the record.

25 Anybody out there got any questions about that?

1 Because now is the time to ask me.

2 (WHEREUPON, there was no response.)

3 THE COURT: Because if it happens again, then I'm
4 going to address it differently. I'm trying to -- I'm
5 trying to get -- I understand there's a lot of a hurt, a
6 lot of pain. I understand that. But you still got to
7 be -- conduct yourselves in a civil manner in the Court.

8 Does everybody understand that?

9 (WHEREUPON, some people in the gallery indicated in
10 the affirmative.)

11 THE COURT: All right. Solicitor, Mr. Hamilton,
12 anything else before we bring the jury back?

13 MR. HAMILTON: Nothing from the Defense.

14 MS. GASSER: Nothing from the State, Your Honor.

15 THE COURT: All right. Let's bring the jury out.

16 (WHEREUPON, the jury came into open court at
17 approximately 12:23 p.m.)

18 THE COURT: All right. We're back on the record.

19 The State's ready to call its next witness?

20 MS. GASSER: Yes, Your Honor.

21 THE COURT: All right.

22 MS. GASSER: The State calls Investigator Robert
23 Grubbs.

24 THE CLERK: Please pause at the bench.

25 Lay your left hand on the Bible and raise your right

1 hand.

2 WHEREUPON,

3 ROBERT GRUBBS,

4 after first having been duly sworn, testified as follows:

5 THE CLERK: Thank you.

6 You may be seated.

7 And, please, state your full name for the record.

8 THE WITNESS: Sure. Robert Grubbs.

9 DIRECT EXAMINATION

10 BY MS. GASSER:

11 Q Investigator Grubbs, good afternoon.

12 Can you tell the jury where you are currently
13 employed?

14 A I'm employed at the Greenville County Sheriff's
15 Office.

16 Q How long have you worked for the sheriff's office?

17 A Just shy of 13 years, 12 completed years and just shy
18 of 13.

19 Q And what is your current position or rank?

20 A I'm a sergeant in the criminal investigations
21 division.

22 Q And was that the same position you had on November
23 6th, 2020?

24 A No. On that date, I was an investigator in the
25 homicide unit.

1 Q And can you tell us what were your duties and
2 responsibilities as a homicide investigator?

3 A As a homicide investigator, it's mainly to
4 investigate the deaths that occur in Greenville County for
5 any criminal acts, whether it be suicide, homicide,
6 overdoses, and such, and, also, attempted murders, and
7 those kind of violent crimes.

8 Q And were you working on November 6th, 2020?

9 A Yes, I was.

10 Q And did you answer a call for service that night in
11 regards to this case?

12 A I did.

13 Q And what was the nature of that call?

14 A I received a call from our uniform patrol sergeants
15 advising me that there was a deceased victim in a car on
16 the west side of Greenville.

17 Q And do you remember what address this call was to?

18 A I believe it was [REDACTED] Old Easley Bridge Road, Old
19 Easley Bridge Road near Stallings Road.

20 Q And was that in Greenville County?

21 A Yes, ma'am, it was.

22 Q And so you just mentioned in your testimony that you
23 got a call from uniform patrol sergeants. Can you just
24 tell us a little bit about how does a homicide
25 investigator, specifically, become involved? What does

1 the process look like?

2 A What happens is our uniform patrol responds to either
3 a 911 call or something they observed. In this case, a
4 911 call about a -- a deceased individual.

5 In this case, our uniform patrol arrived on scene.
6 And then supervisors in uniform patrol arrived on scene.
7 Once the deceased was to be determined dead by EMS, that's
8 when the uniform patrol sergeant makes the call to call
9 the appropriate person in the criminal investigations
10 division.

11 Q So did you, actually, go out to the scene?

12 A Yes, ma'am.

13 Q And you testified earlier that it was at [REDACTED] Old
14 Easley Bridge Road, near the intersection of Old Easley
15 Bridge Road and Stallings Road?

16 A Correct.

17 Q And that was in Greenville County?

18 A Yes, ma'am.

19 Q Okay. And when you arrived on scene, was there
20 anyone else on scene?

21 A Yes. When I arrived on scene, there were multiple
22 fire trucks. I think they were blocking the road for us
23 to help turn traffic around. I believe EMS was still on
24 scene. I know the coroner's office was on scene. And
25 there was several uniform patrol deputies.

1 Q And is that normal to have that many people on scene
2 when you arrive?

3 A Yes, ma'am, it is.

4 Q And can you just talk about how a scene is handled?
5 How is it made safe? How it is locked down? Can you just
6 talk about that process?

7 A It just depends on the scene. It depends on how many
8 deputies respond to the scene. There may be one deputy
9 arriving once. There may be a couple deputies.

10 Just to use this case as an example. In this case, I
11 believe we had one -- one -- I'm sorry -- uniform patrol
12 deputy arrive on scene. They take priority of life into
13 effect first thing. If EMS is not already there, they
14 check on potential victims, see if there is anything they
15 can do to help them before EMS arrives. They'll determine
16 if the scene is clear for EMS, safe for EMS to enter.

17 And as other deputies start arriving, the other
18 deputies will start securing the scene, start putting up
19 crime scene tape, start identifying witnesses and anybody
20 on scene, taking down units that were on scene from the
21 fire department, that kind of thing.

22 Q And when you arrived, had this scene been secured
23 with crime scene tape?

24 A Yes, ma'am, it was.

25 Q Okay. And were you the lead investigating officer

1 for this incident?

2 A I was.

3 Q So talk us through, you've now arrived on scene.

4 What did you do?

5 A I arrived on scene. I briefly spoke to some of the
6 CI -- or some of the uniform patrol supervisors there. I
7 figured out what I had going on as far as witnesses that
8 were currently there.

9 And I wanted to step in and observe what the scene
10 was like. I did that with Deputy Coroner Gilstrap
11 briefly. I just observed the victim and his positioning
12 for -- for future interviews.

13 Q So -- so you did observe the scene is what you just
14 testified to?

15 A Correct.

16 Q So where was the victim located?

17 A He was in a silver Acura sedan. It was in a lane of
18 traffic -- a lane of travel on old Easley Bridge Road. He
19 was in the -- he was the -- in the driver's seat. He was
20 slumped over to his right.

21 I, also, observed a glass that -- back glass on the
22 driver's side that appeared to be shattered out. And I
23 observed blood and disfigurement to the back of the
24 victim's head.

25 Q And was there any non-law enforcement, non-EMS -- you

1 said you talked to witnesses or you figured out what
2 witnesses --

3 A Correct, correct.

4 Q Were there any witnesses on scene?

5 A Yes. Patience Parks was on scene. Tammy Parks was
6 on scene. I believe her name was Yolanda Hunter was on
7 scene as well.

8 Q And did you speak with Patience Parks on scene?

9 A I, initially, just asked her if she would like to
10 conduct an interview with me. But that's the extent on
11 scene that I spoke with her.

12 Q Did she agree to have an interview with you?

13 A She did.

14 Q Okay. And where was this interview -- did this
15 interview take place?

16 A It took place at the law enforcement center in our
17 CID interview room.

18 Q And is it normal to take a witness back to the law
19 enforcement center?

20 A Yes, ma'am. At least, for these types of
21 investigations it is.

22 Q Why?

23 A It's a controlled environment. It's safe. It's well
24 lighted. And it's, basically -- it's -- there's no one
25 there to see us interview the person as far as people on

1 scene, crowds, or anything like that.

