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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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1 car [sic] is shot -- a person sitting in a car behind him
2 couldn't -- that -- they had to do like that; right? They
3 had to stick --

4 A I don't -- I don't know if someone was in the car. I
5 don't know how fast the car was moving when it was --
6 you're saying it was going slow. So I don't know --

7 Q But -- so it appears that that's not important in
8 your investigation to answer that question. You said you
9 tried to do that.

10 A It factors in. Of course, it does --

11 Q And if it don't make sense, it don't make sense?

12 A I wouldn't say that. I'm just saying there's some
13 things that cannot be fully explained. Because I don't
14 have all the facts and I wasn't there.

15 Q You don't have all the facts?

16 A Correct.

17 Q Okay. So when -- when Patience reported to you she
18 had -- so in your interview -- because even in your
19 interview, you explain to her, you know -- you know,
20 things. So do you -- do, like, in the courtroom ask
21 leading questions? If somebody say the whole time she was
22 going to shoot me, she was going to shoot me. Well, how
23 you -- don't you ask what happened? What -- did they
24 point the gun at you? Do you -- yeah, yeah. Is that the
25 way that happened?

1 A I usually just start off with asking the victim, you
2 know, what happened this evening. And if they're a -- a
3 willing participant and they want to speak to me, they'll
4 usually tell me exactly what happened.

5 Q Right. And then you do help them. They be trying to
6 explain something like we're trying to explain it, you
7 know, where the car had to be stopped for her to open the
8 door. And then the car in motion -- it's -- do you
9 suggest, well, couldn't that have happened? Because --

10 A I don't suggest. I just ask the questions that --
11 some of the stuff and try to get the best picture I can of
12 what happened.

13 Q Well, we -- we -- I've seen -- well, it's a natural
14 thing. So -- so my question is, on the way from the
15 scene, what was said there to the time you get to the law
16 enforcement center? Do any talk between the person that
17 you're riding with?

18 A I believe I rode by myself.

19 Q Oh, okay. All right. But the officer, did they talk
20 to you? Did anybody -- when they give you -- before
21 you -- well, we -- we talked about this already. You
22 know, you -- you get instructions. You review -- before
23 you go in your interview room, you get all the information
24 you got. And then you sit down and talk to them. And
25 then --

1 A Yes, sir.

2 Q -- remind them and talk and discuss it. So any
3 indication about the -- the condition, or the stability,
4 or the mental state of Patience when --

5 MS. GASSER: Objection, Your Honor.

6 THE COURT: Sustained.

7 BY MR. HAMILTON:

8 Q Did you determine any factors unusual about Patience
9 that interfered -- or did not help you in your interview?

10 A I mean, she was -- she was upset from what she just
11 went through.

12 Q Okay.

13 A But she was able to speak with me clearly and
14 concisely by the time I spoke with her in the interview
15 room.

16 Q Did -- did you have any information that the
17 Defendant backed away from --

18 MS. GASSER: Objection, Your Honor.

19 THE COURT: What's the --

20 MS. GASSER: Self-serving hearsay.

21 THE COURT: I'm going to sustain the objection,
22 Mr. Hamilton.

23 BY MR. HAMILTON:

24 Q Was there any information determined whether or not
25 somebody else was there at the scene?

1 A I didn't have any indication that anybody else was
2 there, no, sir.

3 Q Okay. I'm going to show you what has been marked --
4 this is State's Exhibit No. 8.

5 A Yes, sir.

6 Q And then you look at all this stuff before you make a
7 determination?

8 A Yes, sir.

9 Q And this right here, do you know what that is?

10 A I believe I do.

11 Q Okay. Tell us what that is.

12 A I believe that is the shell casing.

13 Q The shell casing?

14 A Correct.

15 Q Where do the shell casing come from?

16 A It usually comes from a weapon.

17 Q And do you -- in your investigation -- well, you
18 couldn't find this out until after you made the charge;
19 right?

20 A Correct. Yes, sir.

21 Q Right. But do you now know what that is -- what
22 shell casing that is?

23 A Yes, sir. It's in evidence here. We have --

24 Q It's -- it's in evidence?

25 A Yes, sir.

1 Q And did you -- after you -- can you go back and say,
2 hey, wait a minute, something ain't right?

3 A Yes.

4 Q All right. So then you find out where that shell
5 casing is. Do you know where that shell casing come from?

6 A I believe firearms expert Hamilton --

7 Q It's --

8 A -- not Hamilton, Armstrong --

9 Q Armstrong.

10 A -- he said it did not come from that weapon.

11 Q What weapon?

12 A The weapon -- I forgot what -- I don't know what
13 item -- exhibit it is, but, yes.

14 Q And that's -- State's Exhibit No. 57 is the weapon?

15 A Yes, sir.

16 Q And State's Exhibit No. 8 was found at the scene; is
17 that true?

18 A I believe State's Exhibit No. 8 is the photograph.

19 Q What this exhibit show?

20 A When I was there, it was an evidence marker.

21 Q Now, you was at the place; right?

22 A Correct.

23 Q And then you walked over there and -- and made a note?

24 A I was informed that we found one there.

25 Q Oh, you didn't see it?

1 A I did. I saw it. But I -- I was informed what it
2 was. I didn't have to go over there and look at it --

3 Q Oh, okay. You saw it over there like that. Okay.
4 And then you said you wrote that down, shell casing at the
5 scene. You write that down?

6 A Oh, yeah.

7 Q And if -- and then Mr. Armstrong says that that --
8 and there's another picture of it. That shell casing --
9 and there's another picture. That shell casing at the
10 scene did not -- did not come from the gun?

11 A That's what he said.

12 Q And he was sure about that. He --

13 MS. GASSER: Objection, Your Honor. Lack of personal
14 knowledge.

15 THE COURT: I'm going to -- I'm going to -- I'm going
16 to let him rephrase the question.

17 BY MR. HAMILTON:

18 Q Do you have any -- you don't have any knowledge that
19 that shell casing did not come out of that gun?

20 A Excuse me?

21 Q You don't have any knowledge that that shell casing
22 did not -- that shell did -- came -- came out of that gun?

23 A Just what -- you know, I'm not the firearms expert.
24 He -- he testified it did not come out of that gun.

25 Q Okay. Well, let -- let me ask you this, you say

1 sometimes you do your report -- do -- do you see
2 something -- do you find something different than what you
3 thought? Did -- so that don't matter either then in your
4 investigation. Your investigation stop after you write
5 the warrant?

6 A No. It continues.

7 Q Okay. So when you found out that, did you scratch
8 your head a little bit?

9 A I had a question about it.

10 Q Okay.

11 A I checked the -- I checked the head stamp. The head
12 stamp seemed to be the -- the same as the other -- the
13 ones that came out of the weapon over there. But he said
14 it wasn't the right one.

15 Q Okay. I was -- you scared me there for a minute.

16 A Yes, sir.

17 Q Okay. So -- so the other evidence you got at the
18 scene -- do you check -- and did you talk with -- did you
19 look at this, State's Exhibit No. 40, which shows the
20 Defendant and determined that -- that that's where the
21 little cut on her hand -- do you see me pointing?

22 A What's that?

23 Q Do you see the tissue paper right here?

24 A Yes, yes.

25 Q You looked at this?

1 A Yes.

2 Q And then did you say, what is that?

3 A I saw it in the forensic tech's -- Godfrey's report
4 that she had blood on her hands and a cut.

5 Q She had blood on her hands?

6 A Yes, sir.

7 Q Okay. And then what she's wearing, does that -- it
8 shows a long sleeve?

9 A Yes.

10 Q Right?

11 A Yes.

12 Q Right. Clothing?

13 A Yes, sir.

14 Q That covers -- that covers her hand?

15 A Yeah. It looks like a sweatshirt.

16 (WHEREUPON, there was a disruption in the courtroom.)

17 THE COURT: Ladies and gentlemen, I'm going to send
18 you back to your jury room. I'll give you further
19 instructions --

20 THE COURTROOM DEPUTY: Your Honor, I think it was a
21 reset of the fire alarm.

22 THE COURT: Hold on one second.

23 (Pause.)

24 THE COURTROOM DEPUTY: You're good to go, Your Honor.
25 They were resetting the fire alarm.

1 THE COURT: All right. Are y'all good?

2 (WHEREUPON, the jurors indicated in the affirmative.)

3 THE COURT: Mr. Hamilton, go ahead.

4 MR. HAMILTON: Thank you, Your Honor.

5 BY MR. HAMILTON:

6 Q The -- and so in your report, does it indicate the --
7 the amount of time Robinson reported until the time the
8 first call come in?

9 A I could only speculate. I think it's a couple
10 months, at least.

11 Q I'm sorry. Maybe I misunderstood. The -- she turned
12 herself in that night.

13 A Oh, I'm sorry. I thought you meant Armstrong.

14 Q I'm sorry.

15 A I was --

16 (WHEREUPON, there was a disruption in the courtroom.)

17 THE COURT: All right. I'm going to make a decision.

18 Ladies and gentlemen of the jury, I'm going to -- and
19 I apologize. I'm going to excuse you for lunch. It is
20 about 1:45.

21 Please, ma'am, please, sir, do not talk about the
22 case with anyone. Enjoy your lunch. And I will see you
23 back at 3:00.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 1:45 p.m.)

1 THE COURT: All right. We're -- we're still on the
2 record.

3 Mr. Hamilton, I'll let you resume questioning this
4 witness after lunch.

5 MR. HAMILTON: Thank you, Your Honor.

6 THE COURT: All right. Sir, you're -- you're going
7 to come down. And I know you know the rules. You can't
8 talk about the case --

9 THE WITNESS: Yes, sir.

10 THE COURT: -- at all since you're already sworn.

11 THE WITNESS: Yes, sir.

12 THE COURT: So I will see you back at 3:00.

13 When we break for lunch, my admonishment to the group
14 that I made earlier still remains intact. If I hear
15 anything that's going on during the lunch period of time,
16 there could be and will be consequences.

17 Everybody understands that?

18 So we'll be adjourned until about 3:00.

19 (WHEREUPON, a lunch break was taken.)

20 (WHEREUPON, Defendant's Exhibit Nos. 1, 2, 3, 4, 5, 6,
21 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20,
22 21, 22, 23, and 24 were marked for identification
23 only.)

24 THE COURT: All right. Let's go back on the record
25 Madam Court Reporter, the State vs. Jasmine Liz Marie

1 Robinson.

2 The Court recognizes Counsel.

3 MS. GASSER: Yes, Your Honor. The State just wanted
4 to bring up a couple of matters before so that we don't
5 have to keep sending the jury out.

6 THE COURT: Okay.

7 MS. GASSER: Defense Counsel made mention for -- or
8 right at the beginning of the lunch break that they may
9 have photographs. I would just like to put on the record
10 that the State has not received any of these photographs
11 in reciprocal discovery. I don't know what they depict.
12 And I would just like that to be noted for the record.
13 That is my objection regarding reciprocal discovery.

14 And they may be further objectionable under other
15 rules of evidence.

16 THE COURT: Mr. Hamilton, you got some pictures that
17 you did not share with the State?

18 MR. HAMILTON: I -- I had every intention to do that,
19 Judge. I --

20 THE COURT: Let me ask you this, Mr. Hamilton. Let
21 me ask you this, you worked for the solicitor's office at
22 one time. Did you allow Defense Counsel to come in the
23 day of the trial and bring you -- give you pictures that
24 they didn't produce in discovery? Be honest with me. You
25 wouldn't allow that when you were working at the

1 solicitor's office. You'd be jumping up and down about it
2 saying you weren't provided that information.

3 Am I wrong or right?

4 MR. HAMILTON: I would, Judge.

5 THE COURT: Yeah, you would. And I just don't like
6 this. You know, I'm not a judge of trial by ambush. We
7 don't do that here. I don't do that. You know, I'm --
8 you know, it should be a fair playing field for both
9 sides.

10 I'm a stickler about discovery being given before
11 trial. I don't like that where you come in here and
12 give -- you come in at the last day and you had something
13 that you had in your possession, then you turn it over the
14 day of trial. You wouldn't have allowed that when you
15 were at the solicitor's office.

16 So you understand the reluctance to take pictures
17 from you the day of the trial.

18 MR. HAMILTON: I understand, Judge.

19 THE COURT: Well, I mean, give me some justification
20 why you waited until the day of the trial or -- the trial
21 has been going on for two or three days and you got
22 pictures that wasn't taken today and you just now gave
23 them to the State. Why is that?

24 MR. HAMILTON: Your Honor, the -- in my opening, I
25 said that our strategy would be her not to testify. And

1 then we positioned ourself to have the closing argument.
2 In light of what happened on witnesses that made things
3 unfavorable in her light, she has decided that she needs
4 to clear [sic].

5 These pictures just verify that they had a
6 relationship. They were almost husband and wife. They
7 came in here saying they don't even know her.

8 THE COURT: You intend to offer these pictures --
9 first of all, is the Defendant going to testify?

10 MR. HAMILTON: She's going to testify.

11 THE COURT: Okay. I'm going to ask her about that in
12 a minute.

13 But these pictures are pictures you intend to offer
14 through her?

15 MR. HAMILTON: Yes.

16 THE COURT: I understand --

17 MR. HAMILTON: Yeah, through her.

18 THE COURT: Are they pictures -- I don't -- I don't
19 know. Who the pictures are? Pictures of her and --

20 MR. HAMILTON: Pictures of her, Desmond, their
21 children, their family. They're family pictures. They
22 claim they don't even know. Pictures they had as a family
23 during this relationship.

24 THE COURT: You just now getting the pictures,
25 Mr. Hamilton?

1 MR. HAMILTON: I just got them this morning.

2 MS. GASSER: Your Honor, there are a variety of
3 reasons to object to these photographs. First, of course,
4 I'm going to reiterate that these were just handed to me.
5 If they were planning on introducing anything through
6 reciprocal discovery -- which it seems like their entire
7 argument this entire time for years has been that they
8 were in a relationship. These photographs could have been
9 presented at any time.

10 I can't even verify the accuracy of time stamps on
11 these photographs without -- again, first, because they're
12 cut off at certain points. Second of all, because I've
13 not had any of my investigators look into this, whether
14 these time stamps are accurate or not --

15 THE COURT: Let me ask you this, Counsel. Let me ask
16 you a question. Could I ask you a question?

17 MS. GASSER: Yes --

18 THE COURT: And just -- just out of curiosity --

19 MS. GASSER: Yes, Your Honor.

20 THE COURT: -- let me ask you a question. You --
21 in -- in the State's case, they presented a video that had
22 no time stamps on it. This -- this -- Wait a minute.

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: This -- this officer testified that there
25 was a video with time stamps on it. So my question to you

1 is, you're concerned about time stamps now, but you
2 weren't concerned about it in the State's case in chief
3 when you -- when you presented a video that Counsel
4 questioned about time stamps. You jumped up and down --
5 let me finish.

6 MS. GASSER: Yes, Your Honor.

7 THE COURT: You jumped up and down about that. Now,
8 you're arguing that he's presenting you some pictures
9 with -- that there's no time stamps. So it seems to me
10 like you want your cake and eat it, too, you know.
11 There -- you know, there has to be a level playing field
12 here. You can't jump up in front of me and just argue
13 that you presented -- the State presented a video that had
14 no time stamps. Defense objected. You argued that.

15 Now, he's presenting you some pictures that,
16 apparently show a relationship between the Defendant and
17 the victim. And now, you're saying there's no time
18 stamps. So there's something called what's good for the
19 goose is good for the gander.

20 So tell me how -- tell me how you fit into that --
21 that analogy? You want it -- you know, you want it the
22 way you wanted. But when the other side does it, you
23 don't like it. So tell me about that.

24 MS. GASSER: Your Honor, during the break, we,
25 actually, conferred with Defense Counsel. And we were

1 able to obtain the time stamps that he wanted. We have --
2 we have prepared a disk that he has viewed, he has agreed
3 with, and he wants placed into evidence. And we are
4 placing that into evidence with the time stamps that he
5 has requested.

6 THE COURT: All right. Let me stop you right there.

7 MS. GASSER: Yes.

8 THE COURT: You -- you got -- during the break, you
9 got a video with the time stamps he requested?

10 MS. GASSER: Yes, Your Honor.

11 THE COURT: Okay.

12 MS. GASSER: Yes.

13 THE COURT: Now, he -- your argument is you just gave
14 him during the break a video with the time stamps just a
15 few minutes ago. Now, he's bringing some pictures. And
16 now, you're saying, oh, I've never seen these before and
17 he's bringing them to me at the last minute. It seems to
18 me like both parties are doing last minute exchanges.

19 MS. GASSER: No, Your Honor. He's had that video
20 with the time stamps since September -- the date that I
21 showed you in your office earlier --

22 THE COURT: Well, when did he get the one with --

23 MS. GASSER: During the break. It was just a
24 physical disk. He's had that on a USB the entire time.
25 He just didn't prepare it on a disk to enter himself. So

1 we just went ahead and said we're going to just prepare
2 this on a physical disk. You already have the footage.
3 And we'll just enter it into evidence. And he agreed to
4 that.

5 THE COURT: Well, let me tell you what I'm going to
6 do. If the pictures -- since the whole -- since the
7 Defense Counsel, apparently, through cross-examination and
8 the tone in the case indicates that there's some
9 relationship between the deceased and the Defendant -- if
10 these pictures just show a relationship between the
11 deceased and the Defendant, I don't see how that's
12 prejudicial to the State.

13 MS. GASSER: Your Honor, some of these photographs
14 are from --

15 THE COURT: I hadn't seen them.

16 MS. GASSER: Would you --

17 THE COURT: Let me see them.

18 MS. GASSER: I, also, would argue relevance to a
19 murder charge. I don't think that we're disagreeing. And
20 I don't think that that is a disagreement that they were
21 in a relationship before all of this took place. They
22 were in a relationship --

23 THE COURT: Let me see them.

24 MS. GASSER: -- in the years prior. That was test --
25 that was testimony -- or testimony elicited by the

1 deceased's mother, Ms. Tammy Parks.

2 However, the testimony that's been elicited is that
3 they broke up at some point in 2020. And he started
4 dating. And he started dating -- he started dating
5 Patience Parks. That is where the dispute about a
6 relationship takes place is in 2020.

7 I believe that the voluminous nature of all these
8 photos dating back -- I think there's one that said 2014
9 on it. There was one that said 2017. There's pictures of
10 children. I believe that these are being offered to
11 prejudice the jury.

12 THE COURT: How?

13 MS. GASSER: These are not relevant because it's not
14 in dispute that they were prior in a relationship. This
15 is being offered to prejudice them to show her as a mother
16 and to put pictures of her with her children and him with
17 his children. We're not disputing that they were in a
18 relationship in the years prior.

19 Now, if she was offering evidence that they were in a
20 relationship in 2020 -- after the May 2020 date that
21 Patience Parks --

22 THE COURT: But you don't know what they're going to
23 offer because you hadn't heard -- hadn't heard that case.
24 You don't know what they're going to offer.

25 MS. GASSER: Your Honor, I just don't -- that's why I

1 wanted to bring it up now. Because I understand that
2 objecting and having to send the -- keep sending the jury
3 out -- I wanted to go ahead and try to clean some of this
4 up so that I don't have to object on every single one of
5 these photos.

6 THE COURT: Well, you can state your objection now,
7 Counsel. But I think in terms of -- well, one of the
8 issues -- and, first of all, you don't have -- you, the
9 State, doesn't have any information as to when these folks
10 was in a relationship, only what you -- only what's been
11 told to you by these witnesses.

12 Am I right?

13 MS. GASSER: Yes, Your Honor.

14 THE COURT: You haven't --

15 MS. GASSER: What's been elicited --

16 THE COURT: Hold on. Hold on. You don't have
17 anything from the Defendant that says when the
18 relationship ended with the deceased, do you?

19 MS. GASSER: I -- she has not testified, no, Your
20 Honor.

21 THE COURT: You don't have any statements from her
22 regarding that. So you hadn't heard their case. But you
23 want to make an objection to keep out anything about a
24 relationship. I'm not going to do that, Counsel.

25 MS. GASSER: I'm -- I'm not making -- I'm not

1 asking --

2 THE COURT: I'm not going to do that. And I'm going
3 to -- and we're going to cover this right now. We're not
4 going to have you jumping up and down on these -- with an
5 objection -- an objection. I think if -- the issue is
6 there's been testimony that they were in a relationship.
7 These pictures show that they had a relationship. I don't
8 see how in the world these pictures prejudice the State
9 when everybody knew they were in a relationship.

10 In terms of timing when the relationship either
11 commenced or when the relationship ended, I think that the
12 Defendant has the absolute right, if she wants to -- I
13 don't know if she wants to or not -- to -- to testify as
14 to when the relationship started and when the relationship
15 ended, not to rely on the State's version of when the
16 relationship ended. That's just a -- that's just a level
17 playing field, Counsel. That's what it is.

18 So I'm telling you on the front end, I'm not going to
19 allow you to jump up and down as it relates to these
20 pictures.

21 Now, let the Court -- let the record reflect that I
22 have looked at these pictures. I don't -- I see that -- I
23 don't see anything in the pictures that would prejudice
24 the State as it relates to the charges. I don't see
25 anything at all. I reject your argument.

1 MS. GASSER: Yes, Your Honor.

2 Can I narrow then my objection to only the photos
3 that were not listed in 2020 since that is where we are
4 in -- I think it's voluminous to have all these
5 photographs of --

6 THE COURT: So that the photos -- the photos that
7 were not listed in 2020?

8 MS. GASSER: So there's photographs from 2014, 2017.
9 There's been testimony that -- it's --

10 THE COURT: What testimony?

11 MS. GASSER: -- voluminous at this point.

12 THE COURT: What testimony?

13 MS. GASSER: The testimony that came out from his
14 mother that they were in a prior relationship. And
15 then -- and we, also, have the witnesses of -- I think it
16 was an investigator that said that they had been in a
17 relationship for many years before this.