2 Q And you said that Tammy Parks was on scene. Is that
3 what you just testified to?

4 A Yes, ma'am.

5 Q And who is Tammy Parks?

6 A Tammy Parks is Desmond Parks' mom.

7 Q And did you speak with her on scene?

8 A I did not.

9 Q Did anyone speak with her?

10 A Deputy Heather Hendrickson was cross training in CID
11 with us at the time. She came out with us -- with me. I
12 instructed her to speak with Tammy Parks.

13 Q And you, also, said that a Yolanda Hunter was on
14 scene. Did you speak with her?

15 A I did not.

16 Q Okay. Who -- did anyone speak with her?

17 A I believe it was, once again, Deputy Hendrickson.

18 Q And is it normal for you to request another deputy to
19 speak with witnesses?

20 A It is.

21 Q Okay. Why?

22 A It just helps expedite in speaking with witnesses.

23 It helps us get the information we need. We've got
24 several people on scene. It's just best to utilize those.
25 The witnesses are -- are saying -- and we know they have

1 things to do. And, you know, certainly, it -- it's good
2 to interview certain witnesses on scene.

3 Q So earlier you testified that the victim, Desmond
4 Parks, was in the driver's seat; correct?

5 A Correct.

6 Q Okay. And that he was slumped over?

7 A Correct.

8 Q Can you tell us a little bit -- did you know anything
9 else about his condition?

10 A I know that he was -- before I arrived, he was
11 pronounced deceased by Greenville County EMS.

12 Q And was the Defendant on scene?

13 A No. No, she wasn't.

14 Q Do you know where she was?

15 A Upon my -- before I arrived, I heard radio traffic.
16 I was monitoring a couple different channels on my way
17 into the scene. And I heard that she had turned herself
18 in to the law enforcement center.

19 Q And through the course -- you had earlier testified
20 that Patience Parks did come and give you an interview at
21 the law enforcement center; is that correct?

22 A That's correct.

23 Q Okay. And through the course of your investigation
24 in this case, what did you find out? And, of course, not
25 saying anything that someone said. But --

1 A Correct.

2 Q -- what did you determine?

3 A Excuse me. I determined that Patience had met some
4 of her friends, I guess, you'd say early evening on
5 November 5th, I think, just before 7:30. They went to
6 a -- a club in Greenville. While they were there, Desmond
7 Parks showed up to the club. They did not arrive
8 together. And everybody left. But they did not leave
9 together as well.

10 I learned later on that -- I think it was just past
11 11:00 p.m. that Desmond called Patience and asked her to
12 come to his mother's house. Patience did that. She went
13 to Desmond's mother's house, Tammy Parks's house, where
14 after, I believe, a short period of time, they went to the
15 Waffle House on White Horse Road. They did not eat there.
16 They brought their food back to the house. They ate the
17 food.

18 Once again, I'm not real strong on times, but, you
19 know, some time went by. Desmond wanted to go to the
20 Spinx that was nearby at -- I believe it was Welcome
21 Avenue Extension and White Horse Road.

22 I learned that they drove there in Desmond's silver
23 Acura. Desmond was the driver and Patience was the
24 passenger. They arrived there. They were there very
25 briefly when Desmond noticed that the Defendant's car had

1 arrived very shortly after they arrived.

2 They never got out and went inside. "They" as in
3 Desmond and Patience. They got -- just left the parking
4 lot. As they were leaving the parking lot, the car drove
5 by Jasmine -- the Defendant followed them out of the
6 parking lot. And I believe it was on Welcome Avenue
7 Extension and continued to follow them on to Old Easley
8 Bridge Road.

9 Q And just to be clear, do you know the type of vehicle
10 that the Defendant, Jasmine Robinson, was driving?

11 A It was a Nissan.

12 Q Okay. And through the course of your investigation,
13 did you determine the relationship between these parties?

14 A Yes. My investigation revealed that Desmond is the
15 current girlfriend [sic] of Patience and the Defendant was
16 the ex-girlfriend of Desmond.

17 Q Now, you said that the -- that you went out to the
18 scene at [REDACTED] Old Easley Bridge Road. And what was
19 located -- what was located there? You said the victim
20 was in his vehicle. What vehicle was that?

21 A The victim was in a silver Acura sedan.

22 Q And was -- the Defendant's vehicle, the Nissan that
23 you described earlier, was it on scene?

24 A No, it was not.

25 Q And earlier you said when you arrived on scene you

1 observed broken glass. Can you tell the jury a little bit
2 about what you learned through the course of your
3 investigation regarding that broken glass?

4 A Yes. During the course of the investigation, I
5 learned that on Old Easley Bridge Road near that
6 intersection of Stallings Road, Desmond was driving the
7 car. He had slowed down.

8 I learned that he had placed a call to the Defendant
9 telling her not to follow them and go to his mother's
10 house. Desmond slowed his vehicle down. And then at some
11 point, I learned that the Defendant stepped out of her
12 vehicle, fired one shot -- one projectile round into the
13 car, which struck the glass of the back driver's side
14 door, which, ultimately, penetrated Desmond Parks' head
15 rendering him deceased.

16 Shortly thereafter, I learned that the Defendant
17 opened the front passenger -- the front driver door of the
18 silver Acura and attempted to fire her weapon at Patience
19 Parks.

20 Q Did that weapon go off? Did you learn about whether
21 or not that weapon went off?

22 A It did not go off a second time.

23 Q So let's -- let's walk through a little bit of this
24 together starting with locations that you have mentioned.
25 So you stated that Patience Parks went to see Desmond

1 Parks at his mother Tammy Parks's home. What was her
2 address the night of November 6th, 2020?

3 A I believe it's [REDACTED] Teriland -- or Terilyn Court in
4 Greenville.

5 Q And how do you know that that was her address?

6 A From where Deputy Hendrickson spoke with her. And
7 that's her address on her DMV printout.

8 Q And you, also, stated that Desmond Parks and Patience
9 Parks went to a Spinx gas station. I think you described
10 it as being at the intersection of White Horse Road and
11 Welcome Avenue Extension; is that right?

12 A Correct.

13 Q Okay. Do you know the exact address of that Spinx
14 gas station?

15 A 3815 White Horse Road.

16 Q How do you know it was that Spinx?

17 A Just by the course of my investigation, following up
18 and seeing both vehicles on the -- on the video that was
19 pulled from that Spinx during the timeframe.

20 Q So earlier you, also, testified that the Defendant
21 was the shooter of the firearm projectile that killed
22 Desmond Parks. What was the Defendant's address on
23 November 6th, 2020?

24 A It was [REDACTED] Best Drive in Greenville, Apartment, I
25 believe, [REDACTED].

1 Q And how did you know that?

2 A She had filled out a waiver of rights when she spoke
3 with Investigator McHale. And the car, also, comes back
4 to her at that address.

5 Q And you, also, testified that Desmond Parks' body was
6 located in his vehicle in the roadway at [REDACTED] Old Easley
7 Bridge Road; is that right?

8 A That's correct.

9 Q Okay. Were all of these locations in Greenville
10 County?

11 A Yes, they were.

12 Q And would you recognize a map of the area if you were
13 to see it?

14 A I would.

15 Q I am now handing you what's been premarked for
16 identification purposes as State's Exhibit No. 59. What I
17 want you to do is review this document. And let us know
18 if you recognize it.

19 A Yes, I do.

20 Q And how do you recognize it?

21 A It's got all the important addresses related to this
22 case on it.

23 Q And so it doesn't -- does it include the specific
24 addresses?

25 A It does.

1 Q And does it fairly and accurately depict where those
2 addresses are located in Greenville County?

3 A It does.

4 MS. GASSER: Your Honor, at this time, the State
5 moves to enter State's Exhibit No. 59 into evidence.

6 THE COURT: Any objection?

7 MR. HAMILTON: State's Exhibit No. 59, I -- could I
8 see that?

9 MS. SCOTT: You have it. It's right there.

10 MR. HAMILTON: Oh, okay. State's Exhibit No. 59,
11 without objection.

12 THE COURT: Without objection.

13 (WHEREUPON, State's Exhibit No. 59 was admitted into
14 evidence.)

15 BY MS. GASSER:

16 Q All right. So, Investigator Grubbs, can you walk
17 through State's Exhibit No. 59 with the jury?

18 A Yes.

19 Q All right. Earlier, you testified that Tammy Parks'
20 address was at [REDACTED] Terilyn Court; is that correct?

21 A That's correct.

22 Q Okay. And is that indicated on this map?

23 A Yes, it is.

24 Q Next, you indicated that Desmond Parks and Patience
25 Parks went to a Spinx gas station located at 3815 White

1 Horse Road; is that correct?

2 A That's correct.

3 Q Okay. Now, you made mention of Welcome Avenue
4 Extension. Where is that?

5 A That is the road between -- that connects -- I can
6 just point to it.

7 Q If you would, would you stand up and point to it on
8 that TV screen for the jury?

9 A (Witness complied.)

10 MS. GASSER: And let the record reflect that
11 Investigator Grubbs has indicated Welcome Avenue Extension
12 on State's Exhibit No. 59 for the record.

13 BY MS. GASSER:

14 Q Investigator Grubbs, you, also, previously testified
15 as to the Defendant's address at [REDACTED] Best Drive, Unit [REDACTED]
16 is that correct?

17 A That's correct.

18 Q Is that indicated on this map?

19 A It is.

20 Q And you then indicated that the scene where the
21 deceased's body was located in a vehicle was found at [REDACTED]
22 Old Easley Bridge Road; is that correct?

23 A That's correct.

24 Q And is that location indicated on this map?

25 A It is.

1 Q So earlier you testified that the Defendant came to
2 the LEC. Were you notified that she came to the LEC?

3 A I was.

4 Q Okay. And were you told any other information?

5 A I was told she was just at the LEC.

6 Q And when she turned herself in, did she have anything
7 with her?

8 A She had a -- had a weapon with her.

9 Q And did you see that weapon?

10 A I did.

11 Q Okay. And what did you do with it?

12 A I -- I made sure the weapon was safe. And I --
13 that's, basically, what I did. It was turned over by
14 Investigator McHale to forensics.

15 Q And was -- the weapon that you made safe and saw the
16 Defendant possessing, was that what's been previously
17 entered into evidence as State's Exhibit No. 57?

18 A Yes.

19 Q So this was the gun that the Defendant turned herself
20 in while she was possessing?

21 A Yes.

22 Q As lead investigator, did you obtain surveillance
23 footage from the Spinx gas station?

24 A I did.

25 Q And did -- how did you obtain that footage?

1 A Investigator Sparkman sent a request to Spinx for the
2 date and time of the video that was needed for this case.
3 And I believe several days later, I picked that video up
4 from Spinx headquarters on Washington Avenue.

5 Q And did you review that footage?

6 A I did.

7 Q And were you present in the courtroom during
8 publication of State's Exhibit No. 3?

9 A I was.

10 MS. GASSER: Let me go ahead and switch.

11 I beg the Court's indulgence.

12 Can we switch over to the computer?

13 (WHEREUPON, State's Exhibit No. 3 was played in open
14 court.)

15 BY MS. GASSER:

16 Q So, Investigator Grubbs, can you walk the jury
17 through what they are seeing in State's Exhibit No. 3?
18 And you can stand up and point, if necessary.

19 A Sure. I hope you can hear me.

20 That's the Acura driven by Desmond Parks and -- with
21 Patience Parks inside. It's just coming in. It's coming
22 in. And that's the Nissan driven by Jasmine Robinson.

23 You can see the Acura driven by Desmond Parks. It
24 comes and it stays -- can you hear me? -- it stays at the
25 pump for a brief second. You can see the Nissan driven by

1 the Defendant pull in.

2 They immediately pull out and leave. The Altima
3 follows very closely behind. They both pull out the same
4 way they came in. The Nissan it looks like -- it appears
5 to get up beside the Acura.

6 Q And was this footage from the Spinx at 3815 White
7 Horse Road?

8 A Yes, ma'am.

9 Q And was this the location that you previously
10 attested to in State's Exhibit No. 59?

11 A Yes, ma'am.

12 Q Okay. And as lead investigator, did you review any
13 doorbell footage in this case?

14 A I did.

15 Q And were you in the courtroom for the publication of
16 State's Exhibit No. 4?

17 A Yes.

18 Q And what address was that doorbell camera footage
19 obtained from?

20 A [REDACTED] Old Easley Bridge Road.

21 Q And was that the address that you previously
22 testified that the victim's vehicle with his dead body was
23 located at?

24 A Yes.

25 Q Well, in front of in the roadway?

1 A Yes.

2 Q And does that correspond with the location on State's
3 Exhibit No. 59?

4 A Yes.

5 Q Now, we heard testimony from Investigator Jarrad
6 Sparkman about a phone located in the Acura. Did you do
7 anything with this phone?

8 A Once it was located in the car and once Forensic Tech
9 Brown was finished with the victim's silver vehicle, I
10 collected that phone. And I placed it in property and
11 evidence.

12 Q And just to be clear, that phone was located in the
13 Acura?

14 A Yes.

15 Q And whose -- who was driving that Acura?

16 A Desmond Parks.

17 Q State's Exhibit No. 28 --

18 MS. GASSER: Can we switch to the -- I beg the
19 Court's indulgence. Can we switch over to the overhead
20 projector?

21 BY MS. GASSER:

22 Q Is this that phone that you were just describing?

23 A It is.

24 Q The phone that was located inside the deceased
25 victim's vehicle?

1 A Yes.

2 Q Okay. And do you know where that phone was located?

3 A I believe it was between a seat and a console area
4 type -- right -- in that type of area of the car.

5 Q And do you know the phone number that was associated
6 with that phone?

7 A I do. It is [REDACTED]-8928.

8 Q Do you want to refer to your report regarding that
9 phone number? Is -- is the phone number listed in your
10 report?

11 A I believe it's listed in my report. I don't
12 currently have that one with me, though.

13 Q Well, going forward, what -- how did you determine
14 that the phone number was to that phone? How did you
15 determine the phone number?

16 A We attempted to -- we -- I -- I obtained a search
17 warrant on it to get all relevant data off of it to get it
18 extracted. It did -- we weren't able to get into it. It
19 was pin protected. We didn't have enough technology at
20 the time to get into it. But the SIM card did contain the
21 phone number. And it was downloaded off the SIM card, the
22 phone number was.

23 Q And do you remember whose phone number it was?

24 A It belonged to Desmond Parks.

25 Q And how did you determine that it belonged to Desmond

1 Parks?

2 A I -- for that -- for the phone number in question, I
3 subpoenaed the phone carrier. And it came back to him.

4 Q And in reference to the phone number, specifically,
5 was that written in your report?

6 A It was.

7 Q And would seeing that report help refresh your
8 recollection regarding the number?

9 A Oh, yeah.

10 Q Okay. I'm now handing up to you to refresh your
11 recollection a page in your report.

12 A Sure.

13 Q And after reviewing that, can you tell us what the
14 phone number associated with this phone, which you have
15 identified as Desmond Parks' phone, is?