18 THE COURT: And so how does that prejudice the State?

19 MS. GASSER: Your Honor, the relevant -- the relevant
20 nature of those photographs have nothing to do with the
21 murder itself. Now, I can understand their argument if
22 they're saying that she was still in a relationship, in
23 her opinion, with him in 2020 --

24 THE COURT: But -- but the State -- you don't --

25 MS. GASSER: That would make it relevant, but --

1 THE COURT: The State -- the State cannot determine
2 the theory of the case for the Defendant.

3 MS. GASSER: Yes, Your Honor.

4 THE COURT: The Defendant is entitled irregardless to
5 establish his or her theory of the case.

6 MS. GASSER: Yes, Your Honor.

7 THE COURT: It's up to the jury to reject it or
8 accept it. But the -- the Defendant is entitled to have a
9 theory of the case that's not formulated by the State.

10 MS. GASSER: Yes, Your Honor.

11 THE COURT: Just like you're entitled to have -- the
12 State has their theory of the case. You can't take
13 away -- regardless of -- of -- see, these 12 people over
14 here are the fact finders. They can either accept or
15 reject the Defendants's theory of the case. If that's
16 their theory of the case and these pictures show -- I
17 don't know what their theory of the case is.

18 But I'm -- I'm saying, these pictures here show a
19 relationship between the deceased and the Defendant. If
20 that's their theory of the case, I'm going to -- I'm going
21 to allow them to move forward on that.

22 And I'm not going to let you jump up and object to
23 every one of these pictures. And I'm telling you that on
24 the front end so you won't do that.

25 MS. GASSER: Yes, Your Honor. I would just like

1 noted then for the record the objection is --

2 THE COURT: The objection is --

3 MS. GASSER: -- first and foremost --

4 THE COURT: -- noted --

5 MS. GASSER: -- with the reciprocal discovery
6 violation.

7 THE COURT: Well --

8 Ms. GASSER: That's -- that's -- ultimately --
9 because, again, my only review has been during --

10 THE COURT: I understand. I understand that. But
11 when you talk about discovery violations, you know, I
12 think that -- you know, in my -- in my view, I think that
13 there's been violations on both sides. Because you -- you
14 exchanged -- you just admitted a minute ago that you --
15 that Counsel was asking for a video that had time stamps
16 that he didn't have. You said you gave it to him out in
17 the hall.

18 So it seems to me like there are violations, small as
19 they are, on both sides.

20 MS. GASSER: Your Honor, I just -- again, I just want
21 to make the record entirely clear. He has had that video
22 at all times during this case, at all times. It was just
23 on one medium, his USB. And because he didn't personally
24 burn a disk and offer it into evidence, we just offered to
25 do that for him.

1 THE COURT: All right.

2 MS. GASSER: But he has had that video the entirety
3 of this case since September of 2021.

4 THE COURT: All right. But the issue before me right
5 now is the photographs.

6 And I'm going to give them back to you. Here you go.

7 MS. GASSER: Yes, Your Honor.

8 THE COURT: Mr. Hamilton, here you go. I'm going to
9 give them back to you.

10 But I've already ruled on the -- the admissibility of
11 the photos that were presented. And let the record
12 reflect that I think the Defendant in any criminal case
13 has the right -- the absolute right to establish his or
14 her theory of the case.

15 It's up to the jury to decide whether or not the
16 Defendant's theory of the case is relevant. Because they
17 are the fact finders. And that would be my ruling.

18 Now, ma'am, would you stand up for me? I need to ask
19 you a few questions.

20 Raise your right hand.

21 WHEREUPON,

22 JASMINE LIZ MARIE ROBINSON,
23 after first having been duly sworn, testified as follows:

24 THE COURT: All right. Now, your lawyer has
25 indicated to -- to me -- to the Court in a pre-trial

1 conference as well as he's indicated in court that you
2 intend to testify on your behalf; is that correct?

3 DEFENDANT ROBINSON: Yes, sir.

4 THE COURT: Now, is that your decision?

5 DEFENDANT ROBINSON: Yes, sir.

6 THE COURT: All right. That is not the decision of
7 your lawyer?

8 DEFENDANT ROBINSON: No.

9 THE COURT: You've had enough time and opportunity to
10 sit down with your lawyer and discuss the pro's and con's
11 of you testifying. Have you done that?

12 DEFENDANT ROBINSON: Yes, sir.

13 THE COURT: All right. And do you have any questions
14 at all of the Court regarding your decision to testify?

15 DEFENDANT ROBINSON: (There was no verbal response.)

16 THE COURT: You've got to say "yes" or "no."

17 DEFENDANT ROBINSON: No.

18 THE COURT: All right. And you're not under the
19 influence of anything at all that may impact your
20 judgment. You're clear minded today and you understand
21 what you're doing?

22 DEFENDANT ROBINSON: Yes, sir.

23 THE COURT: All right. So, lastly -- and I hate to
24 ask these questions. But I want the record to be
25 explicitly clear. Your decision to testify on your own

1 behalf, is that your decision and your decision alone?

2 DEFENDANT ROBINSON: Yes, sir.

3 THE COURT: Okay. Have a seat.

4 What you got, Ms. --

5 MS. GASSER: I'm sorry, Your Honor.

6 We're reviewing and coming across a couple of --
7 again, I apologize. I would have had it in my original
8 argument. But we just got handed these.

9 THE COURT: Stand up. Stand up.

10 MS. GASSER: So this one appears to have been from
11 yesterday.

12 THE COURT: What are you talking about? The
13 pictures?

14 MS. GASSER: There's a -- I can read in this that's
15 just been crossed out, The Judge broke us up when I went
16 back to court and said -- it tore us apart. Again, I
17 think that this would fall under our preliminary hearing
18 about prior bad acts. Because it's talking about court,
19 Your Honor. It's marked out, but I can read it.

20 THE COURT: That's -- that's a picture?

21 MS. GASSER: This is a picture.

22 THE COURT: Let me see it again.

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: Do you know the picture she's talking
25 about, Mr. Hamilton?

1 MR. HAMILTON: Yes, sir. And I tried to cure it.

2 MS. GASSER: I can read it. And the jury who will
3 have it will be able to read it.

4 THE COURT: All right. We won't -- we'll -- we'll
5 exclude this picture, Mr. Hamilton.

6 MS. GASSER: Thank you, Your Honor.

7 THE COURT: Here you go.

8 Now, it's been marked. Now, let me ask you this.
9 The court reporter -- have you had these pre-marked by the
10 court reporter?

11 MR. HAMILTON: Yes, I did.

12 THE COURT: All right. Scratch that one out.

13 Let the record reflect that Defendant's Exhibit No.
14 22 will be discarded.

15 (Pause.)

16 THE COURT: All right. What are we doing?

17 MS. SCOTT: Your Honor, at this time, because we're
18 looking at the discovery that we received. We're looking
19 at the content. So, at first, we just found that one.
20 There's a few more, Your Honor, of the decedent's
21 statements.

22 THE COURT: Show them -- bring them to me.

23 MS. SCOTT: Yes, sir. That's what we're doing. When
24 you asked -- so we're looking now carefully and reading.
25 They're not just photographs. They're -- it's written

1 text on --

2 THE COURT: All right. I didn't take a look -- that
3 close of a look at them. But bring them to me and let me
4 see them.

5 (Pause.)

6 MS. SCOTT: May it please the Court.

7 THE COURT: Yeah. You got something I need to look
8 at?

9 MS. SCOTT: Yes, Your Honor. I'm going to show
10 Defense Counsel the issues that we're taking up with you
11 in these pictures. The first one being this one. It's
12 marked as State's Exhibit --

13 THE COURT: Do you want this on -- is this on the
14 record what you're talking about or are you just having a
15 private conversation?

16 MS. SCOTT: I'm just having a conversation --

17 THE COURT: Off the record or on the record?

18 MS. SCOTT: I guess just -- no. We need to have this
19 on the record since we're talking about evidence.

20 THE COURT: All right. Because I don't want a
21 private conversation -- so let the record reflect that
22 Ms. Scott is talking about the pictures that the Court
23 looked at previously. And the Court made a determination
24 that the -- at the time of admissibility, the Court would
25 not be opposed.

1 But I think since that time, Counsel has indicated to
2 the Court a few of the pictures -- or in the case, a few
3 of the pictures have some written content on there that
4 may go afoul of the Court's previous ruling in a pre-trial
5 motion; is that right?

6 MS. SCOTT: Yes, Your Honor.

7 THE COURT: Okay. So show it to Mr. Hamilton. And
8 then if you're going to say something, let's put it on the
9 record.

10 MS. SCOTT: Your Honor, and I think just for the
11 basis of being able to talk about it at the same time --

12 THE COURT: Do you want put it on --

13 MS. SCOTT: Yes, Your Honor. If I can get this
14 Counsel's table here --

15 MR. HAMILTON: And, Judge, we don't oppose half of
16 them -- you know, the ones that they have objections to,
17 we -- they're not objecting to all of them.

18 MS. SCOTT: Correct. Given your -- the Judge's
19 ruling about photographs being admitted in, Your Honor,
20 we're now only asking that the photographs that have
21 additional text be --

22 THE COURT: Be -- be --

23 MS. SCOTT: Yes, Your Honor.

24 THE COURT: -- deleted.

25 MS. SCOTT: Yes, Your Honor.

1 THE COURT: And Counsel is not objecting to that, are
2 you?

3 MR. HAMILTON: I'm not.

4 MS. SCOTT: Okay. We were, actually, allowing the
5 actual text from his client because there are posts
6 from -- personal social media posts where she is
7 indicating something. We were not going to be opposing
8 that, Your Honor. We were just opposing the ones where
9 the deceased may have said something. But we can,
10 certainly, say nothing. But I wasn't trying to --

11 THE COURT: Ms. Scott --

12 MS. SCOTT: -- be that difficult.

13 THE COURT: Ms. Scott --

14 MS. SCOTT: I tried --

15 THE COURT: -- I can't -- you're telling me that you
16 don't want the text messages that the deceased said on the
17 pictures, but you're okay with a text -- with something
18 that's written on the photography from the Defendant --

19 MS. SCOTT: The Defendant.

20 THE COURT: You can't have it both ways.

21 MS. SCOTT: Oh, I don't have to have it both ways,
22 Your Honor.

23 THE COURT: You're not going to get it both ways.

24 MS. SCOTT: I don't want it. I just thought he might
25 want it. So I was --

1 THE COURT: No, no, no. I'm going to make the
2 decision.

3 MS. SCOTT: Yes, Your Honor.

4 THE COURT: If you decide that any of the photographs
5 that have text messages on them are deleted, then all of
6 them are deleted.

7 MS. SCOTT: Thank you, Your Honor.

8 THE COURT: You can't get it both ways.

9 (Pause.)

10 MS. SCOTT: Judge, may it please the Court.

11 I've removed all the pictures that have social media
12 text information. Mr. Ernie Hamilton now would like to
13 make a motion to include -- he's -- he's refusing --

14 MR. HAMILTON: I'm not refusing. I'm just trying to
15 make sure -- what's the problem with the text?

16 MS. SCOTT: He just stated that he wants no text --

17 MR. HAMILTON: No text on them, just photographs and
18 no words on it. I mean, is she -- coming from the --

19 THE COURT: Mr. Hamilton, you just agreed a minute
20 ago to allow the photos with -- only the photos with no
21 text. You just agreed to that just now --

22 MR. HAMILTON: Well, I misunderstood what the
23 question was because --

24 THE COURT: Well, let me -- let me clarify it. Any
25 photos that have text on it is not going to be admitted --

1 be permitted.

2 MS. SCOTT: And so the State has removed --

3 MR. HAMILTON: So if it has a date on it -- I mean,
4 I --

5 MS. SCOTT: I have not changed anything that had a
6 date. I've -- text meaning words. I've taken the ones
7 with the words, Your Honor, and I've shown that to
8 Counsel. All of these have actual text. And what I mean
9 by text -- for clarification, for the record, I mean
10 words, sentence form, captioning pictures. That's all.
11 However, I've left a substantial amount of pictures for
12 him to enter into evidence through his client --

13 MR. HAMILTON: I mixed them up.

14 MS. SCOTT: Oh, goodness, he mixed them up, Judge. I
15 will fix that.

16 THE COURT: Well, let me -- let me say this, I speak
17 the kings English very well. And I said a minute ago that
18 the only pictures that we were going to use was the ones
19 that had no text.

20 MS. SCOTT: Yes, sir.

21 THE COURT: I don't understand why y'all don't
22 understand that. Why I got to repeat the same thing?

23 I'm not going to do it again, Mr. Hamilton. So don't
24 ask me a question as to why I'm not doing it. I've
25 already ruled.

1 MR. HAMILTON: I just -- I just don't know what
2 text --

3 THE COURT: The Court has already ruled.

4 MR. HAMILTON: Thank you.

5 THE COURT: All right. Let's -- let's get this
6 cleared up so we can get -- move this matter along.

7 MS. SCOTT: Yes, sir.

8 THE COURT: I've already ruled on the issue of the
9 pictures. I've already questioned the Defendant regarding
10 her willingness to take the stand. So we need to move
11 this along.

12 All right. Is Counsel ready to bring the jury back?

13 (WHEREUPON, there was no response.)

14 THE COURT: Question number two, is Counsel ready to
15 bring the jury in?

16 MS. GASSER: Yes, Your Honor.

17 THE COURT: All right. Let's bring the jury in.

18 (WHEREUPON, the jury came into open court at
19 approximately 3:32 p.m.)

20 (WHEREUPON, State's Exhibit No. 61 was marked for
21 identification only.)

22 THE COURT: The State's ready to proceed?

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: You can call your next witness.

25 MS. GASSER: Your Honor, I believe that Defense

1 Counsel is in the middle of his cross-examination of the
2 prior witness.

3 THE COURT: Okay. I apologize.

4 Sir, you're still under oath.

5 THE WITNESS: Yes, sir.

6 THE COURT: You did not discuss this case during
7 break?

8 THE WITNESS: No, Your Honor.

9 THE COURT: All right.

10 MR. HAMILTON: May it please the Court.

11 CONTINUED CROSS EXAMINATION

12 BY MR. HAMILTON:

13 Q Grubbs?

14 A Yes, sir.

15 Q I think we were at a point in your testimony where in
16 your investigation, you were trying to determine -- I'm
17 trying to determine the stoppage of the car, where it was
18 stopped, how it got stopped. And in your investigation,
19 did -- what did you determine about that?

20 A How it got stopped?

21 Q Uh-huh.

22 A The best -- most -- conclusion I came to is it was
23 stopped when Mr. Parks became incapacitated by the bullet.

24 Q Okay. So is that an indication that before the
25 bullet hit him, the car was absolutely moving?

1 A I believe it was -- I believe it was slow rolling,
2 yes, sir.

3 Q Slow. Now, in your investigation, you say it wasn't
4 going 30 miles per hour.

5 A This is what the testimony I heard and the -- when I
6 spoke to one of the witnesses.

7 Q The testimony you heard when?

8 A Well, I mean, I just meant from one of the witnesses.

9 Q When -- when did you talk to that witness?

10 A What's that?

11 Q When did --

12 A I talked to Ms. Parks during the course of this
13 investigation.

14 Q Sure. And so the only person that you determined how
15 fast it was going was Ms. Parks?

16 A Myself, yes. Yes, sir.

17 Q Okay. Did Ms. Parks tell Investigator Carpenter
18 whether or not they were moving?

19 A I don't know.

20 Q Okay. Do -- and so -- so the only way you know the
21 car was moving is from Ms. -- Patience Parks?

22 A That's correct.

23 Q Right. So nobody else in their investigation
24 reported that in your review of the evidence?

25 A Correct.

1 Q Okay. And then in your review, did you determine
2 where the shot came from in the moving car?

3 A Which car do you describe as moving?

4 Q Did the -- where the shot -- in the moving car -- the
5 moving car, where did the shot come from that hit the
6 moving car?

7 A It came from outside of the vehicle.

8 Q Outside of the vehicle?

9 A Yes, sir.

10 Q And then when you look at the evidence -- okay. This
11 is State's Exhibit No. 15. And the car is moving. And
12 then a shot was fired. And then this is evidence of glass
13 in the seat?

14 A Yes, sir.

15 Q All right. And this is State's Exhibit No. 14. And
16 a shot was fired. Now, the door was -- this door is open?

17 A Yes, sir.

18 Q All right. When the shot was fired, this door wasn't
19 open?

20 A That's what I -- that's what I believe to be true,
21 yes, sir.

22 Q Right. So this is -- so this probably is not a good
23 example, State's Exhibit No. 22.

24 A Yes, sir.

25 Q All right. The door is closed?

1 A Yes, sir.

2 Q And a shot was fired. The car was moving?

3 A Yes, sir.

4 Q Where did the -- the shot came from outside the
5 car --

6 A Yes, sir.

7 Q -- is the point.

8 A Uh-huh.

9 Q But from what direction?

10 A What direction?

11 Q Yeah.

12 A Judging from the fact that the deceased, Desmond
13 Parks, had a wound in the back of his head, it appears
14 that the shot entered the back of the driver's side glass.
15 One would think that it came from a slightly back --
16 forward angle from behind the car.

17 Q Right. And I just -- and then the question is --
18 well, you've already answered it. That nobody saw
19 anybody. And nobody saw my client, a person, or they
20 don't know where or who shot the gun?

21 A That's correct.

22 Q But then we've got this photo, State's Exhibit
23 No. 22, which indicates somebody shot something?

24 A Yes, sir.

25 Q Okay. And they don't -- we don't know who did it.

1 How did you determine my client did it?

2 A How did I determine your client did it?

3 Q Yeah.

4 A Throughout the course of my investigation, I relayed
5 what other investigators told me as far as who they
6 interviewed.

7 Q Is that the answer you just --

8 A Your client informed Investigator McHale that she
9 fired the shot.

10 Q Okay. So other than my client's -- so you reviewed
11 my client's statement?

12 A Of course, yes, sir.

13 Q Okay. And in my client's statement, she said --

14 MS. GASSER: Objection, Your Honor. Self-serving
15 hearsay.

16 THE COURT: I'm going to sustain the objection,
17 Mr. Hamilton. But I'll let you rephrase your question.

18 Go ahead.

19 BY MR. HAMILTON:

20 Q In my client's statement, is it stated, I shot --

21 MS. GASSER: Objection, Your Honor.

22 MR. HAMILTON: But --

23 THE COURT: Hold on. All right. I'm going to allow
24 the question -- the limited question from you,
25 Mr. Hamilton, in that regard.

1 Go ahead. And let's see what happens. Go ahead.

2 BY MR. HAMILTON:

3 Q After reading my client's statement, did you
4 determine who shot the gun?

5 A Yes, sir.

6 Q And explain how you determined that?

7 A With all the evidence that I gathered through the --
8 through the course of this investigation, including her
9 statement saying that she fired a weapon.

10 Q In her statement, she said, I fired the weapon?

11 A I don't know if it's worded that way. But --

12 Q How is it worded?

13 A I don't know exactly how it's worded.

14 Q You don't know?

15 A Not off the top of my head, I don't know how it's
16 exactly worded.

17 Q What would you -- how would you --

18 A I think she said she accidentally --

19 MS. GASSER: Objection, Your Honor. Again, he's
20 trying to illicit self-serving hearsay through the wrong
21 witness.

22 THE COURT: Counsel, I'm going to overrule your
23 objection. I'll allow the -- I'll allow the witness to
24 answer the question.

25 Sir, go ahead and answer the question.

1 THE WITNESS: Yes, sir.

2 Will you repeat?

3 BY MR. HAMILTON:

4 Q Yeah.

5 A Yes, sir.

6 Q How did -- what -- when you read the statement, how
7 did you determine that she fired the gun?

8 A It was not -- it was not only the statement, it was
9 an interview that was conducted in our CI -- CID interview
10 room. And I watched that interview. And I believe she
11 stated that she hit the butt of the gun against the glass
12 and it went off.

13 Q And then that's how you -- and that -- from State's
14 Exhibit No. 22, it was determined that that happened?

15 A Not only from that, but just -- just other -- other
16 information I developed through the investigation.

17 Q Okay. So the version you had is that it was -- so
18 what's different -- then did you find that it didn't
19 happen the way she said it happened?

20 A The fact that in the interview -- I took a
21 culmination of things, the interview of her speeding --
22 not the interview, the surveillance video of the car
23 speeding up beside them in an aggressive manner --

24 Q I -- I'm going to have to cut you off on that.

25 A Okay.

1 Q It's just that -- how did you determine that her
2 hitting the window didn't happen that way? Well, what is
3 it you say happened? You said it happened from outside
4 the car?

5 A Correct.

6 Q And your investigation revealed that it -- it hit.
7 And then your investigation, also, revealed she was
8 standing 10 feet away from her -- did you hear any
9 information about she shooting from her car?

10 A I don't remember the distance off the top of my head.

11 Q Okay. What about shooting from her car?

12 A She didn't say she was shooting from her car.

13 Q In your investigation, did you -- you know, you got
14 different theories. Everybody trying to figure out what
15 happened?

16 A Correct. Yes, sir.

17 Q All right. And then more than one theory -- in your
18 investigation, did you have one thing, two things, three
19 things, or you just had one thing? She was standing there
20 and somebody saw her. Two, she hit the gun, according to
21 her. Which one did you document and say happened to cause
22 that bullet to go through?

23 A Go through the window?

24 Q Yeah.

25 A The fact that she said she was holding the gun in her

1 left hand with the butt sticking out, which did not appear
2 to be a plausible explanation of how he ended up with a
3 projectile in his head from where he was sitting.