16 A It's [REDACTED]-6632.

17 Q Is that the Defendant's phone number that's been
18 previously testified to by Investigator Perry?

19 A Yes -- I'm sorry. I'm getting -- I'm just seeing one
20 phone number. Yeah. I'm sorry. Here it is. The SIM
21 card on this phone indicated the phone number is

22 [REDACTED]-8982. Sorry.

23 Q Okay. So earlier when you testified, you just
24 switched a couple numbers around?

25 A Correct.

1 Q Okay. So the phone number associated with this
2 phone, which has been identified as Desmond Parks phone,
3 you have testified it is [REDACTED]-8982?

4 A That is correct.

5 Q Okay. And then you just read out another phone
6 number, [REDACTED]-6632?

7 A Correct.

8 Q Is that -- and you have identified that as the
9 Defendant's phone number?

10 A That is correct.

11 Q Okay. Just to be clear.

12 A Yeah.

13 Q So how do you know that it was the Defendant's phone
14 number?

15 A My first indication was when Investigator McHale
16 interviewed her, she provided her with a waiver of rights.
17 And that's the phone number that the Defendant placed on
18 her waiver of rights.

19 Q All right. And now, were you present in the
20 courtroom when Investigator Jim Perry discussed State's
21 Exhibit Nos. 58 and 60?

22 A I was.

23 Q And do you recognize these documents?

24 A Yes, I do.

25 Q Okay. And have you reviewed these documents in your

1 investigation?

2 A I have.

3 Q All right. So let's talk about this.

4 A Sure.

5 Q Let's walk through this log. Can you tell us on this
6 first line, what day was this phone call made?

7 A The first line, it was November 5th.

8 Q And is that in 2020?

9 A It is.

10 Q And who made the phone call?

11 A The person that made it was the Defendant.

12 Q Okay. And how do you know it was the Defendant that
13 made that phone call?

14 A Just -- just how it plotted [phonetic] in there.
15 It's -- it's from that phone number that's indicated that
16 it belongs to the Defendant.

17 Q The phone number that she herself indicated as her
18 phone number?

19 A Correct.

20 Q Okay. And so going through this phone log, are these
21 all phone calls between the deceased and the Defendant?

22 A Yes.

23 Q Now, Investigator Grubbs, after your investigation
24 concluded, what did you determine in this case?

25 A I determined that Desmond Parks had a projectile

1 wound in his head that came from the weapon fired by the
2 Defendant. Desmond Parks while sitting in his vehicle --
3 I observed the vehicle being in drive with his foot on the
4 vehicle [sic].

5 I, also, determined that the Defendant and Desmond
6 Parks were in a prior relationship. And Patience Parks
7 was in a current relationship with him.

8 Q And just to be clear, you said his foot was on the
9 vehicle. Where was his foot located in the vehicle?

10 A I'm sorry. It was on the brake.

11 Q And you said that the car was in drive?

12 A Yes, it was.

13 Q And at the conclusion of your investigation, did you
14 seek any warrants?

15 A I did. I sought a warrant for murder in the death of
16 Desmond Parks, possession of a weapon during a violent
17 crime, and, also, attempted murder, the victim being
18 Patience Parks. Those were all signed on -- on the
19 Defendant.

20 MS. GASSER: I have no further questions. Please
21 answer any that Defense Counsel may have.

22 THE WITNESS: Yes, ma'am.

23 THE COURT: Cross-examination, Mr. Hamilton.

24 MR. HAMILTON: May it please the Court.

25 THE COURT: Okay.

CROSS-EXAMINATION

BY MR. HAMILTON:

Q Mr. Gibbs -- Grubbs.

A Yes, sir.

Q Right. So you've been doing this for a while?

A Yes, sir.

Q And one of the first things -- and then you write up a report. Your report shows November the 12th.

A Correct.

Q And this happened November the 6th?

A Correct.

Q Okay. But your -- you remember on November the 12th more than you remember today -- I mean, you know, you look -- what you write down in your report is more accurate?

A It's -- it's fairly accurate. I use notes.

Q Yeah. You use notes, and stuff like that. Yeah. And then your interview with Patience is recorded?

A That's correct.

Q Right. And so I want to get to one point --

A Sure.

Q -- right quick. And then I'll go through -- stumble through.

A Okay.

Q And your report says, I asked Patience what kind of

1 gun the suspect pointed at her?

2 And she said, It's --

3 MS. GASSER: Objection, Your Honor --

4 BY MR. HAMILTON:

5 Q -- the same gun --

6 MS. GASSER: Objection, Your Honor.

7 THE COURT: What's your objection?

8 MS. GASSER: Hearsay. That witness has already been
9 on the stand and has been subject to cross-examination.

10 THE COURT: I'm going to sustain that objection,
11 Mr. Hamilton.

12 BY MR. HAMILTON:

13 Q So in your investigation, did you determine what kind
14 of gun was used?

15 A Yes.

16 Q That's in your report?

17 A Yes.

18 Q And the type of gun that was used, was it the same
19 gun -- same kind of gun that Patience had?

20 A Patience indicated that when she saw it, it appeared
21 to be the same one that she had herself.

22 Q Thank you, sir.

23 A Yes, sir.

24 Q Now, you charged her with murder, attempted murder,
25 having a weapon in possession based on the evidence --

1 A That's correct. Yes, sir.

2 Q -- that you gathered?

3 And then in that evidence, did you find that she
4 calculated how she was going to do this?

5 MS. GASSER: Objection, Your Honor. Lack of personal
6 knowledge.

7 THE COURT: All right. I'm going to sustain the
8 objection, Mr. Hamilton.

9 MR. HAMILTON: I don't understand what I said wrong.
10 I -- she -- the -- the matter --

11 THE COURT: I --

12 MR. HAMILTON: I'm sorry, Judge.

13 THE COURT: It's over, Mr. Hamilton. I sustained the
14 objection.

15 MR. HAMILTON: I got --

16 THE COURT: Move on.

17 MR. HAMILTON: Yes, sir.

18 BY MR. HAMILTON:

19 Q The charge of murder is with malice and
20 aforethought --

21 MS. GASSER: Objection, Your Honor.

22 MR. HAMILTON: That's not --

23 THE COURT: What's your objection?

24 MS. GASSER: This is asking about legal elements at
25 this point. I believe it's inappropriate for this witness

1 to testify --

2 THE COURT: I'm going to -- I'm going to overrule the
3 objection. I'm going to allow the question.

4 Go ahead, Mr. Hamilton.

5 BY MR. HAMILTON:

6 Q You charged her with murder. You just don't charge
7 people with murder if they -- anyway, you charged her with
8 a murder because you had the evidence?

9 A Yes, sir.

10 Q Thank you.

11 Okay. Now, let's go through State's Exhibit No. 59.

12 A Yes, sir.

13 Q And it's just a map of where everybody was at. On --
14 on this State's Exhibit No. 59, it's got 38 -- 3815 White
15 Horse Road.

16 A Do you mind if I can see it when you're talking about
17 it?

18 Q Oh, yes. That's right.

19 Okay. So State's Exhibit No. 59, 3815 White Horse
20 Road indicates the Spinx station?

21 A Yes, sir.

22 Q Okay. And then [REDACTED] Best Drive indicates the residence
23 of Desmond and Jasmine?

24 A That's the residence I had for the Defendant.

25 Q Well, that's the question. The question is, what was

1 Jasmine's -- Jasmine's residence number?

2 A I believe it was [REDACTED] Best Drive. I can refer to my
3 report what I have it down as -- apartment [REDACTED].

4 Q Okay. And then what was Desmond's address?

5 A I don't know at the time.

6 Q You never -- you never found out Desmond's address?

7 A I believe he was living with his mother.

8 Q Okay. And [REDACTED] Old Easley Bridge Road?

9 A Yes, sir.

10 Q Is where the incident took place?

11 A Yes, sir.

12 Q And then thereafter is the mother's road?

13 A Yes, sir. [REDACTED] Terilyn Court, yes, sir.

14 Q All right. So let's go back to -- in your
15 investigation, does it -- do you review all the pictures
16 and --

17 A I do.

18 Q -- evidence?

19 And all of it's not introduced into evidence?

20 A No, sir.

21 Q In your investigation, did you see anything that
22 indicated Desmond's address?

23 A I believe I produced his -- may have produced his DMV
24 photo. But I don't have that right off hand, his DMV
25 info.

1 Q Did you -- they took -- the forensics took pictures
2 of -- of things. You didn't look at every picture --

3 A I can give you what I have for the address for the
4 report, if you'd like that.

5 Q If -- I'm talking about what was found in the
6 evidence in the investigation of the car. Whose car is --
7 he was driving -- who did it register to?

8 A It's -- it's registered to the Defendant.

9 Q To the Defendant?

10 A Correct. Yes, sir.

11 Q Okay. And in that car -- the evidence -- how many
12 people came here saying they took pictures, and stuff?

13 A Correct.

14 Q Do you look at every picture?

15 A I do look at every picture.

16 Q Okay. And you're saying that you never seen nothing
17 showing -- you didn't see nothing showing that he lived at
18 his momma's house. You guessed that a minute ago.

19 A I don't -- I don't remember every picture I see --

20 Q I know --

21 A -- so, yeah.

22 Q But you hadn't seen anything to show --

23 A Not that I --

24 Q -- why you assume he --

25 A Not that I--

1 Q -- lived with his momma?

2 I'm sorry. I cut you off.

3 A What's that?

4 Q Why do you assume that he lived with his momma?

5 A Through the investigation of --

6 Q That's right. Right. So what did you see that
7 showed him -- he lived with his mother?

8 A Just the reviewing of the case and speaking with
9 everyone who spoke with individuals on scene of the --
10 Deputy Hendrickson speaking with Ms. Parks.

11 Q What about Officer -- Deputy Carpenter?

12 A Correct.

13 Q She was the first one there?

14 A Correct.

15 Q And then she couldn't tell us when she was testifying
16 about what she did. She told us a little bit because --

17 A Yes, sir.

18 Q But it was -- her job was to find out everything;
19 right?

20 A Correct.

21 Q And then one of the things she found out was the
22 address of people?

23 A Okay. Yes, sir.

24 Q All right. And you didn't see her report?

25 A I did.

1 Q And in that report --

2 MS. GASSER: Objection, Your Honor. Hearsay. He's
3 asking about a specific -- a specific report that was not
4 written by this witness. That other witness has already
5 been subjected to cross-examination.

6 THE COURT: All right. I'm going to sustain the
7 objection.

8 Mr. Hamilton, you can rephrase your question. And
9 then you can move on.

10 BY MR. HAMILTON:

11 Q In your review -- and you say you looked at
12 everything. You read everything. That's your job. You
13 got to --

14 A Correct. Yes, sir.

15 Q -- because you didn't write this thing until November
16 the 12th --

17 A Correct.

18 Q -- six days later. And you did a good job. But you
19 can't remember seeing or being told at the scene -- do you
20 remember being told at the scene?

21 A No, not at the scene. I don't remember that. I
22 don't recall that --

23 Q Right, right. But if we seen that, then you'd say,
24 oh, yeah, maybe?

25 A Correct.

1 Q Yeah. Okay. So you just don't remember?

2 A Correct.

3 Q Okay. So now, we got everybody that lives there. So
4 he -- he lives there. She lives all in this area. So
5 nobody's really out of place of being in the -- having a
6 reason to be there, other than the victim of the attempted
7 murder, Patience. She don't live in that area?

8 A Correct.

9 Q We suspect Desmond lived in that area. But we know
10 that the Defendant lives in the area. We know that the
11 momma lives in the area. But do you know where Patience
12 lives? Where does she live at that time?

13 A I believe she lived somewhere -- I'm not sure. I
14 believe it was in the Mauldin area.

15 Q In the Mauldin area. Good. Okay. So -- so
16 everybody was in the area, except -- and they have a good
17 reason to be there; right?

18 A (There was no response.)

19 Q I mean, they -- they live in the area?

20 A Who are you referring to?

21 Q Everybody that was involved in this case.

22 A Okay. Yes, sir.

23 Q All right. Let me ask you another question in
24 regards to your investigation of the Spinx --

25 A Yes, sir.

1 Q -- situation.

2 A Yes, sir.

3 Q And you was in the Court?

4 A Yes, sir.

5 Q I mean, you've been here all the time?

6 A Yes, sir.

7 Q You know, and the Spinx tape is edited --

8 MS. GASSER: Objection, Your Honor. I believe this
9 is referring back to previous objections that were held
10 outside the presence of the jury on another witness.

11 THE COURT: Ladies and gentlemen of the jury, I'm
12 going to send you to your jury room just for five minutes,
13 or so. I'll bring you right back in.

14 Please, ma'am, please, sir, do not talk about the
15 case to each other at all.

16 Madam Forelady, you're in charge.

17 (WHEREUPON, the jury was excused from open court at
18 approximately 1:04 p.m.)

19 THE COURT: All right. Go ahead.

20 MS. GASSER: Yes, Your Honor. I believe he was just
21 asking about the editing of the Spinx camera footage,
22 which, again, was a matter that we had the Spinx custodian
23 here for. And he was subject to cross-examination if he
24 wanted to ask about the editing of the videos.

25 This is not the proper witness to be asking these

1 questions for lack of personal knowledge, Your Honor.

2 MR. HAMILTON: I -- he don't have knowledge of -- he
3 say he was sitting here. Judge, the witness testified
4 that the thing was edited. It wasn't a full copy.

5 THE COURT: Well -- well, the Spinx witness -- the
6 witness for Spinx was here on the first day. Why didn't
7 you address that at that time?

8 MR. HAMILTON: I did. He -- he -- the Spinx witness
9 said, yes, this is an edited production of it. It don't
10 have the time stamp. The whole question was --

11 THE COURT: So what are you trying to get from this
12 witness?

13 MR. HAMILTON: When he was saying that -- I was
14 saying that -- that he was pointing to all that. Does it
15 show a time stamp on it? He seen the first one. And then
16 that one didn't have a time stamp on it.

17 THE COURT: But the Spinx witness -- the witness from
18 Spinx testified, Mr. Hamilton. At the time, I think there
19 was some questions regarding the time stamp made to that
20 witness by you, as well as the State.

21 So I'm just -- I'm just trying to see where --

22 MR. HAMILTON: I know. I know.

23 THE COURT: -- if we're being duplicative here. And
24 if we are, for what purpose?

25 MR. HAMILTON: I just want to know in his

1 investigation, did he see a time stamp on the Spinx -- on
2 the same thing, did he see the time stamp on it that's not
3 in evidence?

4 THE COURT: So you're asking him the same questions
5 you asked the Spinx witness?

6 MR. HAMILTON: Yeah.

7 THE COURT: Why would you do that?

8 MR. HAMILTON: To show that it's not there. Because
9 it's important. It's important, that time. That time is
10 important.

11 THE COURT: All right. I understand that.

12 MR. HAMILTON: And that -- and it goes -- that this
13 whole -- everything has been manipulated and cut and put
14 in different fashions, you know. It don't show the whole
15 thing, you know. They cut it here. They cut it there.