4 Q All right. So then -- so what information did you
5 have that showed that it happened any other way?

6 A What's that?

7 Q What information -- we got number one, what she said?

8 A Right.

9 Q Number two, what do the State of South Carolina say
10 happened?

11 A We say it's not an accident.

12 Q And they say it's not an accident because?

13 A What's that?

14 Q Because they have another -- they got one thing that
15 they looked at. You looked at that?

16 A Yes, sir.

17 Q All right. Then number two --

18 A What are you -- what are you referring that I looked
19 at?

20 Q I'm talking about how that bullet hole got in that
21 window.

22 A Yes, sir.

23 Q And who did it?

24 A Correct.

25 Q So you looked at what's in the statement?

1 A Yes, sir.

2 Q You rejected that because that was an accident.

3 Number two, you looked at what else to cause you to say
4 with malice aforethought?

5 A With malice aforethought comes the fact --

6 Q I'm sorry. I missed -- I said too many questions in
7 one question.

8 A Okay.

9 Q What caused the bullet hole?

10 A A projectile.

11 Q And where did it come from?

12 A A weapon.

13 Q And it came from outside the car?

14 A Yes, sir.

15 Q And does it matter whether it was right up there at
16 the window or does it -- you know, is it two feet?
17 10 feet? A marksman, or what?

18 A I don't -- I don't know how far -- how far it was.

19 Q Okay. So do you -- so it don't matter how far or
20 where -- you got nobody saying that she was standing right
21 there?

22 A I'm not saying it doesn't matter. I'm just saying I
23 don't know how far it was.

24 Q Okay. You don't know how far it was?

25 A No, sir.

1 Q But it's in your mind -- you're satisfied that --
2 well, if it came -- other than what -- what -- to rebut
3 what she said happened, what do you have to say it
4 happened otherwise?

5 A I just have to say somebody who is going to their car
6 or they get a weapon out of their car or retrieve a gun
7 out of their car and point it, or have it in a general
8 direction, that's probably intended on using it.

9 Q Okay. And then you got that in your report that that
10 happened that way?

11 A I don't know if it happened -- I don't know if I have
12 it worded exactly that way.

13 Q Okay. The evidence of -- okay. So after reviewing
14 the evidence, she did -- she -- isn't it true that she did
15 not say she shot Desmond, the victim?

16 A I think she said it was --

17 MS. GASSER: Objection, Your Honor.

18 THE COURT: What's the nature of the --

19 MS. GASSER: Self-serving hearsay.

20 THE COURT: Overruled.

21 BY MR. HAMILTON:

22 Q Did -- she did not say she shot him?

23 A I believe she said she shot him accidentally.

24 Q Accidentally. She said she shot him --

25 A Yes, sir.

1 Q Jasmine did not -- well, did she say -- she just
2 said, I shot him. Did she say -- she didn't say she
3 pointed the gun?

4 A No, not pointed the gun. She said she hit the gun
5 with the butt of her -- the butt of the gun against the
6 window.

7 Q And then -- so striking a -- a vehicle that belongs
8 to -- and she -- the vehicle belonged to her?

9 A Correct. It was -- yes, it was in -- it was
10 registered in her name.

11 Q Is that an act of malice, something you -- can I walk
12 out and hit my own car and damage it?

13 A Yes, sir, you can.

14 Q But is that an act of malice?

15 A It's not an act of malicious damage. You can damage
16 your own property.

17 Q All right. Now, part of your investigation -- this
18 night was a long night, wasn't it?

19 A Yes, sir.

20 Q It was a long night. So Jasmine was there. She's
21 the first one there. And then Patience shows up?

22 A What are -- what are you referring to?

23 Q At the law enforcement center. What happened -- is
24 that not the way it happened? Jasmine was there and then
25 Patience. And they all was in the interview room.

1 Everybody was there at the same time?

2 A Not in the same interview room.

3 Q Not in the same interview?

4 A Correct. Yes, sir.

5 Q One over here and one over there?

6 A From -- yeah. We use the city interview room and
7 then our sheriff's office interview room.

8 Q Okay. And then -- and in that process, y'all are
9 working. You got her giving a statement. She was there
10 and --

11 A Yes, sir.

12 Q And then -- so when you tell -- when somebody tells
13 something, did y'all swap and say -- or meet in the
14 hallway, well, she said this and she said that. Do
15 y'all -- and then go back in the room?

16 A I don't ever recall talking to Investigator McHale
17 during that. I remember I talked to her after her
18 interview was concluded, I believe.

19 Q So it never happened that -- well, you didn't. Yeah.
20 Right. But other people may have. I mean, that's part of
21 the process, you know?

22 A Correct.

23 Q I mean, it's -- that --

24 A And it's -- I think it's, like, 2:00 in the morning
25 in the interview room. I think Investigator McHale and

1 Investigator Turner were interviewing the Defendant. And
2 it was me, and maybe Deputy Hendrickson, and Patience.

3 Q And then, you know, you come out in the hallway.
4 Everybody's in their room. And then the interviewer's out
5 in the hallway and y'all are saying -- and then you go
6 back in there?

7 A I recall doing Patience's all the way through.

8 Q Yeah. You were sitting there, but --

9 A Yes.

10 Q Did somebody -- you got information?

11 A What's that?

12 Q But that happened?

13 A What's -- what happened?

14 Q Well, how about this, before you sit down with
15 Patience, Patience had talked with somebody else?

16 A On scene or --

17 Q Yeah. She said, I told this man something -- like I
18 said to that other man. Yeah. Somebody had said -- well,
19 it's nothing wrong with investigating the thing. People
20 talking and --

21 A I just -- I just remember her speaking with -- to
22 Deputy Carpenter.

23 Q Deputy Carpenter is the only one?

24 A That's -- yeah, to my knowledge.

25 Q Deputy Carpenter -- Deputy Carpenter is a woman?

1 A That's correct.

2 Q And if she said, I talked to this other man, that's a
3 man. So is she -- on that -- at least, two people?

4 A Okay. Like I said, I don't -- I don't -- I know
5 Investigator Turner is an investigator with us. He's a
6 male. And he was there. When we got to the LEC, I
7 believe he was already in the interview -- city interview
8 room with Investigator McHale with the Defendant.

9 Q McHale. What about Officer Hendricks [sic]?

10 A I think she remained at the scene for a little bit
11 and interviewed Ms. Parks and Ms. Hunter.

12 Q Who -- who transported her from the scene to the law
13 enforcement --

14 A I don't recall. It may have been --

15 Q Well, somebody did.

16 A Somebody did, yes, sir.

17 Q Right. And then -- and did they write out a report?

18 A If they transported her to the scene [sic], it would
19 have been back in the patrol car. It would have been on
20 body camera. I don't remember who -- who, actually,
21 transported her. It may have been -- it may have been
22 Investigator Hendrickson. But I'm not completely sure.

23 Q We're talking about Patience --

24 A Correct.

25 Q -- being transferred?

1 A Correct.

2 Q And in that transfer, no conversation was had about
3 what happened?

4 A I do not know. I wasn't there. I don't know.

5 Q All right. No question Jasmine was the first --
6 first there?

7 A What's that? No. Yeah. No. Yes, sir.

8 Q Okay. Now, and we -- we showed the pictures of the
9 scene, the map of it. And there's a -- there's a curve in
10 the road. Okay. Here's where the car was stopped?

11 A Yes, sir.

12 Q Okay. And then right there, there's a little curve
13 right there, right before you get to the -- the spot where
14 it was stopped?

15 A Yes, sir.

16 Q So if anybody shot from a car, it couldn't have hit
17 that passenger side -- driver's side window because it's
18 going away. And there's no evidence that it was shot --

19 THE COURT: Mr. Hamilton, are you testifying or
20 asking a question?

21 MR. HAMILTON: I'm asking. I'm asking. He said,
22 Yes --

23 THE COURT: You've got to ask a question. Don't
24 testify.

25 MR. HAMILTON: Yes, sir, Your Honor.

1 BY MR. HAMILTON:

2 Q Is there any evidence that a drive by come by?

3 A I don't have any other reports of a shooting in the
4 area on that night.

5 Q Okay. But it was right there in that curve?

6 A Yeah, sort of in -- in the area of the -- of the
7 yellow circle, yes.

8 Q So in -- in your evidence -- the evidence that you
9 reviewed, it shows that a bullet was in the cup holder.
10 Did you remember seeing that?

11 A Yes, sir.

12 Q Okay. And then --

13 A It was in the cup holder of the Defendant's car.

14 Q Do you remember reading in the interview of Jasmine
15 that she had put that in the cup holder?

16 A Yes, sir.

17 Q Okay. And -- and the person that talked with
18 Patience before -- somebody talked with Patience before
19 they talked with you; right?

20 A Correct. I believe that was Deputy Carpenter.

21 Q Right. And gave her that information?

22 A Gave her what?

23 Q It was --

24 A Gave her what information?

25 Q It was the -- it was the -- the officer testified --

1 well, you had information that the -- a bullet was in the
2 cup holder?

3 A Not at -- not at that time, no. No, sir. I think
4 it -- only after, you know, the interviews were over with
5 did we realize that -- that there could be one in there.
6 That's why we did the search warrant, too. There could be
7 projectiles or weapons parts in that car that could be
8 evidence in this case.

9 Q Right. But -- but it was no way for anybody to know
10 that but from Jasmine Robinson?

11 A That it was, specifically, in the cup holder?

12 Q Yeah.

13 A I agree with that, yes, sir.

14 MR. HAMILTON: Okay. Thank you.

15 That's all the questions I have.

16 THE COURT: Thank you, sir.

17 Redirect.

18 MS. GASSER: No redirect, Your Honor.

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

20 You can step down.

21 THE WITNESS: Yes, sir.

22 THE COURT: Can this witness, also, be excused? He's
23 your chief investigator?

24 MS. GASSER: Yes, sir, Your Honor.

25 THE COURT: Do you want him to remain?

1 MS. GASSER: I prefer for him to remain. But he can
2 be excused from the subpoena.

3 THE COURT: I'll leave it up to him.

4 The State call the next witness.

5 MS. GASSER: Yes, Your Honor. This will be our
6 actual last witness. Jared Cartee.

7 THE CLERK: Please come forward. Pause at the bench
8 where the Bible is.

9 Place your left hand on the Bible and raise your
10 right hand.

11 WHEREUPON,

12 JARRED CARTEE,
13 after first having been duly sworn, testified as follows:

14 THE CLERK: Thank you.

15 You may be seated.

16 And, please, state your full name.

17 THE WITNESS: Jared Cartee.

18 DIRECT EXAMINATION

19 BY MS. GASSER:

20 Q Mr. Cartee, can you tell us where you're employed?

21 A Yes, ma'am. The Thirteenth Circuit Solicitor's
22 Office.

23 Q And tell us, what is your role or position at the
24 Thirteenth Circuit Solicitor's Office?

25 A I am a legal investigator. But I, also, assist with

1 the technology and the digital evidence that we get into
2 the office.

3 Q And how long have you been with the solicitor's
4 offices?

5 A Almost seven years.

6 Q And has that been your role the entire time?

7 A No. That has been my role since June of 2019.

8 Q Mr. Cartee, can you tell us a little bit about what
9 your role -- what the duties and responsibilities of that
10 role are?

11 A Sure. I prepare a lot of the digital evidence that
12 will be presented in trials. That includes burning to a
13 disk, making any necessary redactions, and printing out
14 any other pictures, or getting any other media that might
15 need to be played during a trial.

16 Q And when you are asked to prepare media during a
17 trial, you said that it help -- that you help burn disks;
18 is that correct?

19 A That is correct.

20 Q And were you asked to help burn a disk in this case?

21 A Yes, I was.

22 Q And were you in receipt of Spinx surveillance video
23 footage in relation to this case?

24 A Yes, I was.

25 Q Were you able to confirm that that video footage came

1 from Spinx?

2 A I was.

3 Q And were you able to confirm that that video footage
4 was from the day of November 6th, 2020?

5 A Yes, sir.

6 Q And that that Spinx location is 3815 Old -- White
7 Horse Road in Greenville, South Carolina?

8 A Correct.

9 Q Were you -- did you review that footage?

10 A I did.

11 Q And did you help prepare a clip --

12 A I did.

13 Q -- regarding that footage?

14 A Yes, ma'am.

15 Q And is it a true and accurate copy of the footage
16 from November 6th, 2020, with time stamps?

17 A Yes, it is.

18 MS. GASSER: Your Honor, at this time, I'm handing up
19 what's been marked as State's Exhibit No. 61.

20 BY MS. GASSER:

21 Q Mr. Cartee, do you recognize this?

22 A Yes, I do.

23 Q How do you recognize it?

24 A It has my signature -- or it has my initials and the
25 date.

1 Q And what do your initials and date indicate?

2 A That I reviewed this disk.

3 Q And is it a fair and accurate copy of that clip with
4 the time stamps?

5 A Yes, it is.

6 Q And has it been changed or altered in any way, other
7 than being clipped down for judicial economy?

8 A Not other than being clipped down.

9 MS. GASSER: Your Honor, at this time, the State
10 moves to enter State's Exhibit No. 61 into evidence.

11 THE COURT: Any objection?

12 MR. HAMILTON: No objection.

13 THE COURT: All right. So entered without objection.
14 (WHEREUPON, State's Exhibit No. 61 was admitted into
15 evidence.)

16 MS. GASSER: Your Honor, permission to publish this
17 to the jury.

18 THE COURT: Any objection to that?

19 MR. HAMILTON: No objection.

20 THE COURT: All right.

21 MS. GASSER: I beg the Court's indulgence.

22 (Pause.)

23 BY MS. GASSER:

24 Q Mr. Cartee, just to be clear, on the screen in front
25 of you, can you indicate to the jury what the time stamp

1 reads on this video's beginning lists?

2 A Yes. The time stamp on this video is located in the
3 center of the video at the bottom. It reads November 6,
4 2020, at 1:33:37 a.m.

5 (WHEREUPON, State's Exhibit No. 61 was played in
6 open court.)

7 BY MS. GASSER:

8 Q Okay. Moving forward, can you indicate to the jury
9 what time stamp approximately is still moving -- is listed
10 on this?

11 A Yes. This one started at 1:33:42, I believe.

12 Q And what time stamp is listed here?

13 A 1:34:05.

14 Q Okay. And what is listed here?

15 A 1:34:08.

16 Q Now, Mr. Cartee, can you tell the jury what time
17 stamp is on here?

18 A Yes. 1:33:52.

19 Q And is this because it's another angle?

20 A Correct. This is just a separate angle showing the
21 cars.

22 Q So it didn't jump back in time, did it?

23 A It did not -- well, it went back to a different time
24 period because it was from a different angle.

25 Q But the first two clips, they had time stamps that

1 played all the way through from beginning to the end of
2 the cars leaving?

3 A Correct.

4 Q And these are just two different angles?

5 A Yes.

6 Q So the time stamps correlate to the angle -- just
7 different angles, but from what was already previously
8 shown in the other clips?

9 A Correct.

10 Q And one last time, Mr. Cartee, can you tell the jury
11 what the time stamp -- the date and time stamp is on this?

12 A Sure. November 6, 2020, at 1:34:08 a.m.

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 So this time stamp -- we got this -- I'm satisfied
19 with it. It's just that in the editing, the high-tech of
20 it adds a second or two, not from you, but from the Spinx
21 that kind of reflects -- you know, it can be shown. If
22 you don't have the original and then from the editing the
23 time -- it's in there. But it may be three seconds, four
24 seconds off in transfer and in editing?

25 A Not in this case. The -- so how we did this video

1 was we played it through the player with the original time
2 stamp at the bottom and just recorded that screen. So no
3 matter with those videos whether it was opened through the
4 proprietary player it used or in the video segment we
5 made, the time stamp wouldn't change.

6 Q Right. And then from the original which you edited,
7 it -- you took a picture of it, a snapshot?

8 A Correct. Yes, sir.

9 Q From the original and -- and not represented in this
10 one. We don't -- we don't have the original.

11 A I'm not --

12 Q This is just a copy?

13 A Sure. Yeah. It's -- it's a segmented clip copy.

14 MR. HAMILTON: That's all I have.

15 THE COURT: Anything on --

16 MS. GASSER: No redirect, Your Honor.

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

18 You can step down.

19 All right. This -- do you want to excuse this
20 witness to go back to work?

21 MS. GASSER: Yes, Your Honor, please.

22 THE COURT: Okay. Any other witnesses from the
23 State?

24 MS. GASSER: Your Honor, at this time, the State
25 rests.

1 THE COURT: All right. Ladies and gentlemen of the
2 jury, I'm going to send you back to your jury room for
3 just a few minutes. And then I'm going to bring you back
4 out here. So, please, ma'am, please, sir, do not talk to
5 each other about the case.

6 Madam Forelady, you're in change.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 4:07 p.m.)

9 MOTIONS

10 THE COURT: All right. Any motions?

11 MR. HAMILTON: Your Honor, the Defendant would move
12 for a directed verdict.

13 THE COURT: What grounds?

14 MR. HAMILTON: On the grounds that the State has
15 failed to establish Jasmine Robinson was the shooter in
16 this case.

17 THE COURT: That's it?

18 MR. HAMILTON: On the grounds that the State has
19 failed to establish evidence of the Defendant's gun or
20 a -- the bullet that created the death of this person came
21 inconclusively beyond a reasonable doubt from her gun.

22 THE COURT: All right. That's it?

23 MR. HAMILTON: And that the evidence fails to show
24 beyond a reasonable doubt the crime was committed with
25 malice aforethought.

1 THE COURT: All right. Anything else?

2 MR. HAMILTON: And I just renew all my previous
3 motions.

4 THE COURT: All right. Your previous -- previous
5 objections are noted for the record, Mr. Hamilton.

6 I'll allow the State to respond.

7 MS. GASSER: Yes, Your Honor. We ask that you deny
8 the Defense's directed verdict motion as -- at this point,
9 the evidence must be viewed in the light most favorable to
10 the non-moving party. The State has identified the
11 Defendant as the shooter as we have an eyewitness who said
12 that she pointed the gun at her immediately thereafter. A
13 gun went off and caused the deceased's death that she
14 places the gun in her hand.

15 Your Honor, as to the argument by Defense Counsel
16 that the evidence of the Defendant's gun and bullet didn't
17 cause the death of this person, Your Honor, we did have
18 the ballistics expert -- the firearm's expert testify that
19 that was a projectile that could have come from that gun.
20 That based -- that that specific gun as it was -- it had
21 gone through, obviously, trauma.

22 And we had testimony that going through a skull and
23 glass could have caused the -- could have caused the
24 damage to the jacketing of that projectile that was
25 located in the deceased's head. The medical examiner did

1 testify that the projectile was what caused the deceased's
2 injury. And thus, in the light most favorable to the
3 non-moving part, I do ask that you deny the directed
4 verdict motion.

5 THE COURT: All right. The Court finds that there is
6 sufficient evidence presented at this juncture to let the
7 case go to the jury. So the motion for directed verdict
8 by the Defendant's Counsel is denied.

9 All right. Mr. Hamilton, are you -- are you ready to
10 proceed? And you indicated earlier that you had one
11 witness, which would be the Defendant; is that correct?

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

13 THE COURT: And stand up, ma'am. I want to ask you
14 this one more time. And as I asked -- made inquiry a few
15 minutes ago, I'm going to ask you the same exact question.

16 Your decision to take the witness stand and testify
17 in your own behalf, is that your decision and your
18 decision alone?

19 DEFENDANT ROBINSON: Yes, sir.

20 THE COURT: All right. Have a seat.

21 All right. Mr. Hamilton, are you ready to proceed?

22 Let me tell you logistically what we're going to do.
23 This could be a very lengthy witness. What we're going to
24 do logistically, we're going to -- we're going to take
25 about a 15-minute bathroom break. This witness is

1 probably going to be rather lengthy, which may -- may go
2 past 5:00. I don't know that it will. It may or may not.

3 But we're going to complete that testimony since
4 that's your only witness; is that right?

5 MR. HAMILTON: That's correct.

6 THE COURT: And then let me just -- tomorrow, we're
7 going to start -- same time, 10:00. And we're going to --
8 depending upon where we are today, we may have a short
9 charging conference this afternoon. It may be this
10 afternoon or it may be in the morning. So be prepared to
11 respond to that.

12 But what I'm looking at is I want to have closing
13 arguments and charge tomorrow morning. That's what --
14 that's what the goal is and then submission to the -- to
15 the jury.

16 Okay. Anything before we bring the jury out -- oh,
17 I'm sorry. I did say a 15-minute break. I'm sorry.
18 We'll do the break and then we'll come back.

19 (WHEREUPON, a break was taken.)

20 THE COURT: All right. Anything before we bring the
21 jury out from the State?

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

23 THE COURT: Mr. Hamilton, anything from the Defense?

24 MR. HAMILTON: Nothing from the Defense, Judge.

25 THE COURT: All right. Bring the jury out.

1 (WHEREUPON, the jury came into open court at
2 approximately 4:31 p.m.)

3 THE COURT: All right. Is the Defense ready to
4 proceed, Mr. Hamilton?

5 MR. HAMILTON: The Defense is ready, Judge.

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

7 MR. HAMILTON: May it please -- please the Court.
8 The Defendant calls Ms. Jasmine Robinson.

9 THE CLERK: Please pause at the bench.
10 Place your left hand on the Bible and raise your
11 right hand.

12 WHEREUPON,

13 JASMINE LIZ MARIE ROBINSON,
14 after first having been duly sworn, testified as follows:

15 THE CLERK: Thank you.

16 If you would have a seat.

17 And state your full name for the record.

18 THE WITNESS: Jasmine Liz Marie Robinson.

19 MR. HAMILTON: Thank you.

20 DIRECT EXAMINATION

21 BY MR. HAMILTON:

22 Q Jasmine, how old are you?

23 A 34.

24 Q Where do you live?

25 A In Greenville.

1 Q And do you live with anybody now?

2 A I do.

3 Q Who do you live with?

4 A My parents and my kids.

5 Q Okay. How many children do you have, Jasmine?

6 A Two.

7 Q Two. Okay. And did you have any with Desmond Parks?

8 Did you have any children with him?

9 A No, we didn't.

10 Q How old are the children?

11 A 14 and 14 months.

12 Q 14 months. And you had the child after this event
13 happened?

14 A Yes, sir.

15 Q Okay. What is your educational background?

16 A I completed the twelfth grade at Wade Hampton High
17 School.

18 Q I'm sorry?

19 A I completed the twelfth grade at Wade Hampton High
20 School.

21 Q Okay. And did you become employed?

22 A Yes.

23 Q Okay. And what -- where were you working during the
24 time of this event?

25 A I was working at Synchrony [inaudible] in Greer, a

1 team lead there.

2 Q A team lead. What does a team lead mean?

3 A Over a department there at the plant.

4 Q And that was your position?

5 A Yes.

6 Q Okay. So I'm going to hand you some pictures. And
7 I'm going to let you look at them. And when you're ready,
8 tell me if you can -- don't say anything. Just look at
9 them. Can you identify those pictures?

10 A Yes, sir.

11 Q Okay. Are those pictures that you had taken
12 yourself?

13 A Yes, sir.

14 Q And they've been -- how do you store -- how did you
15 have them stored? How did you have them stored?

16 A On my iCloud.

17 MR. HAMILTON: Okay. Can we use this right here?

18 BY MR. HAMILTON:

19 Q So these pictures that's been marked as State's [sic]
20 Exhibit No. 12, could you tell me what that picture shows?

21 A Yes. It's a picture of me, my daughter, and some of
22 his kids at a Christmas party.

23 Q Okay. And what about State's [sic] Exhibit No. 2?

24 A It was with me and him on FaceTime when I was giving
25 his daughter a potty training party.

1 Q State's Exhibit No. 19 -- not State's, Defendant's
2 Exhibit No. 19?

3 A It was a picture of him and my daughter around the
4 time that we first started dating when he lived with us.

5 Q How old is your daughter in that picture?

6 A (There was no response.)

7 Q How old is your daughter in that picture?

8 A I'm not sure how old she was in that picture.

9 Q And Defendant's Exhibit No. 9, what is that a picture
10 of?

11 A A picture of me and him going to LT's funeral on May
12 2nd.

13 Q And what does it show?

14 A A picture of me and him at the gravesite.

15 Q And Defendant's Exhibit No. 6?

16 A That was a picture of his birthday. And I had bought
17 us matching shirts and sneakers. But that's a picture of
18 him and my daughter.

19 Q And Defendant's Exhibit No. 7?

20 A That's when we went on vacation together at the beach
21 for May 31st.

22 Q What about Defendant's Exhibit No. 4?

23 A A picture of me and him playing around in Walmart in
24 April, April 10th.

25 Q And Defendant's Exhibit No. 5?

1 A A picture of me and him on his birthday.

2 Q Okay. And I think I asked you about Defendant's
3 Exhibit No. 16.

4 A That was of -- a group picture of me, him, two of his
5 kids, and my daughter at family fun night.

6 Q A picture of you and him?

7 A My daughter and two of his kids.

8 Q And you had these taken on your phone?

9 A Yes, sir.

10 Q And they've been in your iCloud?

11 A Yes, sir.

12 MR. HAMILTON: Your Honor, at this point, we ask the
13 Court to allow us to move this into evidence at this time.

14 THE COURT: All right. Subject to your objection.

15 MS. GASSER: Subject to my objection, yes, Your
16 Honor, as State's -- or Defendant's Exhibit Nos. 12, 2,
17 19, 9, 6, 7, 4, 5, and 16.

18 THE COURT: All right. So noted for the record.

19 MS. GASSER: Thank you, Your Honor.

20 (WHEREUPON, Defendant's Exhibit Nos. 2, 4, 5, 6, 7, 9,
21 12, 16, and 19 were admitted into evidence.)

22 BY MR. HAMILTON:

23 Q Jasmine, this is Defendant's Exhibit No. 10 [sic].

24 And in that exhibit -- when was this exhibit taken? Can
25 you see?

1 A Yes. March 4, 2018.

2 Q 2018. And in that picture is a -- is a picture of --
3 tell -- tell the jury, what's that? What does the picture
4 show.

5 A It's multiple pictures of me, my daughter, his
6 daughter, J.P. [REDACTED], and my daughter's best friend. And
7 we was going to church that morning.

8 Q Okay. When you say "his daughter," which one of them
9 is his daughter?

10 A The one that -- well, the three -- right there with
11 the blue dress and the white long-sleeve shirt.

12 Q Okay. Now, his children don't live with you; is that
13 correct?

14 A His kids don't live with me. But his daughter was
15 with me every weekend since she was born.

16 Q And this was in 2018?

17 A Yes.

18 Q Okay. Now, we have Defendant's Exhibit No. 2. And
19 tell us what this picture is, and that picture, and that
20 picture.

21 A Them three pictures is when I finished potty training
22 her. Me and my mother had her a potty training party.
23 And that's a cake right there. It's made like a potty
24 seat. That's in the middle.

25 Q Okay. And you potty trained his daughter?

1 A Yes. And he's on FaceTime right there watching us
2 during her party.

3 Q Okay. And he's on -- watching y'all at the party.
4 Do you have a -- so it's clear you have a relationship
5 with the -- the victim's baby's mother?

6 A I did.

7 Q Okay. And that -- in this particular -- this
8 particular child, was she conceived during your -- when
9 was she conceived? Were y'all a couple then?

10 A Before -- before she was conceived, we was not
11 together. We got back -- we was separated for, like,
12 three months. And he had conceived and had her. And we
13 got back together.

14 Q And Defendant's Exhibit No. 19, what is that a
15 picture of?

16 A That's a picture of him and my daughter, my older
17 daughter now.

18 Q That picture shows him. And your daughter is a lot
19 older now. Does this show the date?

20 A Yes.

21 Q And what's the date of that picture?

22 A December the 1st, 2013.

23 Q 2013. Okay. So you've been knowing him a while?

24 A Yes, since 2012.

25 Q And y'all had that relationship. Okay. What about

1 Defendant's Exhibit No. 9?

2 A We had shirts made and we went to LT's funeral that
3 day. And we was out at the gravesite after they did the
4 burial. And that was May the 2nd, 2020.

5 Q May 2nd, 2020. Y'all had shirts made together?

6 A Yes.

7 Q Is that something y'all do all the time?

8 A Yes.

9 Q And here's another -- Defendant's Exhibit No. 6, can
10 you make out the date on that?

11 A I can. May the 14th on his birthday. That's him and
12 my daughter.

13 Q Okay.

14 A And that's 2020.

15 Q Y'all celebrate birthdays and holidays?

16 A Yes, we do.

17 Q And this is?

18 A We went on -- we went out of town for a few days to
19 Charleston. And we took that picture on May 30th, 2020 --
20 May 31st. I'm sorry.

21 Q Okay. And can you make out the date on Defendant's
22 Exhibit No. 4?

23 A I believe it's April the 10th, 2020.

24 Q Okay. And that's just you and him?

25 A Yes, at Walmart.

1 Q And Defendant's Exhibit No. 5?

2 A That's another pictures on his birthday, too. That
3 was May 14, 2020.

4 Q Anything remarkable about that?

5 A Yes. We have the same shoes on and we both had a
6 similar like Jordan shirts.

7 Q And Defendant's Exhibit No. 16 -- and I know you
8 can't make out the date on that one.

9 A Well, I know the date for that one. That was
10 February the 28th when -- after he came home. We had went
11 out and did family night when he came home from the
12 incarceration.

13 MS. GASSER: Objection, Your Honor. This was handled
14 in preliminary matters.

15 THE COURT: Ladies and gentlemen of the jury, I'm
16 going to send you to your jury room just for a second.
17 I'll bring you back out here in about five minutes.

18 (WHEREUPON, the jury was excused from open court at
19 approximately 4:45 p.m.)

20 THE COURT: Mr. Hamilton, we -- we covered this in
21 pre-trial. I -- I would assume and expect for you to have
22 a conversation with your client about what was covered in
23 pre-trial.

24 What was covered in pre-trial is the fact that we
25 would not bring up anything that had to do -- or you

1 guys -- there was an agreement that anything to do with
2 any past record of the deceased, any prior bad acts, and
3 all that. And everybody agreed to that.

4 And I was just assuming that you had a conversation
5 with your client.

6 Madam Court Reporter, strike that from the record.

7 But, apparently, you did not. It's important -- you
8 know, it's important that you have -- that when the Court
9 deals on pre-trial matters, particularly regarding -- this
10 was a motion in limine that was filed by the State that we
11 went over. And we did a 403 analysis about that. We
12 talked about that extensively at pre-trial.

13 And for you not to have a conversation with your --
14 with your client about that in terms of her testimony --
15 and I'm not -- I'm not taking the wind out of the
16 solicitor's objection. She can say her objection. But I
17 know exactly what the objection is going to be because
18 everybody agreed to that.

19 Did you not have a conversation -- a discussion with
20 your client?

21 MR. HAMILTON: We -- I think it was just a slip,
22 Judge.

23 THE COURT: Well, you know, it's a significant slip.
24 Because, you know, once you let the cow out of the barn,
25 the cow is out there. And that's happened.

1 I mean, there's no -- there's no curative
2 instructions I can give to -- to -- to change that. I
3 mean, I could give any kind of curative instruction. The
4 only thing I can say to this jury is disregard the last
5 statement by the witness. But, you know, that's all I can
6 do.

7 You know, I'm expecting you -- expecting you lawyers
8 to been on top of all this. Now, you've got to be on top
9 of this. You've got to be on top of it. You've just got
10 to be on top of it. Because the deceased is not on trial.

11 What do you want to say? What do you want to say?

12 MS. GASSER: Yes, Your Honor, essentially, everything
13 you've said. I -- the State would concur.

14 Additionally, I'd just like to note for the record
15 that the Defendant has been present, including during
16 preliminary matters. So even if she didn't have a
17 conversation with Counsel, she was privy that nothing was
18 to be stated. And I believe we used the exact buzz words,
19 any mention of prison, probation, incarceration.

20 At this time, the State feels it's necessary that we
21 have to move for a mistrial. But if not, then we would
22 ask for a curative instruction. And, of course, for that
23 to be stricken from the record from -- for the jury to be
24 not only told in a curative instruction during
25 instructions, but, also, told when they come back out here

1 that that is to be stricken from the record and not to be
2 considered whatsoever.

3 And, additionally, Your Honor, we'd, also, ask that
4 this photograph since it was part of the colloquy that is
5 inappropriate, per the preliminary hearing, the motion in
6 limine that that be stricken from the record and taken out
7 of evidence.

8 THE COURT: I think that's appropriate.

9 Where's the photograph at now?

10 You can't use that.

11 I'm going to direct the court reporter, at this
12 point, to --

13 What's the -- what's the exhibit number?

14 MR. HAMILTON: Your Honor, this is Defendant's
15 Exhibit No. 16.

16 THE COURT: Strike Defendant's Exhibit No. 16 from
17 the record.

18 Now, let me just say this, Mr. Hamilton. Listen to
19 me. If you need some time to consult with your -- with
20 your client -- because if something comes up -- comes up
21 like that on the witness stand through her testimony
22 again, we've got a problem. We've got a problem now. But
23 we're going to have a problem.

24 Do you need any additional time to instruct her
25 regarding the Court's ruling at the preliminary -- during

1 the motion in limine that we -- that we cannot have any of
2 that?

3 If you need some time, let me know. We'll do that.
4 And then we'll just come back tomorrow. If you need some
5 time to talk with your client -- I'm going to bring this
6 jury out. And I'm going to give them some curative
7 instructions. And my intent was to try to get this
8 testimony in today. But it appears to me you need to talk
9 to your client.

10 MR. HAMILTON: I understand, Judge.

11 THE COURT: And I'm going to give you an opportunity
12 to do that. But -- but we're going to have to do that --
13 because I'm going to --

14 Now, Madam Solicitor, you -- you made a twofold
15 motion request. You asked for -- you said a motion for a
16 mistrial. Do you want me to -- to rule on that motion or
17 do you want me to give a curative instruction?

18 I think -- I think the thing to do at this particular
19 juncture for the benefit of both sides is for me to give
20 this jury a curative instruction, send them home.

21 You talk with your client extensively about what she
22 can and cannot say, extensively. Because this is a
23 serious matter. And we can't have that. You've got to
24 talk to your client. You've got to do it, Mr. Hamilton.
25 You've got to do it.

1 She has to understand. You're the lawyer. You've
2 got the legal expertise. She's not -- she doesn't know
3 what a 403 analysis is. You do. And you were here
4 earlier. So it's incumbent upon you -- and I don't want
5 it to appear that I'm fussing at you. I may come across
6 like I'm fussing at you, but I'm not. I'm just trying to
7 move this along and make sure that both sides get a fair
8 and impartial trial. That's all I'm doing.

9 So if my voice is a little more elevated than it
10 normally is, I apologize for that. I'm just trying to
11 move this case along and get it -- so we can do the right
12 thing.

13 Do you understand that?

14 MR. HAMILTON: Yes, sir.

15 THE COURT: All right. So what we're going to do is
16 I'm going to bring the jury out, give them a curative
17 instruction to -- to disregard the last statements. And I
18 won't -- I won't make any specific reference as to that
19 word that was used, the last statement made by this
20 witness.

21 Is that satisfactory? Or do you want me to add
22 something else?

23 MS. GASSER: Your Honor, the verbiage that you had
24 just previously used, we -- we liked it. Would you
25 consider using the verbiage that the deceased is not on

1 trial in -- as part of your curative instruction?

2 THE COURT: I can.

3 MS. GASSER: Thank you, Your Honor.

4 THE COURT: I can do that.

5 MR. HAMILTON: Are we, also, going to recess? Are we
6 going to continue? Are we going to -- you said you're
7 going to start tomorrow.

8 THE COURT: I don't know what I'm going to do right
9 now, Mr. Hamilton. Just -- just listen to me. I'll
10 decide in a second.

11 MR. HAMILTON: Thank you, Judge.

12 (Pause.)

13 THE COURT: I think -- I'm going to recess.

14 MS. GASSER: Yes, Your Honor.

15 THE COURT: I'm going to recess.

16 I think you need to talk to your client, I really do.

17 MR. HAMILTON: Yes, sir.

18 THE COURT: Bring the jury in.

19 (WHEREUPON, the jury came into open court at
20 approximately 4:54 p.m.)

21 THE COURT: All right. Ladies and gentlemen of the
22 jury, I want you to totally disregard the last statement
23 rendered by this witness. The deceased is not on trial.
24 So I want you to totally disregard the last statement.

25 Madam Court Reporter, I've instructed you to strike

1 that statement from the record.

2 We're going to have a little change in plans. We're
3 going to adjourn for the day. It'll be a little
4 different.

5 I don't want you to talk to anybody about the case.
6 Follow my instructions to the tee.

7 We're going to start a little earlier in the morning.
8 We're going to start at 9:00 in the morning, as opposed to
9 10:00. So try to be in your jury room around five minutes
10 until 9:00, or something like that, if you can.

11 So I want you to go home and have a good evening.
12 And I'll see you promptly in the morning, 9:00, instead of
13 10:00.

14 (WHEREUPON, the jury was excused from open court at
15 approximately 4:55 p.m.)

16 THE COURT: Ma'am, you can come down from the witness
17 stand and go back.

18 And, Mr. Hamilton, you can go back to your seat. You
19 can go back over there.

20 I didn't say this during the course of the trial.
21 But as far as -- your client's out on bond. I realize
22 that. And I've allowed her to remain out on bond.

23 MR. HAMILTON: Thank you, Your Honor.

24 THE COURT: And because of that, you don't have to,
25 Mr. Hamilton, go to the jail and talk to her. She's out

1 on bond. So you need to utilize as much time as you need
2 to between tonight and tomorrow.

3 And, ma'am, you need to listen. I agree with
4 Counsel. You were present when we went over the pre-trial
5 motions and you knew exactly what was excluded.

6 And so I'm just -- I'm just saying that to you,
7 Mr. Hamilton.

8 MR. HAMILTON: Yes, sir.

9 THE COURT: And I say that very, very strongly that
10 you need to talk to her about everything that we discussed
11 pre-trial in terms of what's included and what is
12 excluded.

13 Do you understand that?

14 MR. HAMILTON: Yes, sir.

15 THE COURT: And I want you to take me seriously.
16 Because that is a definite -- that can be problematic with
17 me if you don't do that.

18 We're going to start a little earlier in the morning
19 at 9:00. The reason being is because we need to
20 utilize -- tomorrow's Friday. We need to try to move this
21 along so we can get it done. So it will be at 9:00 in the
22 morning when we get started.

23 I'm giving -- continuing the admonishment to the
24 people in the pew that I don't want any disturbances of
25 any kind, any interchanges between each other between now

1 and tomorrow morning, and throughout the duration of this
2 trial. We're not going to have none of that.

3 So is there anything further that we need to discuss?

4 Now, I will tell you this, come prepared in the
5 morning to do two things, bring your -- we're going to
6 have a charging conference immediately after the testimony
7 of the Defendant.

8 Madam Solicitor, I'm asking that your office prepare
9 potential verdict forms. Have those ready for me, as well
10 as Counsel to review. So we're going to jump right into
11 that.

12 And then -- and we're not going to take a lot of --
13 you know, we're not going to take a lot of breaks
14 tomorrow. So we're going to go from closing arguments
15 directly to charge. And then we're going to try to do
16 that.

17 So we'll stand adjourned until 9:00 sharp. And I'll
18 take this seat here at 9:00 sharp. I'm going to be
19 sitting in this seat ready to go. And I expect y'all to
20 be ready to go.

21 MS. GASSER: Yes, Your Honor.

22 THE COURT: All right. Take care.

23 (WHEREUPON, the proceedings were concluded at
24 approximately 4:58 p.m., to be reconvened on
25 Friday, May 12, 2023.)

1 FRIDAY, MAY 12, 2023

2 THE COURT: Anything before I bring the jury out from
3 the State?

4 MS. GASSER: Just a brief housekeeping matter, Your
5 Honor. I believe that Defense Counsel did not enter
6 Defendant's Exhibit No. 10 on the record yesterday. I
7 think -- I conferred with the court reporter. The State
8 would not object if he would like to just go ahead and
9 enter it into evidence since it's already been shown to
10 the jury.

11 THE COURT: All right. Are just you making a motion
12 to introduce that into evidence?

13 MR. HAMILTON: I do, Your Honor. I didn't
14 understand. I thought they had -- yes, sir.

15 Thank you.

16 (WHEREUPON, Defendant's Exhibit No. 10 was admitted
17 into evidence.)

18 THE COURT: Anything else?

19 MS. GASSER: Nothing from the State at this time,
20 Your Honor. I -- I guess because of the issues we have
21 been having in this case, actually, I would ask just a
22 reminder on the record of the motions in limine holdings
23 so that we can avoid having another objection like
24 yesterday.

25 THE COURT: All right. I think that's appropriate.

1 The motions that the Court made in -- the rulings that the
2 Court made in the motion in limine is being reiterated on
3 the record. Okay.

4 MS. GASSER: Thank you, Your Honor.

5 THE COURT: Anything else before we bring the jury
6 out, Mr. Hamilton?

7 MR. HAMILTON: Nothing further, Judge.

8 THE COURT: All right. And I think when we left --
9 left yesterday, your -- your client was on the witness
10 stand.

11 Ma'am, you can come forward and get on the witness
12 stand. You're still under oath.

13 All right. Hearing nothing, bring the jury out.

14 (WHEREUPON, the jury came into open court at
15 approximately 10:05 a.m.)

16 THE COURT: All right. Ladies and gentlemen of the
17 jury, the first thing I want to do is apologize to you for
18 yesterday. I told you to be here at 9:00. But something
19 came up after I made that statement. So I apologize to
20 you for that.

21 Okay. Glad to see you here.

22 All right. Let's go back on the record.

23 Mr. Hamilton, I think you were in the midst of your
24 direct examination of the witness. You may proceed.

25 MR. HAMILTON: Thank you, Your Honor.

1 CONTINUED DIRECT EXAMINATION

2 BY MR. HAMILTON:

3 Q Jasmine, I just need for you to kind of get back with
4 me on where we were talking. And when did you and Desmond
5 become a couple?

6 A In 2013.

7 Q 2013. Was it in Greenville?

8 A Yes.

9 Q Okay. And Jasmine -- and y'all lived together?

10 A Yes.

11 Q From 2013 -- in between 2013 and 2019, were you
12 living continuously together?

13 A Yes, we was.

14 Q Okay. And how did y'all project yourselves publicly?
15 As man and wife or...

16 A Yes, we did.

17 Q How did -- how did he do that?

18 A On social media and with -- with ourselves.

19 Q All right. And did you ever -- did you refer to him
20 as your husband, or did he refer to you as his wife?

21 A Yes.

22 Q Do you know what common law marriage is?

23 A Yes.

24 Q Okay. Did -- did you know that you had to get a
25 divorce when you separated -- y'all were separated at the

1 time?

2 A Sometimes.

3 Q But did you know -- had y'all permanently separated?

4 A No.

5 Q Did y'all operate as boyfriend and girlfriend?

6 A Yes.

7 Q Okay. Did you and Desmond have disagreements?

8 A Sometimes we have [sic].

9 Q Okay. And -- and, like, during your relationship
10 since 2013, did Desmond have other children on your time
11 outside of your marriage?

12 A Yes.

13 Q Okay. Did you develop a relationship with Desmond's
14 children?

15 A I did.

16 Q Okay. Have you ever had a confrontation with the
17 mothers of any of Desmond's children ever?

18 A No. We never had anything going on bad.

19 Q And -- and you have -- you have baby-sat J.P.. Who
20 is J.P.? What's her name?

21 A J.P. .

22 Q J.P. , what -- how many times did you baby-sit
23 for her?

24 A A lot.

25 Q And J.P. is not your child?

1 A No, she's not.

2 Q Okay. And when you baby-sitted, would you take her
3 to Tammy Parks, Desmond's mother?

4 A I have.

5 Q Okay. And what was the arrangement of that?

6 A Because we have spoke before -- previous before her
7 coming. And she would ask him would I bring her by to see
8 her.