16 THE COURT: Okay. But I -- Mr. Hamilton, what I'm
17 trying to ascertain is we had a witness from the Spinx
18 station here. There was a video. I think it was shown at
19 that time. And you had the opportunity to cross-examine
20 him, which you did --

21 MR. HAMILTON: Yes, sir.

22 THE COURT: -- about the Spinx station. You asked
23 those specific questions.

24 MR. HAMILTON: And he answered.

25 THE COURT: And he answered them. That's -- that's

1 the witness that, actually, had personal knowledge of the
2 video. And he -- he responded to your questions.

3 MR. HAMILTON: He did.

4 THE COURT: So I'm trying to figure out, what's --
5 what's the purpose now of asking this witness questions
6 that you already asked the Spinx witness, which was, you
7 know, the witness --

8 MR. HAMILTON: Yes, Your Honor. And I just
9 haven't -- did he ever see the same tape with a time stamp
10 on it? That's all. "Yes" or "no." Did he ever see it?
11 Did it have a time on it? The one we're showing that's in
12 evidence do not.

13 Did you ever see one that did have one? "Yes" or
14 "no."

15 THE COURT: I'm going to let you proffer that
16 question to him. Ask him.

17 CROSS-EXAMINATION

18 BY MR. HAMILTON:

19 Q Did -- did you see the -- when you got -- you're the
20 one -- did you call for that to be collected, the Spinx --

21 A The Spinx video?

22 Q Yeah.

23 A Yes, I did.

24 Q You called for that --

25 A Uh-huh.

1 Q And you looked at it?

2 A Correct.

3 Q And it had a time stamp on it, didn't it?

4 A Yes, sir.

5 MR. HAMILTON: Thank you.

6 That's all I want.

7 THE COURT: Do you want to --

8 MS. GASSER: Yes, Your Honor. Those were different
9 than the questions that I believe he was going down --

10 THE COURT: Yes. I --

11 MS. GASSER: -- talking about editing.

12 THE COURT: All right. Well, I'm going to -- I'm
13 going to allow him to ask that question.

14 MS. GASSER: Yes, Your Honor. And we would just ask
15 for -- if he's going to continue talking about evidence
16 that is not -- or objects that it is not in evidence
17 that -- I'm going to have to continue objecting because
18 he's discussing --

19 THE COURT: Well, that's -- that's your job.

20 MS. GASSER: Yes.

21 THE COURT: I understand. I don't know what he's
22 going to do.

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: You know, we can't -- we can't object to
25 something -- something that he -- what he's going to do

1 until he does it --

2 MS. GASSER: Yes, Your Honor.

3 THE COURT: -- until he asks the question.

4 MS. GASSER: Yes, Your Honor.

5 THE COURT: And we don't make objections based upon
6 what we think may be asked. We make objections on what's
7 asked.

8 MS. GASSER: Yes, Your Honor.

9 THE COURT: All right. We don't operate that way.

10 MS. GASSER: Yes, Your Honor.

11 THE COURT: All right. I'm going to allow Mr. --
12 we're out of proffer. I'm going to allow Mr. Hamilton to
13 ask that question.

14 MR. HAMILTON: I've got to remember what it was.

15 THE COURT: Do you want time to think about what your
16 question was?

17 MR. HAMILTON: Let me think. It was -- you seen --

18 THE COURT: Go ahead. Go ahead and ask the question.
19 And then we'll bring the jury in.

20 BY MR. HAMILTON:

21 Q You seen -- you -- you caused for a tape to be
22 recorded. You gathered that information. And you
23 reviewed it. And then what you reviewed had a time stamp
24 on it?

25 A Yes, sir.

1 THE COURT: All right. That's the question you're
2 going to ask.

3 All right. Bring the jury back.

4 (WHEREUPON, the jury came into open court at
5 approximately 1:10 p.m.)

6 THE COURT: All right. We're back on the record.
7 Mr. Hamilton.

8 MR. HAMILTON: Thank you, Your Honor.

9 CONTINUED CROSS EXAMINATION

10 BY MR. HAMILTON:

11 Q Deputy Grubbs, in your gathering of evidence in this
12 case, did you get a copy of the Spinx video?

13 A Yes, sir. I requested a copy of the video from
14 Spinx.

15 Q And in that copy, did -- did you see a time stamp
16 showing -- you know, you -- it was showing -- it would
17 show you the time?

18 A Yes, sir.

19 Q The time stamp. All right. And then -- but there
20 was no stamp in this one we saw?

21 A That is correct.

22 Q All right. Part of your gathering of evidence --
23 well, the people before you had the responsibility to
24 report to you what they had found?

25 A Yes, sir.

1 Q All right. And did -- did you -- were you satisfied
2 that they properly cleared the scene or -- and maintained
3 the integrity of the scene?

4 A Yes, I was.

5 Q Okay. And how do you check -- do you ever walk up to
6 a scene and say, hey, y'all need to do this and y'all need
7 to do that? Did -- this was a proper thing this time?

8 A I have the capability to review body-cam footage.

9 Q Okay. The body-cam footage?

10 A Correct.

11 Q That's how you can determine?

12 A One of -- one of several ways, and then speaking to
13 them, reviewing their reports.

14 Q And then -- and then more -- the first officer,
15 Officer Carpenter --

16 A Yes, sir.

17 Q -- she shows up and -- and she performed her duties?

18 A Yes.

19 Q And did she further detail reports to you?

20 A Not me -- not me directly. She doesn't report to me
21 directly.

22 Q She would do it in a written form?

23 A Typed -- typed on a computer, correct.

24 Q Typed form. And then you review it?

25 A I'll review it. I don't review it for accuracies or

1 inaccuracies. I can't say what she saw. But it gets
2 approved by her supervisor. And at some point, I will --
3 I'll look over it.

4 Q Okay. Do you review State's Exhibit -- probably one
5 of the first ones where -- you know, when she comes in.
6 That was a body cam is what I'm talking about.

7 A Her body-cam footage?

8 Q Yes.

9 A Yes, sir.

10 Q Right.

11 A Yes.

12 Q And do you have any idea -- did you look at that?

13 A I did. I looked at it.

14 Q Okay. Not in this courtroom, but at the station?

15 A Yes.

16 Q Okay. And it's -- it's lengthy?

17 A It is lengthy, yes, sir.

18 Q In fact, this whole crime scene, everybody was --
19 until y'all found out she was already arrested -- did
20 y'all just close the book and take it to the office? Or
21 did you do anything else at the scene after you found out
22 she had turned herself in?

23 A Yes. Our -- our deputies remained on scene --

24 Q But --

25 A What's that?

1 Q I -- I keep cutting you off. Go ahead.

2 A Our deputies remained on scene. Forensics continued
3 to process the scene. They did that -- that type of
4 activity.

5 Q All right. So -- so the scene was secure. But in
6 Deputy Carpenter's body cam, when she got up, she said,
7 Ladies -- people were screaming and hollering?

8 A Correct.

9 Q You know, and how many -- it wasn't -- how many
10 people did you find out -- or did she report was there
11 before -- when she got there?

12 A To my knowledge, it was all the first responders,
13 Patience Parks, Tammy Parks, and Yolanda Hunter.

14 Q So the first responders on the tape, they were there
15 when -- they had been there?

16 A She was the first responder.

17 Q Okay. Right.

18 A Correct.

19 Q And -- but -- but when she got there, there wasn't
20 nobody there but Patience, Ms. Tammy Parks, the mother,
21 and some more people, and more people. They were there
22 around the car?