9 Q Okay. Any reason why you have to be the one to bring
10 her by?

11 A Her and her mother wasn't talking as much.

12 Q Okay. Did you have a strained relationship with
13 Desmond's mother?

14 A No, we didn't.

15 Q Okay. Did you ever exchange birthday gifts or
16 holiday gifts?

17 A Yes, we have.

18 Q And between Desmond's mother?

19 A Yes, we have before.

20 Q What cars are in your name and who drives them?

21 A I have a Nissan in my name. I have an Acura in my
22 name. And there is a Pontiac, also, in my name at Tammy's
23 house, also.

24 Q There's a car in your name that's parked right now --

25 A Yes.

1 Q -- at Desmond's mother's house?

2 A Yes.

3 Q Okay.

4 A Or it was not at her house. It's somewhere. But
5 it's in my name.

6 Q All right. The car that Desmond drove on November
7 the 6th when this happened, is it in your name?

8 A Yes, it is.

9 Q Okay. So let's go back to -- this happened on
10 November the 6th. On November the 5th, what time did you
11 go to work?

12 A 6:00 p.m.

13 Q What shift and hours were you set to work?

14 A 6:00 p.m. until 4:30. But our production went slow
15 around that time. So we was getting off at different
16 times. Whenever our production was slow, they would call
17 our shift off.

18 Q Okay. So on that night, what was your hours?

19 A That night, I went in at 6:00. And I can't remember
20 what time I, actually, got off. But it was, like, around
21 12:00, 12:30 when I got off work that night.

22 Q Okay. And did you go -- where did you go when you
23 got off work?

24 A I went home first when I got off work to warm my food
25 and stuff up. Then I left back out. And I had went to

1 Spinx. That's when I saw him at Spinx. And he called me
2 on my phone and he was like what am I doing off work so
3 early?

4 And I was like, How do you know I'm off work early?
5 And that's when I turned around. And I seen him at the
6 gas pump. And we had a conversation. And then he was
7 pulling off.

8 Q Okay. And so did you -- so when you pulled in, did
9 you see him in front of -- did you see him pull in as
10 well?

11 A No. I didn't see him when I pulled in.

12 Q So when was the first time you noticed that he was
13 there?

14 A When he called my phone and said what am I doing off
15 work so early.

16 Q Okay. And...

17 MR. HAMILTON: I've got to learn how to do mine.

18 How you do this? Does it work?

19 (Pause.)

20 BY MR. HAMILTON:

21 Q Okay. I'm going to -- okay. I'm going to -- I'm
22 going to show you what's been marked as State's Exhibit
23 No. 60. State's Exhibit No. 60, and then the last entry
24 on this is -- the last entry on this is November the 6th,
25 the date this happened, and the pacific [sic] time that it

1 has been interpreted to be is 1:34. So what time did you
2 get off work?

3 A I had got off around 12:00 or 12:30 that night.

4 Q Okay. And -- and what's the reason you didn't stay
5 at home? Why you -- why you leave the house?

6 A Because I had went to Spinx to go try and get me a
7 Black & Mild that night.

8 Q Okay. And after you got the Black & Mild, were you
9 going anywhere else?

10 A Yes. Then I was going to my parents house to pick my
11 daughter up from my parents house that night.

12 Q Okay. So -- so where -- at -- you got a call from
13 Dezz at 1:34 to your phone. That is your telephone
14 number; right?

15 A Yes.

16 Q And who is Thugga -- is that Jas? That's you?

17 A Yes.

18 Q What -- who gave you that nickname?

19 A He did. He had all kind of different nicknames and
20 stuff in his phone.

21 Q All right. And what did he say to you?

22 A He said what am I doing off work so early. And I
23 told him I got off work early, you know. I've been
24 getting off work early.

25 Q And when he left, did you see anybody in the car with

1 him?

2 A I did see someone in the car, but I couldn't tell who
3 it was. The other person that was in the car was, like,
4 twitching [phonetic] around in the seat, like, trying to
5 scoot down in the seat kind of wise. So I -- and when I
6 was asking him who was in the car with him. He was like
7 it was nobody in the car with him. Then he said it was
8 his homeboy in the car when we was on the phone.

9 Q Okay. And since I don't have the skills to -- to run
10 the State's Exhibit that shows the video -- but in the
11 video, there's a time stamp. It -- it shows the exact
12 same time that you received that call on the video that
13 you saw in court yesterday?

14 A Yes.

15 Q The time stamp on that?

16 A Yes.

17 Q And what time was it that you recall the video
18 showed?

19 A I think it was 1:38, I think it was.

20 Q One -- okay. Well, whatever the time stamp was. But
21 you're saying that this conversation happened while he was
22 at the pump?

23 A Yes. He called me while he was still at the gas
24 pump, yes.

25 Q Right. While he was still at the -- at the pump, not

1 before he left, not while he was leaving?

2 A No. He was still at the gas pump when he called.

3 Q So -- so tell -- tell the jury what happened after --

4 why y'all was on the phone. What was the conversation?

5 And then you left. What -- what happened?

6 A He called when he was at the gas pump. And I pulled

7 up in the parking lot in the parking spot. He called my

8 phone. And he said, What you doing off work so early?

9 And I said, How do you know I'm off work so early?

10 And then he was like, Oh, I'm at the gas pump.

11 So that's when I turned around and I looked. And I

12 seen someone in the passenger side trying to scoot or

13 whatever, move around in the passenger side. And I asked

14 him who was in the car with him. And he was like, nobody,

15 at first. Then he said it was his homeboy. Because I was

16 like, Somebody else is in the car with you.

17 Then that's when he pulled off. And then I backed up

18 and I followed behind him.

19 Q Okay. Did you see Desmond at the pump?

20 A No.

21 Q Did you see Desmond at the pump?

22 A When I turned around after we -- after he called me,

23 he made -- stated that he seen -- why was I off work. And

24 when I turned around, he said that he was at the gas pump.

25 That's when I seen him. But when I first pulled into

1 Spinx, I did not know he was already there at the gas
2 pump.

3 Q So the only time you knew he was there was after he
4 called you?

5 A Yes.

6 Q Okay. And that's when you saw him there?

7 A Yes.

8 Q When you first pulled in, you didn't see him when he
9 pulled in, did you?

10 A No.

11 Q When you pulled in at the front door of the store,
12 had you seen him?

13 A No. I didn't see him when I parked.

14 Q Okay. So what made you look around and see if he was
15 there?

16 A Because he called and he asked what am I doing off
17 work so early.

18 Q Okay. And you figured out -- that's when you looked
19 back. Okay. When you became aware he was at the pump,
20 what did you do?

21 A I was -- that's when I was asking him who was in the
22 car with him. And he said, No one.

23 Then I was like, I see somebody else in the car with
24 you.

25 Q Okay. When you -- when he pulled out, did you pull

1 out behind him?

2 A I did.

3 Q Okay. And what was your intention of doing that?

4 A Going -- following behind him going home.

5 Q Okay. And when y'all exited the parking lot, what
6 side of your car -- side of the lane -- were you in the
7 right lane?

8 A Yes. I was in the right lane. He was not. He was
9 in the lane then when people come into the Spinx.

10 Q Okay. And did -- what did you do? Did you go around
11 him, or what happened?

12 A No. He turned out first. And I turned out behind
13 him.

14 Q Okay. And then what happened?

15 A Then we -- we went to Welcome Extension. And I still
16 followed him. Then that's when he slowed -- he stopped.
17 He slowed down and then he stopped over there. And I seen
18 that he was stopped because his brake -- his brake lights
19 was lit in the back.

20 And then that's when I had got out of my car. And
21 before I had got out of my car, that's when I had got my
22 gun out of my glove compartment. And I got out of the
23 car. And I went to his car. And I was -- I had went to
24 his car.

25 Then that's when I hit my gun onto the driver's

1 window -- well, I thought it was the driver's window until
2 after I was -- until after I told the -- told the police.
3 And they told me it wasn't the driver's door. It was the
4 driver's back rear window.

5 Q Okay. So what -- when you -- when you were -- what
6 was the speed you were traveling on the road behind him?

7 A I'm not sure what speed we were going.

8 Q Okay. And then did he stop?

9 A He did stop.

10 Q Okay. And then you -- why did you get your gun?

11 A Because I had -- was going to try and scare him. I
12 didn't have intentions or anything to kill him that night.

13 Q Okay. And then do you -- why do you -- do you have
14 any license?

15 A Yes. I have my concealed weapons license. And I
16 always carry my gun on me. Because where I work at, I
17 work, like, on a dark road. And I work all the way in
18 Greer, like, kind of in Spartanburg. And then I have to
19 drive a dark road at night. And in the mornings, I'm on
20 my way home. And I always carry my gun with me.

21 Q So -- so that license -- are you familiar with the
22 safety features of a gun?

23 A Yes.

24 Q Did you exercise any of the safety features that
25 night?

1 A Yes. I had the safety still on it that night.

2 Q Okay. So is there any way the car could have been
3 moving and you got out of your car and run up to the car?

4 A No. He wasn't driving. He was stopped in the road.

5 Q Okay. Desmond [sic], I'm going to show you what's
6 marked as State's Exhibit No. 20. Do you recognize that
7 car?

8 A Yes.

9 Q Is that car in your name?

10 A Yes.

11 Q Is that the car Desmond was driving?

12 A Yes.

13 Q Okay. When we look at this car, you can see the
14 window there?

15 A Yes.

16 Q Okay. Do you know who did that?

17 A Yes.

18 Q How did that happen?

19 A That's when I tried to hit the driver's window, but
20 it was the back window, the back driver's passenger
21 window.

22 Q Okay. Now, what's [sic] the confusion is you said
23 the driver's window. Is this the driver's window?

24 A Yes.

25 Q And in your interview, did you intend for that to be

1 the -- are you firm about that being the window you wanted
2 to hit?

3 A Yes.

4 Q Did you hit that window?

5 A No. I didn't hit that window.

6 Q Well, you kept -- did you have a picture of this
7 document when you -- in your interview with law
8 enforcement?

9 A No. I didn't see any pictures when I was in my
10 interview.

11 Q All right. And when -- in your interview, was there
12 any discussion about how impossible it was for you to have
13 hit that window?

14 A Yes.

15 Q Were you firm about hitting that window?

16 A Yes.

17 Q Why are you so firm about that?

18 A Because that's the window that I thought I had hit
19 when I didn't hit the window.

20 Q So if you -- well, did you take aim at that -- your
21 intention was to hit the window?

22 A Yes.

23 Q How could you miss it by that much?

24 A He tried to pull off then.

25 Q Do you know that? How do you know that he tried to

1 pull off?

2 A I'm not sure he tried to or not. But I -- I tried to
3 hit the driver's window with my gun that night.

4 Q Okay. Now, looking at this picture, you agree that
5 that's impossible. You didn't hit that window?

6 A Right.

7 Q Did you hit a window?

8 A Yes. I hit the back -- the back driver's passenger
9 window.

10 Q Okay. I'm going to show you State's Exhibit No. 22.
11 State's Exhibit No. 22, that's a closer shot. Do you --
12 do you know anything -- do you recall this happening at
13 the scene?

14 A I never shot at the window.

15 Q No. Do you recall seeing this window, like, in the
16 picture here?

17 A No, not on the scene. I didn't remember seeing that
18 window like that.

19 Q Okay. When -- when you -- did your hand go through
20 the window?

21 A I'm not sure. I had a cut, though, on my -- on my
22 thumb.

23 Q All right. So when you hit the window -- looking at
24 State's Exhibit No. 23. When you hit the window, what
25 happened?

1 A When I hit the window that's when the glass had
2 broke. And I heard -- I heard my gun go off and the glass
3 break together.

4 Q Then the glass broke?

5 A Yeah.

6 Q Okay. So -- so, Desmond [sic], how many times have
7 you told your story at the law enforcement center?

8 A I told them when I was downstairs waiting for them to
9 come. I talked to another detective down there. And when
10 we was walking up to the room, I told her -- I can't
11 remember her name. I told her when we was walking up to
12 the room when I went to the bathroom. And then I told her
13 multiple times in the room when she was asking me
14 questions.

15 Q Okay. And -- and you volunteered this. Was they
16 asking you any questions?

17 A Yes.

18 Q Okay. And you volunteered to respond to them?

19 A Yes, I did.

20 Q Okay. In your talking to them, did you tell them
21 about your gun jamming?

22 A I did. I told the officer when I went to -- when I
23 went and turned myself in. I told the officer when I was
24 there. Because I told him that I did have a bullet in my
25 cup holder.

1 Q And why did you tell him that? Was that important to
2 you?

3 A Yes, it was.

4 Q Why did you tell him that?

5 A Because I knew it was in my car from my gun being
6 jammed.

7 Q Okay. So when you first got there, what did you tell
8 the law enforcement officer you talked with?

9 A When I first turned myself in, I told them I wasn't
10 sure what had happened. I went to turn myself in because
11 I'm not sure what happened. I know something happened.
12 But I wasn't a hundred percent sure of what had happened.

13 Q Okay. Did you ever tell anybody that you shot or
14 pointed a gun?

15 A No. I never told them I shot my gun or pointed my
16 gun at anyone that night.

17 Q Okay. And -- and to be clear, when you talked about
18 the bullet being in your -- being jammed and in your cup
19 holder, was that in response to a question?

20 A Was it a response to what?

21 Q A question to you.

22 A Yes.

23 Q What was -- what was asked of you?

24 A I'm not sure.

25 Q Okay. You volunteered that information?

1 A I did.

2 Q But was it a response to a question to you? Did
3 somebody ask you about that?

4 A Yes.

5 Q About the -- where that bullet was?

6 A Yes, from it being jammed in my gun.

7 Q All right.

8 A From -- I'm not sure.

9 Q Okay. So how many -- how many children you said
10 Desmond fathered during your common law marriage?

11 A Three.

12 Q Did he have any more children?

13 A Yes, he did.

14 Q And all this was during the time y'all had a
15 relationship?

16 A No, not all of them, not two of them.

17 Q Not two of them?

18 A Yes.

19 Q That was before your time?

20 A Yes.

21 Q Okay. And then three after your time?

22 A Yes.

23 Q Okay. What goes in your mind when you find out that
24 he's in these affairs?

25 A I'm not sure.

1 Q Why have you continued to want to be with Dezz?

2 A Because I loved him.

3 Q Did you plan to separate from him during this time
4 around November? Did y'all have any discussion of
5 separating?

6 A No.

7 Q Any plan to move?

8 A Yes.

9 Q Okay. Did y'all have a conversation about that?

10 A Yes. We did have a conversation about me moving.
11 And we probably wasn't going to move in back together once
12 we moved.

13 Q Okay. With the other babies mothers, is there a
14 period of separation and then y'all would get back
15 together?

16 A Yes, with one of them.

17 Q Okay. Were you seriously thinking about moving out
18 from him?

19 A No.

20 Q How many times did that happen between -- since 2013?

21 A How many times did it happen with me saying he was
22 going to move out?

23 Q Uh-huh.

24 A We said a few times here and there, but, like, we
25 never did just -- he never did just move out.

1 Q Did you -- did you love Desmond Parks?

2 A I did.

3 Q Did you know he was dead?

4 A No. I didn't know he was dead that night.

5 Q Did you even know it was you -- your actions that
6 killed him?

7 A No.

8 Q Okay. Would you -- would you take him back today,
9 even if -- after going through all this?

10 A Yes, I would have.

11 Q Did you open the door to the car?

12 A Yes, I did.

13 Q Okay. And where was the gun?

14 A It was in my hoodie pocket.

15 Q Okay. And I show you State's Exhibit No. 40. Is
16 that the same -- when you said a "hoodie," is that what
17 you were wearing?

18 A Yes.

19 Q And you said it was in your pocket?

20 A Yes. I had a front -- I had a front pocket on the
21 front side.

22 Q Okay. Is that a tissue in your hand?

23 A Yes.

24 Q What's the purpose of that?

25 A Because I had a cut on that thumb on my left hand.

1 Q And then whose hoodie is that?

2 A That's [inaudible] hoodie. I had wore it to work
3 that night.

4 Q Did Patience scream at you when she crawled over
5 Desmond's body?

6 A Yes.

7 Q Okay. Did she just take her time or was she
8 moving -- what -- how was she moving towards you?

9 A She was taking her time moving, crossing over him.

10 Q Okay. And was it aggressive toward you?

11 A A little.

12 Q Were you -- you had your -- where was the gun?

13 A The gun was in my hoodie pocket.

14 Q Okay. Did you see life in Desmond or know that he
15 was dead?

16 A No. I didn't know.

17 Q So did you fully understand -- did you fully
18 understand you -- you did not have to talk to the police
19 at all?

20 A Yes.

21 Q When you talked to them, did you understand
22 anything -- everything -- or anything you said could be
23 used against you?

24 A Yes.

25 Q Did -- do you know your own words are being used

1 against you as evidence in a homicide case?

2 A Yes.

3 Q Okay. Do you know what your words are?

4 A Yes.

5 Q What words did you say?

6 A I didn't mean to. It was an accident. It was a
7 mistake.

8 Q And the questions that were asked of you, were they
9 leading questions or framed in a way?

10 A Yes. It was leading questions.

11 Q Well, what'd you do -- what is a leading question?

12 A They was trying to ask me -- get me to say something
13 when they was asking a question.

14 Q Okay. And what would they ask you?

15 A Did I point my gun and shoot my gun.

16 Q All right. But we've got pictures of a gunshot
17 there. How did that get there?

18 A I'm not sure.

19 Q Did your gun -- you didn't point it at anybody. But
20 the hole in the window, you're not sure if your gun did
21 that. You don't know?

22 A Yeah. I don't know.

23 Q Okay. But you do remember striking that window?

24 A I do -- I did.

25 Q Was that your intention, to strike that window?

1 A Yes.

2 Q Okay. When you were asked did you shoot at the car
3 from a distance, what -- what did you say?

4 A I didn't shoot -- I never shot at the car.

5 Q Did you ever pull the trigger to shoot the gun?

6 A No.

7 Q You never pulled the trigger?

8 A No. I never pulled the trigger that night.

9 Q Where -- were you asked did you point the gun at
10 Patience? What was your answer?

11 A I never pointed my gun at her.

12 Q Okay. Is that your answer now?

13 A Yes. It was my answer then, too.

14 Q What part of the interview made you talk about
15 putting the -- the jammed bullet in your cup holder?

16 A When I told them -- when I had got in my car and I
17 got my gun back out of my -- my coat. And it was -- I
18 seen that it was jammed then.

19 Q When did you discover the jammed bullet?

20 A When I got back in my car after I took it back out of
21 my hoodie.

22 Q And why did you take it out of your hoodie?

23 A Because I was getting back into my car to leave. And
24 I didn't want to drive with it in my hoodie.

25 Q Was it -- so in the interview room, was investigators

1 coming in and out?

2 A Yes, she was.

3 Q She was. And was there a different tone every time?

4 A Was it a different what?

5 Q Tone. Was there a different line of questions?

6 A Yes.

7 Q Okay. And did you ever intend to kill anybody?

8 A No. I never had intentions to kill him.

9 Q Did -- when did you calculate a plan to kill your
10 husband?

11 A I never did.

12 Q Okay. Was it -- was it some -- by design that you
13 got off work early that day?

14 A What was your question?

15 Q Was it by design? Did you purposely get off early?

16 A No. I didn't purposely get off early that night.

17 Q After careful consideration, did you bang the rear
18 passenger window?

19 A Yes, I did.

20 Q Okay. Did you anticipate the result that happened
21 after banging on the window?

22 A No.

23 Q Did you know that was going to happen?

24 A No. I didn't know that was going to happen.

25 Q What was your intention?

1 A My intentions was just to scare him and just bang my
2 gun on the window. That was all.

3 Q Did you make a mistake in what window you struck?

4 A I did.

5 Q You struck the driver's side rear window. Was that
6 the window you wanted to strike?

7 A No.

8 Q To that end, was -- the driver's rear passenger, was
9 that your primary intention?

10 A No.

11 Q What did you say your intention was?

12 A To scare him.

13 Q Did you do that, carry out your intention?

14 A I'm not sure.

15 Q When you -- when you opened the door, did you
16 purposely open it to shoot anybody?

17 A No, I didn't.

18 Q When -- so why did you open the door?

19 A I don't know. I just did.

20 Q When -- when -- when did you know that -- did you
21 know he was shot?

22 A No.

23 Q When did you find out he was shot?

24 A I didn't find out he was shot until after my
25 investigation and they came in and served me my papers.

1 And they told me he was shot.

2 MR. HAMILTON: Jasmine -- Jasmine Robinson, answer
3 truthfully and as best as you can remember any questions
4 the State will have for you, please, ma'am.

5 THE WITNESS: Okay.

6 MR. HAMILTON: Your witness.

7 THE COURT: All right. Cross-examination.

8 MS. GASSER: Yes, Your Honor.

9 I beg the Court's indulgence.

10 (Pause.)

11 MS. GASSER: I apologize, Your Honor. We're just
12 getting our exhibits ready.

13 THE COURT: All right.

14 CROSS-EXAMINATION

15 BY MS. GASSER:

16 Q Good morning, Ms. Robinson.

17 A Good morning.

18 Q All right. Ms. Robinson, Desmond had other
19 relationships with other women during the 10 years that
20 y'all were off and on; isn't that right?

21 A No.

22 Q You testified earlier that he had children with other
23 women; isn't that correct?

24 A I did. But --

25 Q And those would be relationships with other women?

1 A No.

2 Q So in order to have a child with someone, you don't
3 have any kind of relationship?

4 A Sometimes, you don't.

5 Q Ma'am, he had a physical relationship with other
6 women when you were in a relationship; isn't that correct?

7 A He didn't, no.

8 Q So these children just happened?

9 A Yes.

10 Q Okay. You, also, testified that you're friendly with
11 J.P.'s mom; right?

12 A Yes.

13 Q Okay. And if he was not with you, he would have the
14 right to date other people; right?

15 A Say it one more time.

16 Q If y'all were not dating, he would have the right to
17 date other people; right?

18 A We were dating.

19 Q But if someone breaks up with you, they have the
20 right to date other people, wouldn't you agree?

21 A We were still living together.

22 Q But that's not my question, ma'am. My question is,
23 if people are broken up, they have the right to date other
24 people?