23 A I don't know about more people other than them, but
24 just those, yes.

25 Q Right.

1 A Yeah. I believe they were around the car to see if
2 they could render aid before law enforcement and EMS got
3 there.

4 Q Right. And -- and did you determine that none of
5 that interfered with the integrity of the scene, the crime
6 scene?

7 A No, sir. You're always going to have that with these
8 things. Nobody stays out of them, you know, initially,
9 before -- that's just -- that's why we have lights and
10 sirens get there as soon as possible.

11 Q That's right. And then -- but you determined that
12 there is no way of knowing whether they kicked something
13 or knocked something?

14 A Correct.

15 Q Right, right. So now, at the Spinx station, all we
16 know is what's been said. But the -- the video shows it
17 coming in -- coming in behind each other?

18 A Yes, sir.

19 Q And then at that point in your investigation, did you
20 determine whether or not the phone call from the deceased
21 was made when it came in?

22 A I can't -- I can't determine that, no, sir.

23 Q The time stamp is not there?

24 A Correct. I can't see it on the phone. Or I can't
25 see it through the video, or anything like that, no, sir.

1 Q Right, right. But then the information from your
2 investigation shows that they left the parking lot of the
3 Spinx station and she was behind him. We don't -- we
4 don't see that part?

5 A Correct.

6 Q All we see is -- can you -- can you look at that
7 video and see that he's on the wrong side of the road, and
8 she -- she's on the right side of the road?

9 A I'd have to go back and look at it again.

10 Q Yeah. Okay. But anyway, it stops there?

11 A Yes, sir.

12 Q And then it picks up to the information you got from
13 Patience?

14 A Correct.

15 Q And that's where we're at on the road?

16 A Yes, sir.

17 Q In the end, the car is stopped in the middle of the
18 road?

19 A Yes, sir.

20 Q And there's two reports that it was in park. There's
21 a report that it was in drive. We got pictures of it.
22 Did you look at that picture?

23 A Yes, sir.

24 Q It's in -- it's in gear?

25 A Yes, sir.

1 Q But then the 911 call before Ms. Carpenter got there
2 and before the picture was made said it was in park?

3 A Correct.

4 Q Right. You know, so we got -- so how do you match
5 that in your investigation?

6 A I just observed what I saw when I was on scene.

7 Q Let me ask you this, is that important whether it was
8 in park or drive?

9 A Yes, sir. I believe so.

10 Q Does that determine the -- the factors in your
11 formalizing your case to make the charge? Is it your
12 responsibility to charge?

13 A Yes, sir, it is.

14 Q Okay. So you make that determination?

15 A Yes, sir.

16 Q Okay. So then -- so you looked at that and you saw
17 where it was in park. You hear people saying it was in
18 drive. And then you got a picture of it in drive?

19 A Yes, sir.

20 Q Okay. So could it have been before the picture
21 taking took place? The information we got is she crawling
22 all over the body, and stuff. Could she have knocked it
23 out of park?

24 A It's a possibility.

25 Q And that's why we want the integrity of -- anybody --

1 A Yes, sir.

2 Q In fact, did the video show her -- when Ms. Carpenter
3 first got there, you could see Patience. And the mother
4 was on one side and Patience on the other side. And
5 they're all in there. And something could have happened?

6 A I saw them near the car, yes, sir.

7 Q Okay. And -- or she could have bumped it -- bumped
8 it when she crawled over out of gear. So at that point,
9 your investigation revealed that Patience -- did you
10 determine that she did crawl out?

11 A Yes.

12 Q Crawled over the body?

13 A Yes.

14 Q Did -- and she crawled all the way through?

15 A Yes. Yes, sir.

16 Q All the way through. At one point, you thought she
17 figured out how to open the door?

18 A That's correct. Yes, sir.

19 Q And then you -- now, you corrected that. Okay. So
20 the -- so that happens. And then your investigation, you
21 determine for purposes of making your charge the -- the
22 statement was made, the -- what was said -- what was said
23 at the scene. I mean, what -- what was said at the scene
24 helped you in your investigation.

25 A I'm -- I'm not following you.

1 Q Didn't you find out something? Did you find out who
2 it was or --

3 A Yes. It was relayed to us that -- that Patience
4 advised the responding deputies that the Defendant was the
5 shooter and tried to shoot her as well.

6 Q Okay. And then -- now, your investigation really
7 gets cranked up?

8 A Yes, sir.

9 Q Because Patience said she knows who did this?

10 A Uh-huh. Correct.

11 Q Right, right. And then in your investigation, you
12 listen to what she have to say?

13 A Yes, sir.

14 Q And then in order to make a charge, who asked her
15 what happened?

16 A Asked -- asked Patience?

17 Q Yeah.

18 A I did.

19 Q You asked her. But you didn't ask her at the scene?

20 A No.

21 Q Somebody else asked her at the scene?

22 A I think she volunteered that up at the scene.

23 Q She volunteered what up?

24 A Who shot her.

25 Q Who shot --

1 A Who shot at her, yes, sir.

2 Q Who shot at her?

3 A Correct.

4 Q But she didn't get shot at?

5 A Or who -- who attempted to shoot her? I'm sorry.

6 Q So we got two -- two things here.

7 A Correct.

8 Q And one is attempted and one, actually, happened.

9 And -- and for the sake of conversation and when we're
10 talking about this case, both elements have to be -- both
11 the same. You -- you might as well -- that's terrible to
12 say, you know. Attempted is the same as, actually, doing
13 it. Is that your investigation and why you charged?

14 A It's -- no. It's not the same.

15 Q What's the difference between the two?

16 A One of them is completed and one of them isn't.

17 Q Okay. But the same elements?

18 A Similar elements, yes, sir.

19 Q When you do your investigation to determine the
20 charge, do you know what the elements are?

21 A Yes, sir, I do.

22 Q Okay. What are the elements?

23 A The killing of another with malice aforethought.

24 Q Okay. So you got -- so when you write down -- you
25 say, well, I done talked to everybody. And I've got

1 killing. You check that?

2 A Uh-huh.

3 Q And then you check malice aforethought?

4 A Correct.

5 Q Correct?

6 A Uh-huh.

7 Q Right. And you've got evidence of killing, the
8 person's dead?

9 A Correct.

10 Q You've got evidence of malice aforethought?

11 A That's correct.

12 Q All right. So -- so how did you get to the malice
13 aforethought?

14 A During my investigation watching the videos, seeing
15 that, speaking with individuals. That's how I determined
16 that. All of the evidence that we've, basically, seen.

17 Q Just all of that?

18 A Yes, sir.

19 Q All of that is malice aforethought. Okay. Let's
20 talk about Patience. And it's dark out there. Her
21 ability to relate to you, and say what she said, and how
22 it was said, did you -- do you look at that?

23 A Yeah. Yes, sir.

24 Q So it's 1:00 in the morning?

25 A Correct. It's dark, yes, sir.

1 Q It's dark. And -- but she -- she knows what kind of
2 gun it was?

3 A That's what she said, yes, sir.

4 Q Yeah, yeah. Right. And she told other officers --
5 not you, other officers what happened?

6 A Yes, sir.

7 Q And did they tell you what happened?

8 A Yeah. It was, eventually, relayed to me.

9 Q So you got a -- you -- how many officers said that
10 she -- at the scene said she pointed the gun at me?

11 A I believe it's -- I believe it was just Deputy
12 Carpenter.

13 Q She told Deputy Carpenter that?

14 A Yes.

15 Q Deputy Carpenter that. And Deputy Carpenter reported
16 on the tape -- she wouldn't tell us that. All right.
17 So -- so Deputy Carpenter told it to her [sic]. Did she
18 tell it to anybody at -- anybody else at the scene?