25 A Yeah. You do have the right.

1 Q Just like you have the right to date other people if
2 you were broken up; right?

3 A Right.

4 Q In November of 2020, y'all had, actually, been
5 cooling off for several months?

6 A We wasn't.

7 Q In fact, you told Investigator McHale that you were
8 aware that for several months, he had been seeing another
9 girl?

10 A I have not said that.

11 Q You gave a statement on November 6th, 2020, to
12 Investigator McHale at 4:39 a.m. at the law enforcement
13 center, didn't you?

14 A I did.

15 Q And you're saying today that you never told
16 Investigator McHale that you were aware that he was seeing
17 another girl for several months?

18 A I didn't say several months. But I did say that
19 someone told me that he was seeing someone.

20 Q For a while. You told Investigator McHale that he
21 had been seeing someone for a while?

22 A I don't remember.

23 Q Are you denying that you made that statement to
24 Investigator McHale, that he was seeing someone for a
25 while and that you were aware of it?

1 MR. HAMILTON: Your Honor, objection.

2 THE COURT: Overruled. She's on cross-examination.

3 BY MS. GASSER:

4 Q Please answer the question.

5 A What was your question?

6 Q You told Investigator McHale that you were aware that
7 Desmond Parks was seeing another girl for a while?

8 A I'm not sure.

9 Q And you've already told this jury that you gave a
10 statement to Investigator McHale on November 6th, 2020, at
11 4:39 a.m. at the law enforcement center?

12 A Yes.

13 Q And you're saying that today, you can't recall if you
14 said that you knew that he -- that he had been seeing
15 another girl for a while?

16 A I don't remember.

17 MS. GASSER: Your Honor, at this time, the State
18 wishes to play portions of the Defendant's statement as
19 she -- as I've laid the groundwork for impeachment at this
20 point.

21 THE COURT: All right. Mr. Hamilton, any objection?

22 MS. GASSER: Go to 8:58.

23 THE COURT: Hold on. Hold on one second.

24 MR. HAMILTON: Yes, Your Honor. I'm objecting that
25 she had asked and she don't remember. She's not denying

1 that --

2 THE COURT: All right. I'll note the objection for
3 the record. And I'm going to allow the playing of the
4 tape.

5 And I think you've seen it; is that right,
6 Mr. Hamilton?

7 MR. HAMILTON: I have, Your Honor.

8 THE COURT: All right.

9 MS. GASSER: Your Honor, the State would be willing
10 to allow -- to refresh her recollection, if necessary. We
11 just need to get some headphones. I believe that this is
12 going to be a constant where we're going to have to play
13 portions of her statement.

14 THE COURT: The headphones, how do they come into
15 play?

16 MS. GASSER: We will refresh her recollection outside
17 the presence of the jury without having to have them exit.
18 She can listen to her statement. And at that point, she's
19 refreshed. And she can either deny or accept her
20 statement.

21 THE COURT: All right. I'm not going to do it that
22 way.

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: Ladies and gentlemen of the jury, I'm
25 going to send you to your jury room. Please, ma'am,

1 please, sir, do not talk about the case with each other.
2 And I'll be back with you shortly.

3 (WHEREUPON, the jury was excused from open court at
4 approximately 10:50 a.m.)

5 THE COURT: All right. Give me your modus operandi.

6 MS. GASSER: Yes, Your Honor. So I believe -- and,
7 again, I'm not trying to say what the Defendant will or
8 will not -- will testify to. But I know that there's
9 already been some inconsistencies. I suspect that we are
10 going to have to either refresh her recollection and then
11 impeach her multiple times.

12 So unless we want to proffer her entire statement at
13 an hour and 20 minutes, we would have to --

14 THE COURT: That's how long her statement is?

15 MS. GASSER: That's how long her statement is, yes,
16 Your Honor.

17 THE COURT: All right. Explain to me what you want
18 to do.

19 MS. GASSER: Yes, Your Honor. I believe that the
20 proper procedure is that I have to refresh her
21 recollection first. And in order to avoid any issues on
22 appeal, I'd like to do the proper procedure.

23 If she's going to continue to deny statements that
24 she made, I will have to refresh her recollection. And
25 then if she continues to deny it on the record, then I'll

1 have to impeach her. In order to refresh her
2 recollection, of course, I have to play the statement for
3 her. Her statement is an hour and 20 minutes long. I do
4 suspect there are going to be multiple impeachments
5 necessary.

6 And so in order to avoid having the jury walk in and
7 out every minute and a half, we can do headphones. And I
8 can come up and show her the clip. And then if she still
9 denies it, I can play it.

10 But we're just -- we're just having to get additional
11 technology set up in order to make this work so we don't
12 have to make the jury move in and out.

13 THE COURT: You got a position, Mr. Hamilton?

14 MR. HAMILTON: Your Honor, I think she has to
15 establish the proper protocol in impeachment. And the
16 only other way to do that is not like in the old days --

17 THE COURT: I -- I didn't understand what you said.

18 MR. HAMILTON: I said it's not in print --

19 THE COURT: What's not? The statement?

20 MR. HAMILTON: The statement.

21 THE COURT: All right. What I'm really asking you is
22 she's -- she's indicated to the Court a modus operandi.
23 I'm just trying to get your opinion, what your -- your
24 input.

25 What's your position on -- on how she wants to

1 proceed? I'll -- I'll, ultimately, decide. But what's
2 your position?

3 MR. HAMILTON: I -- I don't -- I -- my position is
4 that she has not -- my client has not said anything
5 impeachable at this point.

6 MS. GASSER: Your Honor, she's claiming that she
7 doesn't remember making a statement to Investigator
8 McHale. She's already offered it's -- it was voluntarily
9 given. It was video recorded at the LEC. We're able to
10 impeach her with it if she continues to deny the
11 statement.

12 THE COURT: So what -- what you're asking is to
13 proffer the entire statement now?

14 MS. GASSER: I would wish to avoid that if we can.
15 Because I think that trying to align with judicial
16 economy -- and I know that it's Friday. If we could just
17 do the pertinent portions using the headphones. I will
18 come up, play -- play it for her in front of the jury, but
19 with the headphones so they don't hear it.

20 THE COURT: Let me be explicitly clear on the record.
21 Because it's Friday doesn't bother me. The case is going
22 to take -- we're going to do what we need to do. We're
23 not going to try to rush at all. So I want to make sure
24 that -- that doesn't bother me at all.

25 MS. GASSER: Yes, Your Honor. I'm set to -- just for

1 housekeeping matters, I am set first up as lead counsel on
2 a criminal sexual conduct with a minor case that's set to
3 start Monday. Just for housekeeping matters.

4 THE COURT: Yes. But the case that we have before us
5 today --

6 MS. GASSER: Yes, Your Honor.

7 THE COURT: -- is important. It's just as important
8 as the case you've got on Monday.

9 MS. GASSER: Yes -- no, Your Honor. But -- no, Your
10 Honor --

11 THE COURT: Well, I understand that. But I'm not
12 going to -- I'm not going to cut corners. I don't want to
13 do that. I want to give both sides a fair opportunity to
14 be heard.

15 MS. GASSER: Absolutely, Your Honor.

16 THE COURT: So -- but if you're saying that you've
17 got a statement that's recorded -- it's an hour and 10 --
18 10 minutes --

19 MS. GASSER: 20 minutes.

20 THE COURT: 20 minutes.

21 MS. SCOTT: She's only going to play just for now a
22 30-second clip for her to refresh her recollection, Judge.

23 THE COURT: And I apologize for my ignorance. But
24 I'm -- tell me how the headphones are going to work.
25 Because I've never done that. And I want to see -- make

1 sure how that works.

2 MS. GASSER: Yes, Your Honor. We, actually, have
3 only done this once before. We got it from a defense
4 attorney. So instead of having to send the jury in and
5 out because they can't hear when we're refreshing, she
6 will just listen to it on her headphones. And then I will
7 ask the question again, after you have listened to your
8 statement -- and then I will ask my question again after
9 listening to your statement. And if she then denies it
10 again, then at that point we can play it out loud for the
11 jury.

12 THE COURT: How does the court reporter tie into
13 that? How does the record -- you know, I understand what
14 you're talking about. But how is the record explicitly
15 clear when you're doing that? You're not going to know
16 what she's listening to.

17 MS. GASSER: Yes, Your Honor. So we've seen that it
18 works similarly to when you hand up a written statement
19 to -- to a witness or to an officer, if you allow them to
20 look at their report. They're not reading that report or
21 that written statement into the record for the court
22 reporter. They're just personally refreshing their
23 recollection reading and saying, oh, yes, I see it here.
24 Yes, that was my answer, or, no, that's not my answer.

25 THE COURT: What I'm -- what I'm trying to prevent --

1 and I apologize for my -- I -- I just don't want anything
2 to be confusing to the jury at all in terms of we're doing
3 something like that. Well, what's -- what is she
4 listening to?

5 MS. GASSER: Her statement.

6 THE COURT: Her statement.

7 MS. GASSER: And I can ask that through qualifying
8 questions of, so in this case, in fact, you told
9 Investigator McHale that you were aware for several months
10 that he was seeing another girl. She has since said, I
11 don't remember saying that. She said it, I think, three
12 times after my question.

13 At that point, I would say, would seeing your
14 statement help refresh your recollection? And then if she
15 says, sure, then I can come -- she can put the headphones
16 on. I will play the clip. And then I will stop the clip
17 and say, after hearing your statement --

18 THE COURT: Wouldn't it be -- wouldn't it have been
19 more practical just to have the statement in written form
20 and not go through all this? I mean, because you --
21 apparently, you don't have the statement in written form.
22 You've just got it on -- is that right? Am I right?

23 MS. GASSER: Yes, Your Honor. We only have it on
24 audio-video recording.

25 THE COURT: Well, I just think -- but if you had it

1 in written form, we wouldn't be having this conversation.

2 MS. GASSER: Probably not, Your Honor. Unless she --
3 unless her written statement, also, deviated from her
4 audio-video recorded statement.

5 THE COURT: Yeah. I understand that. But I'm saying
6 if you had the written statement, then, obviously,
7 somebody is going to make sure that the written statement
8 matches the audio statement. And then you could use the
9 written statement to just -- if she says, I -- I didn't
10 say "D," you've got the written statement. Then you can
11 go like you normally would.

12 I just think -- I just think you make this thing as
13 simple as you can for the jury. I don't -- I'm not -- you
14 know, I've just never done this headphone thing. I just
15 don't know how that's going to look on the appellate
16 level, if it gets there. I just think the old school way
17 is the best way to do it. That's just me. If you hand a
18 written statement.

19 But putting the headphones on, I just -- I just
20 never -- I -- I just don't like that. I mean, I -- you
21 know, that's just Judge Kinlaw, you know, me doing it --
22 and I just -- I think you just -- appearances are -- are
23 important. And I think -- I don't want this jury to think
24 that we're not -- or that something's happening that
25 they're not privy to. I think that they should know

1 everything.

2 And I -- you know, I don't know what defense attorney
3 told you about these headphones idea. You've never used
4 that idea. I've never had to use that. I've never used
5 that in court. I'm not going to make this my first day
6 using that.

7 So I don't know what to tell you. I just -- you
8 know, I can't tell you how to try the case. But I'm just
9 saying, you got -- let me put it this way. If you got --
10 when I asked at the beginning of the trial, are there any
11 nuances or anything that you need to discuss, if that was
12 discussed with me before we had a trial, I would have had
13 a discussion with you then and not now when you decide to
14 do it this way. I would have told you my position on
15 that.

16 MS. GASSER: Yes, Your Honor. Then we'll just have
17 to keep sending the jury out then in order to refresh
18 their [sic] recollection. And the State's fine with doing
19 that. But I just wanted to let Your Honor be aware that
20 I -- I feel like it's going to be a lot.

21 THE COURT: I'm not -- you know, let me just make it
22 clear, Counsel. I'm not -- I have no intentions of doing
23 an expedited trial.

24 MS. GASSER: Yes, Your Honor.

25 THE COURT: I want the trial to -- you know, I want

1 to be fair to both sides. Whatever time it takes, it takes.

2 MS. GASSER: Yes, Your Honor.

3 THE COURT: Whatever the Court has to do, it does.

4 But I don't know if we want to -- I'm just not comfortable
5 with the headphones. And maybe it's because -- that's
6 just my opinion about it. I just don't know the
7 appearance that would give. That's just me.

8 MS. GASSER: Yes, Your Honor. I understand.

9 THE COURT: So I just think we'll do it the -- for
10 lack of a better word, the old fashion way.

11 MS. GASSER: Yes, Your Honor.

12 THE COURT: That's just the way we'll do it.

13 MS. GASSER: All right. Well, while the jury's out,
14 can we go ahead and refresh her recollection then as to
15 the last statement she says does she doesn't remember?

16 THE COURT: Yes.

17 MS. GASSER: So 8:58. And then, please, stop it at
18 nine. And I guess we can just take it back, also, to the
19 table at that point so we're not up here with her.

20 MS. SCOTT: I think for right now because I'm up
21 here --

22 MS. GASSER: Yeah.

23 MS. SCOTT: -- I'm not moving.

24 (WHEREUPON, an unmarked video was played in open
25 court.)

1 MS. GASSER: All right. That's -- that's -- stop.
2 Because that's the next question. We're going to have to
3 play it off and on.

4 MR. HAMILTON: I don't understand --

5 THE WITNESS: Well, she didn't ask that question --
6 (WHEREUPON, the attorneys and the Defendant were
7 talking over each other.)

8 THE COURT: Hold on. Hold on.

9 Mr. Hamilton, we can't have side bars with your
10 client while we're trying to get this resolved. I want
11 the record to be clear.

12 Should we go off -- are y'all doing something
13 administrative? Do we need to go off the record for a
14 second?

15 MS. GASSER: No, Your Honor.

16 THE COURT: Because if you're talking -- you're
17 talking, the court reporter got it.

18 MS. GASSER: Yes, Your Honor.

19 THE COURT: So where are we right now? You want to
20 stay on the record?

21 MS. SCOTT: She wants to hear --

22 MS. GASSER: She needs to hear her statement to
23 refresh her recollection.

24 THE COURT: All right.

25 MS. GASSER: From 8:59 to 9:31.

1 (WHEREUPON, an unmarked video was played in open
2 court.)

3 MS. GASSER: That's it.

4 MS. SCOTT: That was it, Your Honor.

5 THE COURT: Okay.

6 MS. SCOTT: So just procedurally, does Your Honor
7 have any issue that when she refreshes her recollection,
8 if we played it through the whole speakers, the entire
9 audience will hear her memory being refreshed. Is that an
10 issue for the Court, or would you prefer it to be kind of
11 there where she hears privately on her own?

12 MS. GASSER: For the court reporter to hear.

13 THE COURT: Madam Court Reporter, I -- I can probably
14 hear that.

15 If you publish -- if it was a statement, you were
16 going to publish it verbally, you'd put it through the
17 speakers any way, wouldn't you?

18 MS. SCOTT: If it was a written statement and no one
19 in this world would know but her. But since now, it's
20 audio, if I play it this way, she still is the only person
21 who hears as if it was a written statement. But if you --
22 I'm asking the Court if you want me to play it through
23 these big speakers and everyone in the courtroom hears
24 what -- except for her. She -- they'll be out. These
25 jurors, you've decided they're leaving.

1 So I'm asking, do you mind that everyone in the Court
2 hears? I mean, I know they're not --

3 THE COURT: When the jury is out?

4 MS. SCOTT: Yes, sir.

5 THE COURT: She can just hear it over there.

6 MS. SCOTT: Okay.

7 (Pause.)

8 THE COURT: All right. Are you ready?

9 MS. GASSER: May it please the Court.
10 Yes, Your Honor.

11 THE COURT: We've got to bring the jury back.

12 MS. GASSER: Yes, Your Honor.

13 THE COURT: Bring the jury in.

14 (WHEREUPON, the jury came into open court at
15 approximately 11:06 a.m.)

16 THE COURT: Yes, ma'am.

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

18 CONTINUED CROSS-EXAMINATION

19 BY MS. GASSER:

20 Q Ms. Robinson, after refreshing your recollection by
21 reviewing your statement, in fact, you told Investigator
22 McHale you were aware he was seeing another girl for a
23 while back; correct?

24 A That's not what I said.

25 MS. GASSER: Your Honor --

1 THE WITNESS: It's -- she was asking how long has we
2 been arguing. And I said, For months. That's what I
3 said.

4 MS. GASSER: Your Honor, at this time, the State asks
5 to impeach the witness with her statement. She's denied
6 giving it.

7 THE COURT: Okay.

8 (WHEREUPON, an unmarked video was played in open
9 court.)

10 BY MS. GASSER:

11 Q All right. So, Ms. Robinson, you just told
12 Investigator McHale that the last couple of months of your
13 relationship had been crazy; correct?

14 A Yes.

15 Q And it was because y'all were fighting and arguing
16 about another girl he was seeing?

17 A Yes.

18 Q And you found out because one of your friends had
19 told you a while back?

20 A Yes.

21 Q And so you knew for a while that he was seeing
22 another girl?

23 A Yes.

24 Q And you knew it was Patience?

25 A I didn't know her name at the time.

1 Q But you just told Investigator McHale that it was the
2 same girl you saw him with --

3 A Yes.

4 Q -- on November 6th, 2020?

5 All right. And on that day, when you saw him with
6 her, it was November 6th, 2020?

7 A Yes.

8 Q Because that was the day that you gave this
9 interview?

10 A Yes.

11 Q And you had, actually, not seen Desmond since Monday,
12 November 2nd, 2020; isn't that right?

13 A No. That's not correct.

14 Q You told Investigator McHale that you didn't see him
15 on Monday night or Tuesday; isn't that correct?

16 A No, no. I said I didn't know if he didn't come home
17 Monday or Tuesday.

18 Q And at that point, you told her it's over?

19 A Yes.

20 Q And he didn't come to you on Wednesday night before
21 this either?

22 A He did.

23 Q You didn't tell Investigator McHale that he didn't
24 come home last night either. He stayed at his momma's
25 house?

1 A And I told her that he came home and took a shower
2 and changed clothes.

3 Q But that was not on Wednesday night. You told her
4 that Wednesday night --

5 A Before I went to work --

6 Q -- he didn't come before work?

7 A I work third shift. I told her before I went to
8 work, he came home that morning and changed clothes and
9 took a shower.

10 Q Ms. Robinson, you told Desmond that you were broken
11 up; right?

12 A I did.

13 Q And you told Investigator McHale that y'all had
14 called it quits?

15 A Yes.

16 Q And you had told him that y'all were breaking up over
17 the phone and face-to-face?

18 A Yes.

19 Q And, in fact, you were moving and you weren't telling
20 him where you were going?

21 A Yes.

22 Q Wasn't it true that in September of 2020, y'all
23 weren't in a loving relationship either?

24 A In September?

25 Q September 2020.

1 MR. HAMILTON: Your Honor, objection.

2 THE COURT: Overruled.

3 THE WITNESS: We was in a relationship in September.

4 BY MS. GASSER:

5 Q In fact, on September 7th, 2020, you, actually, sent
6 Desmond a text message saying that he should stick with
7 you because you had stuck with him; isn't that right?

8 A I don't remember.

9 (WHEREUPON, State's Exhibit No. 62 was marked for
10 identification only.)

11 MS. GASSER: I'm approaching with what's been marked
12 as State's Exhibit No. 62, Your Honor.

13 BY MS. GASSER:

14 Q Ms. Robinson, is this not a text message that you
15 sent to Desmond Parks?

16 A Yes.

17 Q And in that text message, you said that he should
18 stick -- he should stick with you because you had stuck
19 with him?

20 A Yes.

21 Q And you acknowledge that he wasn't with you, that he
22 had other people; isn't that right?

23 A Yes.

24 Q So let's talk about November 5th and 6th. On that
25 night of November 5th going into November 6th, you were

1 supposed to be at work; right?

2 A Yes.

3 Q And you were working third shift?

4 A Yes.

5 Q And you were a team leader?

6 A Yes.

7 Q And you had responsibilities with that?

8 A Yes.

9 Q And you told us about those responsibilities?

10 A Yes.

11 Q And you told us that they had, actually, released you
12 early that night?

13 A Yes.

14 Q That you left around 12:30, 12:45 a.m.; correct?

15 A I believe so, yes.

16 Q Okay. And you drove home that night; right?

17 A Yes.

18 Q You weren't impaired?

19 A I what?

20 Q You weren't impaired in any way; right?

21 A No.

22 Q And you weren't drunk?

23 A No.

24 Q And you went home?

25 A Yes.

1 Q And your home was at [REDACTED] Best Drive?

2 A Yes.

3 Q Unit [REDACTED]?

4 A Uh-huh.

5 Q All right. And you made some food?

6 A I warmed my food up.

7 Q You warmed your food up. Where did you get your food
8 from?

9 A I can't remember where I got my food from.

10 Q And let's talk about these phone calls. You called
11 Desmond at 1:17:34 a.m.; isn't that right?

12 A Yes.

13 Q And he didn't answer your call?

14 A Yes.

15 Q And you called him again at 1:19:50 a.m.; isn't that
16 right?

17 A Yes.

18 Q And he still didn't answer you?

19 A Uh-huh.

20 Q And you called him a third time at 1:28:40 a.m.?

21 A Yes.

22 Q And, yet, he didn't answer your third call?

23 A Yes.

24 Q You never told Investigator McHale that you called
25 him three times with no answer, did you?

1 A No.

2 Q Now, you decided that night that you needed to run up
3 to the Spinx?

4 A Yes.

5 Q Okay. And you decided to drive to the Spinx?

6 A Yes.

7 Q And that's where you saw Desmond Parks and someone in
8 his passenger seat; isn't that right?

9 A Yes.

10 Q And you told Investigator McHale that you didn't know
11 who was in his front passenger seat?

12 A Yes. I didn't know.

13 Q And you told the jury today that you didn't know who
14 was in his front passenger seat?

15 A Correct.

16 Q And you said you thought maybe it would be his
17 homeboy; right -- or he said -- actually --

18 A He said --

19 Q -- I apologize. He said that it was his homeboy?

20 A Yes.

21 Q Okay. But you didn't know who was in that front
22 seat?

23 A No.

24 Q And so it could have been his mom?

25 A I don't know.

1 Q Or it could have been one of his children?

2 MR. HAMILTON: Objection.

3 THE COURT: What's the nature of your objection,
4 Mr. Hamilton?

5 MR. HAMILTON: Speculation. She said she didn't
6 know.

7 THE COURT: She hasn't answered the question yet. So
8 I overrule your objection.

9 THE WITNESS: I don't know.

10 BY MS. GASSER:

11 Q You didn't know. Because you didn't know who was in
12 that front seat?

13 A Right.

14 Q Right. You told Investigator McHale that you didn't
15 even know if it was a girl or not; isn't that right?

16 A Yes.

17 Q And you decided not to go in the Spinx?

18 A Uh-huh.

19 Q Even though that's why you were supposed to be up
20 there. You told us today that you went up there to get
21 something from the Spinx?

22 A Yes.

23 Q But you decided not to go inside?

24 A Yes.

25 Q And you decided to chase Desmond Parks' vehicle?

1 A Yes.

2 Q Let's talk about the map as well. You decided to
3 chase them when they turned left out of the Spinx on to
4 Welcome Road Extension?

5 A Yes.

6 Q You decided to chase them when they turned on to Old
7 Easley Bridge Road?

8 A Yes.

9 Q You decided not to turn left at the first turn to go
10 to your house at [REDACTED] Best Drive?

11 A Yes.

12 Q You decided not even to take the second turn that
13 could have gotten to your house at [REDACTED] Best Drive?

14 A Yes.

15 Q You decided not to turn the third turn that could
16 have taken you home to [REDACTED] Best Drive?

17 A Yes.

18 Q And you knew he was going to his mom's house?

19 A Yes, he said he was.

20 Q And he didn't want you to come to his mom's house?

21 A Yes.

22 Q And his car slowed down or stopped?

23 A His car stopped.

24 Q His car stopped. And you decided to park your car
25 behind his?

1 A Yes.

2 Q And you decided to open your glove box?

3 A Yes.

4 Q And you decided to grab your gun?

5 A Yes.

6 Q Your purple nine-millimeter gun; isn't that right?

7 A Yes.

8 Q And it's this gun right here; isn't that correct?

9 A Yes.

10 Q So you grabbed this gun. And you opened your car
11 door?

12 A Yes.

13 Q And you decided to get out of your car?

14 A Yes.

15 Q And you took the time to get this gun out of its
16 secured location?

17 A Yes.

18 Q And you picked up that gun because you intended to
19 use it?

20 A I didn't intend to -- to shoot.

21 Q All right. Jasmine, you said earlier that you got
22 your CWP; right?

23 A Yes.

24 Q And so in order to get your CWP, did you have to fill
25 out paperwork?

1 A I did.

2 Q And you wouldn't have lied on any of that paperwork;
3 right?

4 A No.

5 (WHEREUPON, State's Exhibit No. 63 was marked for
6 identification only.)

7 MS. GASSER: Your Honor, I'm handing up what's been
8 pre-marked as State's Exhibit No. 62 [sic].

9 BY MS. GASSER:

10 Q Ms. Robinson, is this your CWP paperwork that you
11 filled out?

12 A Yes.

13 Q And you didn't lie on that form; right?

14 A No.

15 Q And so you signed your name saying that you
16 understood gun laws?

17 A Yes.

18 Q That you understood safety procedures with guns?

19 A Yes.

20 Q That you understood that you -- you understood all
21 the safety measures of owning a firearm; isn't that right?

22 A Yes.

23 Q And you understood proper concealment?

24 A Yes.

25 Q And the reasons for drawing from concealment?

1 A Yes.

2 Q And you told this jury today that you got that gun
3 out to scare him?

4 A Yes.

5 Q And pulling your gun out just to scare someone isn't
6 proper drawing from concealment, is it?

7 A No.

8 Q So you knew that if you picked up a gun that it meant
9 that you intended to use it?

10 A No.

11 MR. HAMILTON: Objection, Your Honor.

12 THE COURT: What's the nature of the objection,
13 Mr. Hamilton?

14 MR. HAMILTON: Conclusion, asks for a conclusion.

15 THE COURT: I'm going to -- I'm going to sustain the
16 objection.

17 Go to the next question.

18 MS. GASSER: Yes, Your Honor.

19 BY MS. GASSER:

20 Q So let's go back. You picked up this gun out of your
21 glove box and you decided to get out of your car; isn't
22 that right?

23 A Yes.

24 Q And he never got out of his car?

25 A No.

1 Q And his windows weren't down?

2 A No.

3 Q Because if his window was down -- or because you said
4 the windows were up because you had to be right there at
5 his driver's side door to hear what he was saying to you;
6 isn't that right?

7 A Yes.

8 Q And you still decided to go up to his car?

9 A Yes.

10 Q While you were armed with a gun?

11 A Yes.

12 Q And you told Investigator McHale that you went to his
13 driver's door window?

14 A Yes.

15 Q Now, today we've heard a lot about the -- the
16 windows; right? You claim that you hit the butt of the
17 gun on Desmond's driver window in your interview on
18 November 6th; isn't that correct?

19 A Yes.

20 Q And today your testimony has changed from that
21 interview and you're saying that it must have been the
22 back passenger window; isn't that right? That's what you
23 testified to earlier?

24 A Yes.

25 Q Because now, you've seen the photographs?

1 A Uh-huh.

2 Q And you testified earlier that you hadn't seen the
3 photographs during your interview; isn't that correct?

4 A Yes, I hadn't.

5 Q So law enforcement didn't try to taint your interview
6 with any evidence?

7 A No.

8 Q They wanted to hear your version of the story?

9 A Yes.

10 Q So they didn't show you anything because they wanted
11 what you were saying was the truth; isn't that correct?

12 A Yes.

13 Q And you claim that when you hit the butt of the gun
14 on his driver's window that it just went off; isn't that
15 right?

16 A Yes.

17 Q And when you say that it went off, you're talking
18 about that the gun fired, it shot something out of it;
19 right?

20 A I didn't know it shot anything out of it.

21 Q So you didn't tell Investigator McHale on
22 November 6th that a round went off and -- well -- and that
23 you agree that a round went off?

24 A She asked the question about it.

25 Q And you said, Yes?

1 A I told her I didn't know.

2 Q Are you saying that on November 6th, 2020, during
3 your interview with Investigator McHale at 4:39 a.m. at
4 the law enforcement center that when Investigator McHale
5 asked you, So you say that you hit it one time and a round
6 went off, you didn't say, Yes?

7 A Yes.

8 Q You claim today that you didn't pull the trigger?

9 A Correct.

10 Q And you, first, told investigators that that gun --
11 or you, first, showed them that that gun was, actually, in
12 your right hand; isn't that right?

13 A Yes.

14 Q And then later on after showing them twice that it
15 was in your right hand, you did switch it to your left
16 hand; right?

17 A Yes.

18 Q Okay. But you didn't change the gun to your left
19 hand until after investigators started telling you your
20 story didn't make sense; isn't that correct?

21 A Say that one more time.

22 Q You didn't tell investigators that that gun was in
23 your left hand until after they indicated to you that your
24 story didn't make sense. Because, at first, you lifted
25 your right hand and you just agreed to that?

1 A Yes. And I changed it with my left hand.

2 Q All right. And so you told investigators that you
3 swung this gun across your body from left to right and hit
4 it on the driver's window?

5 A Yes.

6 Q With your palm up?

7 A Yes.

8 Q At the driver's window?

9 A Yes.

10 Q And on that video, you, actually, have this -- you
11 used a stapler, I believe; is that correct?

12 A Yes.

13 Q To indicate what the gun looked like?

14 A Yes.

15 Q And you said that you had your hand on it like this;
16 is this correct? And that you swung it across your body
17 like this; is that right?

18 A Yes.

19 Q And that you were standing like this at the driver's
20 side window, and that this gun went across your body left
21 to right; is that right?

22 A Yes.

23 Q And that you hit it on the driver's side window?

24 A Yes.

25 Q The driver's window?

1 A Yes.

2 Q Ms. Robinson, you walked up armed with a firearm and
3 murdered Desmond Parks.

4 THE COURT: Is that a question, Counsel?

5 MS. GASSER: Yes, Your Honor. Correct.

6 THE WITNESS: No.

7 BY MS. GASSER:

8 Q Why would you get your gun and arm yourself if you
9 weren't trying to kill him?

10 A I didn't mean to kill him.

11 Q What did you mean to do?

12 A My intentions was to scare him. I made a mistake. I
13 didn't mean to kill him.

14 Q All right. So you're telling us that you were just
15 trying to scare him; is that right?

16 A Yes.

17 Q Then why were you, also, chasing them?

18 A I just was.

19 Q Wouldn't chasing them scare them enough?

20 A No.

21 Q Him and this unknown person. You don't know if it's
22 a girl. You don't know who it is sitting in his front
23 seat; right?

24 A Yes.

25 Q But you can tell us today that you knew it was

1 Patience Parks; right?

2 A Yes.

3 Q Because you opened that car door?

4 A Yes.

5 Q And you pointed your gun at her and you pulled the
6 trigger?

7 A I didn't.

8 Q All right. If you didn't open that car door and see
9 her, then why did you trip up and tell Investigator McHale
10 that you saw Desmond with the same girl he was with
11 tonight?

12 A I don't know.

13 Q And you know that you pulled the trigger because your
14 gun jammed; isn't that right?

15 A I never pulled the trigger.

16 Q And you know that a gun is jammed because when you
17 pull the trigger, it doesn't work?

18 A What was your question?

19 Q Ma'am, you knew that your gun was jammed because you
20 pulled the trigger and it didn't work --

21 A I never pulled the trigger.

22 Q Then how did you know your gun was jammed?

23 A When I got back in my car and I took my gun out of my
24 pocket, it was jammed then.

25 Q In order to tell that a gun is jammed, you'd agree

1 with me that you have to pull the trigger because you took
2 the CWP class.

3 THE COURT: Is that a question, Counsel?

4 BY MS. GASSER:

5 Q Right?

6 A Yes. I took the class.

7 Q And so you understand how firearms operate --

8 A Yes.

9 Q -- isn't that right?

10 MR. HAMILTON: Objection, Your Honor.

11 BY MS. GASSER:

12 Q And you --

13 THE COURT: Hold on.

14 What's the nature of your objection?

15 MR. HAMILTON: Argumentive and --

16 THE COURT: Overruled.

17 Go ahead.

18 BY MS. GASSER:

19 Q So you've told us that you took this class and you
20 understand how firearms work; right?

21 A Yes.

22 Q Then if a gun is jammed, you have to have pulled the
23 trigger to see that it wasn't working; correct?

24 MR. HAMILTON: Objection, Your Honor. Asked and
25 answered.

1 THE COURT: Overruled.

2 THE WITNESS: I don't know.

3 BY MS. GASSER:

4 Q All right. So you injured your hand that night;
5 right?

6 A Yes.

7 Q Okay. And you -- you did tell Investigator McHale
8 that you got back in your car and you got that misfired
9 cartridge out; right?

10 A Yes.

11 Q You told her that you put it in her cup -- your cup
12 holder; right?

13 A Yes.

14 Q Okay. And that unfired cartridge was, actually, the
15 jammed cartridge from when you tried to kill Patience
16 Parks; isn't that right?

17 A That wasn't the jammed one that was in there when I
18 hit the window with my gun.

19 Q Okay. But according to you, your gun went off when
20 you hit the butt of the gun on the window; right?

21 A Yes. But I wasn't sure if it went off or not.

22 Q But you've testified multiple times that when you hit
23 the butt of your gun, it went off and you heard the glass
24 break; isn't that correct?

25 A Yes.

1 Q Okay. So you've, also, testified that when your gun
2 went off that the glass broke; right?

3 A Yes.

4 Q Okay. And something was shot out of it; correct?

5 A I'm not sure if something shot out of it.

6 Q A projectile was located in Desmond Parks' head;
7 right?

8 A Right.

9 Q You were in here for that testimony; correct?

10 A Yes.

11 Q Okay. So when you get in your car and you're
12 removing that unfired cartridge, it's still holed; right?

13 A Yes.

14 Q Projectile and casing; correct?

15 A Yes.

16 Q Ms. Robinson, you didn't call Desmond Parks after you
17 left the scene, did you?

18 A No.

19 Q The man that you were in love with; right?

20 A Yes.

21 Q The man that you were in an on and off-again
22 relationship with for -- for close to 10 years; right?

23 A Yes.

24 Q You didn't call him to make sure he was okay?

25 A No, I didn't.

1 Q And you told Investigator McHale that a friend of his
2 actually, called you and you didn't answer; isn't that
3 right?

4 A Yes.

5 Q Ms. Robinson, you told Investigator McHale that you
6 didn't deserve this; right?

7 A Yes.

8 Q And that you think you're the victim in all this;
9 isn't that correct?

10 A Yes.

11 Q Not Desmond Parks who is dead from a bullet in his
12 brain; correct?

13 A Yes.

14 Q And you told them that it was your gun, this gun
15 right here that went off that night; right?

16 A Yes.

17 Q Desmond told you to stop, didn't he?

18 A I don't remember.

19 Q Do you remember telling Investigator McHale during
20 your interview that Desmond Parks told you to stop?

21 A Yes.

22 Q In fact, he told you to stop before the glass broke;
23 isn't that right?

24 A Yes.

25 Q And it's your testimony here today that, okay, maybe

1 it was the wrong window; right?

2 A Yes.

3 Q Maybe he was, actually, trying to leave, is that what
4 you said earlier?

5 A I think so.

6 Q And he was seated in his car; right?

7 A Yes.

8 Q With his window up?

9 A Yes.

10 Q And you never stopped?

11 A No.

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

13 THE COURT: Mr. Hamilton, anything on redirect?

14 MR. HAMILTON: Just a little bit, Judge.

15 May I --

16 THE COURT: Yes, sir.

17 REDIRECT EXAMINATION

18 BY MR. HAMILTON:

19 Q Jasmine, in your statement that you gave, did you --
20 were you truthful at the time you told them everything in
21 your statement?

22 A Yes.

23 Q Is there anything that she asked you about that you
24 didn't remember that was not true?

25 A I'm not sure.

1 Q That was still -- was not true. If you said it
2 wasn't true, it wasn't true. And if it was true -- you
3 remember saying those things truthfully when you gave your
4 statement?

5 A Yes.

6 Q Did you try to deceive anybody?

7 A No.

8 Q The confusion about hitting the driver's side window,
9 did you purposely say -- why would that -- to deceive them
10 that it happened that way first as the way -- we all know
11 now that it was the passenger side window?

12 A The driver's -- the driver's rear window.

13 Q And -- and you recognized that vehicle. And at some
14 point, they said it was the passenger side window?

15 A Yes.

16 Q Right. And tried to force you to say it was that
17 window?

18 A Yes.

19 Q Okay. So the reality of -- of it all, you -- you --
20 you found out today or soon thereafter that it was the
21 driver's side window. Your intention was to hit the
22 window with the gun?

23 A Yes.

24 Q Right. And the fact that you was broken up -- you
25 told us earlier, too, on direct that y'all have arguments

1 and y'all breakup from time the time. And in this case,
2 the day before you went to work, he had been home and took
3 a shower?

4 A Yes.

5 Q All his clothes are there?

6 A Yes. His clothes, shoes, everything that he had was
7 all at my house.

8 Q And y'all had made plans that you was going to
9 separate. You was going to move from the apartment. And
10 the question was in the air is whether or not he's going
11 with you to the other apartment?

12 A Right. Yes.

13 Q And from your relationship with him, this is what
14 y'all do all the time?

15 A Yes.

16 Q Breakups to make ups?

17 A Yes.

18 Q Your knowledge about this other woman was something
19 somebody told you?

20 A Yes.

21 Q And if -- and people tell you about other women all
22 the time?

23 A You said did they tell me about other women all the
24 time?

25 Q Yes.

1 A No.

2 Q They don't? You know about other women?

3 A I knew about him and his other baby momma before,
4 yeah.

5 Q Okay. And then -- and then she was saying that you
6 chase her [sic] and then stop. He stopped; right?

7 A Yes.

8 MR. HAMILTON: No further questions.

9 THE COURT: Anything further?

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

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

12 Any other witnesses from the Defense?

13 MR. HAMILTON: No further -- no other witnesses, Judge.

14 THE COURT: Does the Defense rest?

15 (WHEREUPON, there was no response.)

16 THE COURT: Does the Defense rest?

17 MR. HAMILTON: The Defense rests.

18 THE COURT: All right. Ladies and gentlemen of the
19 jury, the -- both sides, the State as well as the Defense,
20 has presented their case to you. The next thing that
21 happens is both sides will have an opportunity to give you
22 what is called closing arguments.

23 As you recall in my opening remarks to you, I sort of
24 defined opening statements. And I sort of alluded to
25 closing statements. In both of those remarks, I indicated

1 to you that neither one of them is considered evidence.
2 And I think I talked about the opening statement. Both
3 sides are going to tell you which way they think the case
4 should navigate. I think I used that word.

5 Now, you've heard all of the evidence. And I'm going
6 to talk about the different kinds of evidence at the end.
7 But now that you've heard all the evidence, whether it's
8 testimony from the witness stand, or -- or seeing
9 documents, or some sketches, video, you've seen all the
10 evidence.

11 Now is the time -- now, Counsel for both sides, for
12 the State as well as the Defendant, are now going to tell
13 you what they think the evidence shows. But the closing
14 statements of the attorneys are not evidence, just like
15 the opening statements are not evidence. So I want you to
16 keep that in mind.

17 What we're going to do is we're going to take about a
18 10-minute -- probably about a 15-minute break. And then
19 we'll begin closing arguments by both sides. Okay.

20 So if you need a bathroom break...

21 Please, ma'am, please, sir, do not talk about the
22 case to each other.

23 And, Madam Forelady, you're still in charge.

24 (WHEREUPON, the jury was excused from open court at
25 approximately 11:40 a.m.)

1 THE COURT: We're still on the record.

2 Counsel, even though this is a break for the jury,
3 it's not a break for the two of you, for both sides.

4 Can we have a discussion about charges at this time?
5 Can we do that?

6 MS. GASSER: Yes, Your Honor.

7 THE COURT: Are y'all prepared -- are y'all prepared
8 to do that?

9 Are you prepared to discuss that, Mr. Hamilton?

10 MR. HAMILTON: Yes.

11 THE COURT: All right. I think we've got a couple
12 of -- as it relates to the issue of murder, I am just
13 going to read my -- the standard charge. You've seen the
14 standard charge.

15 You've seen it, Mr. Hamilton?

16 MR. HAMILTON: Yes. Yes, Your Honor.

17 THE COURT: I think it's pretty straightforward. I
18 intend to charge that from the statute, the standard
19 charge. I, also, intend to do the standard charge on
20 attempted murder.

21 Y'all both are familiar with that, or do you need me
22 to tell you -- y'all -- y'all got a copy of it?

23 MS. SCOTT: No, Your Honor. We would ask that you
24 read the attempted murder statute. We saw some case law
25 that was overturning some cases based on the

1 instruction --

2 THE COURT: On the attempted -- hold on. I can read
3 it to you.

4 Okay. Do you want me to just read it to you?

5 MS. SCOTT: Yes, Your Honor.

6 THE COURT: All right. We're -- we're still on the
7 record, Madam Court Reporter.

8 Attempted murder. The Defendant is charged with
9 attempted murder. In order to prove this offense, the
10 State must prove the Defendant intended to kill another
11 person with malice aforethought either expressed or
12 implied. The State must prove beyond a reasonable doubt
13 the Defendant had the specific intent to kill a person. A
14 specific intent to kill is necessary to convict the
15 Defendant for attempted murder.

16 Intent means intending the result which, actually,
17 occurs, not accidentally or involuntary. Intent may be
18 shown by acts and conduct of the Defendant and other
19 circumstances from which you may naturally and reasonably
20 infer intent. Intent may be inferred when it is
21 demonstrated that the Defendant voluntarily and willfully
22 commits an act, the natural tendency of which is to
23 destroy another's life.

24 That's the -- that's the attempted murder charge that
25 I intend to -- any -- any objection to it, Mr. Hamilton or

1 Ms. Glazer?

2 MS. SCOTT: Your Honor, I'm answering for the jury
3 instructions just so she can prepare for --

4 THE COURT: All right.

5 MS. SCOTT: Your Honor, the issue with the case law
6 that we found was multiple defendants appealing based upon
7 specific intent being stated by the jury -- I mean, by the
8 jury instruction and then a general intent explained.

9 And so --

10 THE COURT: Are these appellate courts? Supreme
11 Court or appellate -- Court of Appeals?

12 MS. SCOTT: Both Supreme Court and appellate. And we
13 had -- State vs. Commander, Your Honor, I believe is the
14 one that I was looking for. This --

15 THE COURT: Is that a Supreme -- Supreme Court case
16 or Court of Appeals?

17 MS. SCOTT: I'll find out, Your Honor. Not
18 Commander, Your Honor. I'm sorry.

19 I pulled it straight from the case, Your Honor, but
20 did not put the case. I just -- it's only when you
21 mention that -- the intent at the end, it sounded very
22 much like our general intent jury instructions. If you
23 could end it at the specific intent to kill. And I
24 didn't -- it's hard to hear something and not -- not
25 writing it out loud, Your Honor.

1 But at the very end, you infer that intent is
2 inferred. And it seemed to me like it was the general
3 intent language now married into the specific intent
4 language.