19 A If she did, I'm not familiar with it.

20 Q So that's the only one?

21 A To my knowledge, yes, sir.

22 Q All right. Did she say that she cocked the gun? Did
23 she use the word cock, or it jammed, or what?

24 MS. GASSER: Objection Your Honor. I believe -- I've
25 not objected to every bit, but we've been hearing some

1 hearsay from witnesses that, again, have already been on
2 the stand and been subject to cross-examination about what
3 they said.

4 THE COURT: All right. I'm going to sustain the
5 objection.

6 Move it along, Mr. Hamilton.

7 MR. HAMILTON: All right.

8 BY MR. HAMILTON:

9 Q All right. So in your investigation -- well, we know
10 what everybody said.

11 A Yes, sir.

12 Q Right?

13 A Yes, sir.

14 Q But what is in the physical evidence and how it
15 happened? They said it happened. But how could it
16 happen? After they done told you what happened. You
17 didn't believe my client when she said it.

18 MS. GASSER: Objection, Your Honor.

19 THE COURT: Sustained.

20 MS. GASSER: Self-serving hearsay.

21 THE COURT: Sustained.

22 BY MR. HAMILTON:

23 Q But the question is -- is -- what -- how did it
24 happen? How -- what -- what did they say happened? Did
25 it happen -- the car was moving; right?

1 A What's that?

2 Q Who -- who saw her shoot the gun?

3 A I don't believe anybody saw her shoot the gun.

4 Q Nobody?

5 A Correct.

6 Q Nobody saw her shoot the gun?

7 A Correct.

8 Q But one plus one equals two is circumstantial
9 evidence. Is that your basis?

10 A My basis is on the evidence and the interviews that I
11 conducted.

12 Q Okay. And in your interview, you've got Jasmine
13 Robinson shooting the gun. I saw her shoot the gun -- or
14 fire it, or however you describe it.

15 A No. I didn't -- I didn't interview Jasmine.

16 Q I know. But I'm saying in my investigation.

17 A Okay.

18 Q In my investigation, I'm going to make this charge
19 for murder with malice aforethought. A witness says they
20 saw Jasmine fire a weapon.

21 A I'm not familiar with the witness that saw her fire
22 the weapon.

23 Q Is there one?

24 MS. GASSER: Objection, Your Honor. Again, hearsay
25 and testifying at this point as to facts not in the

1 record.

2 THE COURT: All right. I'm going to sustain the
3 objection regarding testifying.

4 Mr. Hamilton, try not to testify and just ask
5 questions. Okay.

6 MR. HAMILTON: I'm going to try. I just -- yes, sir.

7 BY MR. HAMILTON:

8 Q Do you have a witness that saw Jasmine Robinson fire
9 a weapon?

10 A Not fire the weapon. No, not fire it.

11 Q Fire it.

12 A Fire it --

13 Q We're talking about two different things.

14 A Correct.

15 Q One murder and one attempted murder. The attempted
16 murder --

17 A I thought we were talking about firing the weapon. I
18 don't have anybody --

19 Q Okay. Well, you definitely don't have nobody on the
20 attempted firing?

21 A Correct.

22 Q Right. So that person -- did that person say they
23 saw him fire -- do you have anybody -- you have nobody to
24 say that?

25 A Can you just repeat the question again so I know what

1 you're talking about?

2 Q I'm -- I'm -- I'm just thinking out loud. Okay.

3 So -- and I read in your report that you discovered that
4 the car had stopped?

5 A Correct.

6 Q Because it was -- yeah. You pulled in. And when you
7 go see it, it was --

8 A It was stopped. It was stationary.

9 Q And then -- and then you said something about the
10 middle of the road versus in the lane. So when you say
11 the middle -- or was it in the lane?

12 A It was in the lane.

13 Q It was in the lane?

14 A Correct. Yes, sir.

15 Q And so nothing unusual about that, other than a car
16 in the middle of the road -- in the lane stopped?

17 A Yes, sir.

18 Q Okay. And in your investigation -- because this -- I
19 can't analyze it. But in your investigation, did you find
20 out how the car got stopped?

21 A Part of my investigation revealed that one of the
22 witnesses said the car was slowing down by the driver --

23 MR. HAMILTON: Are you going to object to that? He
24 said --

25 THE COURT: Hold on. Hold on.

1 Mr. Hamilton, don't do that.

2 MR. HAMILTON: Okay.

3 BY MR. HAMILTON:

4 Q So what happened now?

5 A The car came to a stop or a slow roll.

6 Q Okay. It came to a slow roll?

7 A Correct. Yes, sir.

8 Q It never -- you don't have nothing in your
9 investigation to say how that car came to a stop?

10 A I have my conclusions, but nothing that is -- you
11 know, that the driver at some point pressed on the brake
12 or let off the gas.

13 Q Well, in your report, you said his foot was on the
14 brake?

15 A Yes, sir.

16 Q So -- so that's every indication that the car was
17 stopped?

18 A Well, it came to a stop at some point. I don't know
19 exactly when it started to stop.

20 Q Right. So -- but in your investigation -- so -- so
21 the car had to be stopped?

22 A Yes. It was stationary when I arrived. It was in
23 the middle of the road.

24 Q All right. And then is there any indication that the
25 car was moving? In your investigation, did you have

1 information -- well, in your report, it says something
2 about it moving. So it slowed down?

3 A Yes, sir.

4 Q Is that slowed down -- is that stopped?

5 A No, sir. That's different than stopped.

6 Q Okay. And then in -- in your investigation, had you
7 determined -- now, we're getting back to the murder.

8 A Yes, sir.

9 Q Was the body that -- that caused the stop -- it's
10 probably reactionary. You can conclude. But what you
11 found was that his foot was on the brake. And in your
12 investigation, it was determined that glass flew out. And
13 that -- it was -- the car was moving. The glass broke and
14 he stopped?

15 A Yes. There was glass that -- that was busted. The
16 car had stopped. And his foot was on the brake when I
17 observed it.

18 Q Okay. Do you do an analysis to see how stuff could
19 happen? How can the car be in motion and then the bullet
20 shoot through the glass? How can it be moving? But
21 somebody's going to be running beside the car and shoot.
22 How did that happen for it not to have stopped before the
23 fired shot? We don't know where the shot come from. But
24 how can that happen?

25 A What -- what are you, specifically, asking me?

1 Q I'm asking you, do you, in your investigation,
2 determine how something happens?

3 A Yes.

4 Q All right. So --

5 A We do our best to make that -- yes.

6 Q It make sense?

7 A Yes, sir.

8 Q So I just -- I keep -- how did it happen? How did
9 glass get hit in the back of the neck, stopped? The car
10 was moving. Glass hit in the back of the neck. It
11 stopped. How did that happen?

12 A I'm assuming a gunshot penetrated the rear --

13 Q Absolutely.

14 A -- glass, hit Desmond Parks in the head
15 incapacitating him, which caused his foot to come on the
16 brake even more, and the vehicle come to a stop.

17 Q I -- I would make that same conclusion. So the
18 bullet coming had to be -- whoever was shooting the bullet
19 had to have military training and expert --

20 MS. GASSER: Objection, Your Honor. This is outside
21 the scope of this witnesses knowledge.

22 THE COURT: Sustained. Sustained.

23 Mr. Hamilton, don't testify. Just ask question.

24 BY MR. HAMILTON:

25 Q If the bullet -- the car is moving and then a