5 THE COURT: Let's me just read it again.

6 MS. SCOTT: Okay. I'm going to just --

7 THE COURT: And I've got -- and I've got the
8 Commander case in front of me.

9 Just for the court reporter's purposes, that case is
10 found in 396 S.C. --

11 MS. SCOTT: That's the wrong case, Your Honor. That
12 case does not -- I should not have applied that to this.

13 THE COURT: Okay. That's not the case. Okay. I'll
14 read it again to you.

15 MS. SCOTT: Okay.

16 THE COURT: Intent means intending the result which,
17 actually, occurs --

18 MS. SCOTT: Yes.

19 THE COURT: -- not accidentally or involuntarily.
20 Intent may be shown by acts and conduct of the Defendant
21 and other circumstances from which you may naturally and
22 reasonably infer intent. Intent may be inferred when it
23 is demonstrated that the Defendant voluntarily and
24 willfully commits an act, the natural tendency of which is
25 to destroy another's life.

1 MS. SCOTT: Okay, Your Honor.

2 THE COURT: Are you good with that?

3 MS. SCOTT: Yes, sir.

4 THE COURT: Are you good with that, Mr. Hamilton?

5 MR. HAMILTON: Yes.

6 THE COURT: All right. On the -- the -- I'm just not
7 going in any specific order. The possession of a weapon
8 during the commission of a violent crime, you know, that's
9 pretty much statutory. And it just states, If a person is
10 in possession of a firearm and visibly displays what
11 appears to be a firearm during the commission of a violent
12 crime and is convicted of committing a violent crime as
13 defined in Section 16-1-60, which defines murder as a
14 violent crime. The term firearm is defined in this
15 section as any revolver, pistol, or any weapon which is
16 designed to or may readily be converted to expel a
17 projectile.

18 And then I just go into some more of that language.

19 Are you good with that?

20 MR. HAMILTON: I'm good.

21 THE COURT: Are you good with that --

22 MS. SCOTT: Yes, Your Honor. She's fine.

23 THE COURT: You're good with that. You had an expert
24 witness, a couple of them. I'm going to insert the expert
25 witness charge in my general charge. I will talk about

1 direct and circumstantial evidence and define both of
2 those. I will, also, define reasonable doubt as well. Of
3 course, you guys have an opportunity to comment on that.

4 Now, here's -- here's what I may need to discuss with
5 you. I've got -- I think that this is where we may have
6 some dialogue back and forth. Voluntary manslaughter, I
7 do have that charge in front of me.

8 I think, Ms. Glazer, you indicated earlier what the
9 State's position is. But I'll let you put it on the
10 record in terms of the Court charging that. I don't -- I
11 do have involuntary. But I think I'm more in tune to ask
12 you about voluntary. Your position?

13 MS. GASSER: Yes, Your Honor. The State has five
14 cases in front of us that have all been deemed that
15 voluntary manslaughter is an inappropriate charge based on
16 the facts at hand.

17 THE COURT: And all -- and all these cases that
18 you're talking about, which I've read, the whole issue is
19 about provocation.

20 MS. GASSER: Yes, Your Honor.

21 THE COURT: And I think that's what you -- where
22 you're coming from.

23 MS. GASSER: Yes, Your Honor.

24 THE COURT: I want you to really talk about that.
25 And you know what I want you to talk about? I need you to

1 get into this case. Because, obviously, you've got --
2 obviously, it's undisputed that we've got a boyfriend
3 girlfriend kind of situation.

4 MS. GASSER: Yes, Your Honor.

5 THE COURT: So those cases that you're talking about,
6 all of them talk about whether or not there's sufficient
7 provocation to qualify under the statute for voluntary
8 manslaughter. So just talk about that.

9 MS. GASSER: Yes, Your Honor. So the State -- the
10 Supreme Court under State vs. Cooley, 342 S.C. 63, held in
11 2000 that the evidence did not support the instruction on
12 voluntary manslaughter as a lesser included of murder.

13 Specifically, Your Honor, they talked about this
14 issue of the boyfriend girlfriend. A specific holding
15 was -- and this is, of course, what the Defense is
16 alleging, that this was adulterous; right? And she was
17 provoked because he was cheating on her.

18 They, specifically, said, While adultery may in some
19 instances serve as sufficient legal provocation to warrant
20 a voluntary manslaughter charge, spousal adultery is not a
21 license to kill. Further, for marital infidelity to
22 support an instruction on voluntary manslaughter, the
23 killing must happen so soon after the discovery of the
24 affair that the spouse does not have time to coolly
25 reflect on the situation.

1 We had multiple evidence showing that she was aware
2 that they -- that he was seeing another girl for a while
3 back, her own words, a while back. Someone had told her.
4 That she -- that they were broken up. That at this point
5 in time, they weren't even together. She was moving. She
6 wasn't taking him with him [sic]. She admitted to that on
7 the stand. That she told him that they were broken up
8 both face-to-face as well as over the phone.

9 And she told Investigator McHale, which she admitted
10 to today, that she told him that they had called it quits.
11 They were not together. They had broken up. And even if
12 they were still seeing each other every now and then,
13 okay. She knew about his other girl. This was not
14 sufficient legal provocation. She had sufficient time to
15 cool off after knowing about this other girl for a while
16 back.

17 So that's State vs. Cooley, Your Honor. And the
18 Supreme Court did argue that this is a significant issue.
19 It's a significant issue, additionally, Your Honor,
20 because if it was to be reversed on this error, we would
21 be prohibited under double jeopardy from seeking the
22 murder charge again. So that's State vs. Cooley. And I
23 think that that's probably the most on point.

24 But then moving to State vs. Wharton, Your Honor.
25 This is 381 S.C. 209, 2009.

1 THE COURT: This is another case?

2 MS. GASSER: This is another case, yes, Your Honor.

3 THE COURT: What's the name of it?

4 MS. GASSER: The Supreme Court, State vs. Wharton,
5 W-H-A-R-T-O-N. And I think that this case is very
6 interesting because of the facts. This was Miss Suber,
7 who was the Defendant's ex-girlfriend, arrived at the
8 house and they started arguing. So in this case, it does
9 differentiate that our victim was just minding his own
10 business and trying to flee.

11 But in this case, the victim even went out of her way
12 to go to his house. And they still ruled that it was
13 improper to charge voluntary manslaughter. Specifically,
14 it says that they had an argument. That he placed his --
15 that the Defendant retrieved his gun from the car, pulled
16 it out meaning to fire a shot into the air, but fatally
17 shot the victim instead.

18 Here, she's saying that she just pulled her gun out
19 to scare someone, which, of course, I argue is
20 inappropriate any way. But if that is her intent was just
21 to scare him. In this case, his intent was just to shoot
22 into the air. And they still said that it was improper to
23 charge voluntary manslaughter.

24 Next, Your Honor, State vs. Niles, 412 S.C. 515,
25 2015. This is, also, the Supreme Court that had -- that

1 ruled the Defendant was not entitled to the instruction on
2 the lesser included offense of voluntary manslaughter. In
3 this case, the Defendant testified that he did not want to
4 hurt the victim, which is the same testimony we've heard
5 from the Defendant here. She didn't intend to kill him.
6 That he shot with his eyes closed. And that he was merely
7 attempting to stop the victim from shooting.

8 And still in that case, they ruled that voluntary
9 manslaughter was inappropriate. It said that the
10 Defendant's own testimony did not establish that she
11 was -- that he was overtaken by sudden heat of passion
12 such that she -- that they had an uncontrollable impulse
13 to do violence.

14 Your Honor, this victim [sic] testified multiple
15 times about her calm decision making throughout that
16 night. Her decision to follow them. Her decision to get
17 her gun out. Her decision to walk up to the car. I think
18 that this Defendant herself has placed herself very cool
19 in that situation.

20 The argument comes down to, did she intend to kill
21 him? Well, based on these cases, it doesn't matter what
22 her intent was. Voluntary manslaughter is not appropriate
23 to charge as a -- as a lesser included. And it is a huge
24 issue for us on any kind of appeals process.

25 And, of course, Your Honor, I'd just like to note for

1 the record that not only does sufficient legal provocation
2 have to -- that sufficient legal provocation, also, has to
3 have an overt act from the victim. None of which has been
4 testified to or put into evidence in this case. All of
5 the testimony has been that he was trying to leave. That
6 he was trying to flee. He never got out of the car. He
7 never rolled down his window.

8 In fact, her testimony was that all he said to her
9 was, Jas, stop. That's not sufficient legal provocation.

10 THE COURT: All right. Let me peek at these cases
11 just for a second.

12 (Pause.)

13 THE COURT: Mr. Hamilton, let me hear from you.

14 MR. HAMILTON: Judge, my client would encourage
15 the -- the Judge to exercise his discretion. After
16 hearing the evidence that's been presented in this case
17 and the applicable points of law that needs to be applied
18 that the Court follow its discretion to -- according to
19 the law charge manslaughter in this case.

20 The issues that have been presented that the -- the
21 relationship is greater than boyfriend girlfriend. They
22 had -- have held out to be common law marriage in times
23 of -- and they could have had to get a divorce to undo the
24 marriage once they declare a common law marriage.

25 So it's not that they were boyfriend and girlfriend

1 and would breakup from time to time and was free to do
2 what they want to do. Because there was never a divorce.
3 That puts my client in a position that she observed a
4 person that was in her car. She had every right to follow
5 that car. It's her car, her husband. And so that --
6 that --

7 THE COURT: But she didn't know who was in the car.

8 MR. HAMILTON: It was -- it was somebody in the car.

9 THE COURT: She didn't know who. You said she had
10 every right to follow the car.

11 MR. HAMILTON: Yes.

12 THE COURT: Even though she didn't know who was in
13 it?

14 MR. HAMILTON: Yes.

15 THE COURT: That's what I'm asking.

16 MR. HAMILTON: Yes, yes, Judge. And -- and she
17 determined that -- yeah, so she --

18 THE COURT: Let me ask you this, I'm -- I'm looking
19 at this case. And I think Counsel has given you a copy of
20 it. And I think the case that I read the other night
21 was -- I read the Cooley case. There was some specific
22 language in the Cooley case. And I'm going to read it to
23 you, Mr. Hamilton. And I'm going to -- because we're just
24 going to dissect this language for just a minute.

25 In State vs. Cooley, the Court said -- this is a

1 Supreme Court case. It said, Both heat of passion and
2 sufficient legal provocation must be present -- this is
3 the language I want you to listen to -- must be present at
4 the time of the killing to convict for voluntary
5 manslaughter. And the provocation must be such as to
6 render the mind of an ordinary person incapable of cool
7 reflection and produce an uncontrollable impulse to the
8 violence. Just dissect that for me.

9 It says both heat -- heat of passion and sufficient
10 legal provocation must be present at the time of the
11 killing. Let's stop right there.

12 What do you think about it?

13 MR. HAMILTON: I think that is -- the heat of
14 passion, Judge, is that --

15 THE COURT: I'm talking about the sentence I just
16 read, Must be present at the time of the killing, heat of
17 passion and sufficient provocation.

18 MR. HAMILTON: Right. He stopped at the time of the
19 killing. She followed him. She had -- they had been
20 together that same day and had -- he had been home, took a
21 bath. She went to work.

22 And then when she went to the Spinx, she didn't know
23 who was in the car. But she figured it out because he
24 wouldn't stop. I know the evidence shows that they
25 were -- even to Patience, who we know was in the car, was

1 saying -- said that was her screaming. That she could
2 hear them screaming. And what she was screaming is who is
3 that in the car? Who is that in the car? And he stopped.

4 And that's when her emotions -- she knew it was him.
5 They had just made love or they had some discussion that
6 same day. He had been home, took a shower. She went to
7 work. She was going to the Spinx. And then all the
8 sudden, there he is with that woman in the car. She
9 reacted, followed them. He stopped in the middle of the
10 road. That's her emotions.

11 THE COURT: All right. Let's go to the second part
12 of this. The provocation -- which I think is an
13 interesting piece in this case. The provocation must be
14 such as to render the mind of an ordinary person
15 incapable -- the word incapable -- incapable of cool
16 reflection. Let's stop right there.

17 She drove -- this is what the testimony is. I don't
18 know. I -- I don't know what happened. But I'm -- but
19 I'm just listening to the testimony. She drove -- it's
20 unrefuted that she drove a vehicle behind the -- the car
21 that the girlfriend was in. The provocation must be such
22 as to render the mind of an ordinary person -- your
23 client, the Defendant -- incapable of cool reflection.
24 She had time.

25 Do you agree? Think about it. I'm just -- I don't

1 know. I'm just asking you, Mr. Hamilton. I'm -- you
2 know, I'm just the -- the judge of the law. I don't know
3 anything about the facts. I'm just trying to ask the
4 question. Just -- I'm just getting the language out of
5 this case, the State vs. Cooley. Going back to it, The
6 provocation must be such as to render the mind of an
7 ordinary person incapable of cool reflection. I'm
8 stopping right there.

9 MR. HAMILTON: And -- and the capacity --

10 THE COURT: Incapable of cool reflection.

11 MR. HAMILTON: And we're saying that she was not --
12 she was not capable --

13 THE COURT: Why?

14 MR. HAMILTON: Because she was tremendously provoked
15 and overcome by the actions of her husband.

16 THE COURT: And then the last sentence says, And
17 produce an uncontrollable impulse to do violence.

18 What do you say about that?

19 MR. HAMILTON: She presented herself in a violent
20 fashion, Judge. She -- she didn't have to get a gun.

21 THE COURT: Uncontrollable.

22 MR. HAMILTON: Uncontrollable. She -- she -- she
23 couldn't help herself. She was just terribly put out.
24 Because she had just left him that day. And there he was
25 with the very --

1 THE COURT: In the Cooley case, Mr. Hamilton, I think
2 the trial judge -- and I think this was reversed by the
3 Supreme Court on a writ of certiori. The trial judge --
4 the Court determined that the trial judge should not have
5 given a voluntary manslaughter charge because the record
6 contained no evidence to support a finding of sufficient
7 legal provocation.

8 I'm just -- I'm just -- just hard -- hard pressed,
9 Mr. Hamilton, to see where I can -- looking at this case,
10 the State vs. Cooley and, also, looking at the Niles and
11 Wharton case, I -- I just don't see where I can give a
12 voluntary manslaughter charge in this case.

13 All right. You heard me?

14 MR. HAMILTON: Yes, Your Honor. I don't know if I'm
15 supposed to object to it or not.

16 THE COURT: But anyway, I'm not going to give a
17 voluntary manslaughter charge.

18 MS. GASSER: Thank, you Your Honor.

19 THE COURT: So we've got -- we've got the murder,
20 attempted murder, and possession of a weapon during a
21 violent crime. I'll stick in the charge on expert
22 witnesses. And I'll, also, do the boilerplate charges on
23 direct and circumstantial evidence and reasonable doubt.

24 Is that where we are?

25 MR. HAMILTON: And -- and malice. You got --

1 THE COURT: Well, that's going to -- that's going to
2 come out in the -- in the murder charge, the definition of
3 malice.

4 Is that what you're talking about?

5 MR. HAMILTON: Yeah, the definition.

6 THE COURT: Right.

7 MR. HAMILTON: And because it's not automatically
8 inferred by a gun.

9 MS. SCOTT: Your Honor, I know what he's speaking on.
10 I believe it's State vs. Belcher. I handed him a copy of
11 some instructions so that he could see that those
12 arguments are, typically, made --

13 MR. HAMILTON: What I'm asking, Judge, is that malice
14 may be inferred from conduct showing --

15 THE COURT: Is that what the Belcher case says?

16 MR. HAMILTON: Belcher. But the Belcher says if
17 there's anything that shows -- or mitigating, or excuse,
18 or justify homicide or -- then the inferred is malice just
19 by having a gun, malice aforethought. Malice, you know --
20 malice -- shows malice, other than the fact that they had
21 a gun.

22 Is that what that means?

23 MS. SCOTT: Yes, Your Honor.

24 Are you opposing that language or do you -- what was
25 your objection to the language --

1 MR. HAMILTON: I was asking was he going to -- was
2 that language going to be read to the jury. And if not --
3 if not, this case is excused. Because whenever this is
4 presented that would reduce, mitigate, excuse, or justify
5 homicide -- the jury shall not be charged that malice may
6 be inferred from the use of a deadly weapon.

7 THE COURT: Let me see -- let me see the copy you've
8 got.

9 MR. HAMILTON: I just have --

10 MS. SCOTT: That's fine.

11 If -- he has what we all have in the jury instruction
12 book, Your Honor, so.

13 MR. HAMILTON: It's that first paragraph, Judge.

14 THE COURT: This is a 2009 case. You're saying that
15 this should not be charged, Mr. Hamilton?

16 MR. HAMILTON: This -- yes, should not be charged,
17 Judge.

18 THE COURT: What do you say about that, Ms. Glazer?

19 MS. SCOTT: Well, Your Honor, Ms. Scott.

20 THE COURT: I mean Ms. Scott. I'm sorry.

21 MS. SCOTT: Yes, Your Honor. Specifically, in
22 Belcher, it states there has to be evidence presented at
23 the trial that would reduce, or mitigate, or excuse, or
24 justify the homicide. Similarly, to the arguments that
25 were made about voluntary manslaughter, there has been no

1 evidence that the Defendant's actions at all would be
2 justified to this homicide. There was nothing to mitigate
3 why she would have killed similarly to the legal
4 provocation -- provocation argument, Your Honor.

5 THE COURT: All right.

6 MS. SCOTT: So we do believe that that should be
7 inferred, the use of a deadly weapon with the malice, Your
8 Honor. She, also, stated that she was intending to scare.
9 And malice is a hostile ill intent.

10 THE COURT: I think Mr. -- Mr. Hamilton's -- he's
11 relying -- do you see that insert where it says -- let me
12 read this, Where evidence is presented that would reduce,
13 mitigate, excuse, or justify homicide or assault without
14 an intent to kill.

15 I don't think that's applicable in this case. I know
16 you cited that, Mr. Hamilton. But I don't know if
17 that's -- I don't know if that insert language is
18 applicable in this particular case.

19 Let me just read it again. I think this is where
20 you're reading. Where evidence is presented that would
21 reduce, mitigate, excuse, or justify homicide or assault
22 and battery with intent to kill caused by use of a deadly
23 weapon, the jury shall not be charged that malice may be
24 inferred by the use of a deadly weapon. I don't think
25 that's what we have here.

1 Do you see it differently? I'll be glad to hear from
2 you.

3 MR. HAMILTON: I -- I just think that there's
4 mitigating circumstances and evidence that would mitigate
5 and reduce --

6 THE COURT: What -- what evidence?

7 MR. HAMILTON: Evidence that there was no intent in
8 the general sense to commit a crime.

9 THE COURT: Well, that's -- that's a jury question,
10 wouldn't you think?

11 MR. HAMILTON: Yes, yes. So that's -- and then I
12 guess -- I'm just asking the Court to -- that's the
13 mitigation that I was saying that -- intent, you know --

14 THE COURT: The intent -- the intent that you're
15 alluding to is still a jury question. The jury must
16 decide that.

17 MR. HAMILTON: And they can decide whether or not --
18 it is also -- it's not a fact that they hear that fact
19 and -- and accept it as conclusive. It's just still in
20 the realm of direct evidence.

21 THE COURT: And I -- and I understand that. And I'm
22 going to note your objection for the record. But I'm
23 going to go ahead and --

24 Madam Solicitor, I'm going to read -- you have a copy
25 exactly of what I'm looking at; right?

1 MS. SCOTT: Yes, Your Honor. I gave him that copy,
2 so.

3 THE COURT: All right. I'm going to get my law clerk
4 to go back and make a couple copies.

5 MR. HAMILTON: Just for clarification, Judge, may I
6 ask --

7 THE COURT: Yeah.

8 MR. HAMILTON: -- the general rule of intent -- in
9 all criminal cases, isn't there a general charge for
10 intent?

11 THE COURT: Criminal intent?

12 MR. HAMILTON: Criminal intent.

13 THE COURT: Yes.

14 MR. HAMILTON: Yes.

15 THE COURT: Do you want to hear it?

16 MR. HAMILTON: Yes, sir.

17 THE COURT: All right. Defense Counsel has asked the
18 Court to put on the record the Court's potential charge on
19 criminal intent. Here it goes, Criminal intent is a
20 necessary element of the crime of murder and must be
21 proved by the State beyond a reasonable doubt. Criminal
22 intent is always a matter that must be determined by the
23 jury from the circumstances surrounding the situation.

24 So the law states that criminal intent may be
25 inferred from the circumstances shown to have existed.

1 The State is not required to prove motive, although the
2 presence or absence of this evidence of motive may be
3 considered in making your determination in this case.

4 Criminal intent is a state of mind that operates
5 jointly with an act in the commission of a crime. Intent
6 includes those consequences, which, A, represent the very
7 purpose for which the act is done, B, are known to be
8 substantially certain to result.

9 Criminal intent is a mental state of conscious
10 wrongdoing. So it's up to you, the jury, to determine
11 what the Defendant intended to do based on the
12 circumstances shown to have existed. I tell you that the
13 State must prove criminal intent as it must prove every
14 element beyond a reasonable doubt.

15 That's my charge on criminal intent.

16 MR. HAMILTON: Thank you, Judge.

17 THE COURT: Are you okay with that, Ms. Scott?

18 MS. SCOTT: Yes, Your Honor.

19 THE COURT: All right. Anything else as it relates
20 to the potential charges that I'm going to state to the
21 jury? Anything else?

22 MS. GASSER: Your Honor, the State would just like to
23 make sure that as part of the charge that anything that
24 was stricken from the record that the jury is made aware
25 again that that is not to be considered as evidence and

1 should have no bearing on any decision that they make. I
2 believe it's in one of the charges. I just wanted to make
3 sure that it was in your -- in your copy.

4 THE COURT: Okay. We will give this back to --
5 Give that back to Mr. Hamilton.

6 MR. HAMILTON: Thank you.

7 THE COURT: Okay. Ms. Scott, are you going to get
8 your office to prepare a verdict form?

9 MS. SCOTT: Yes, Your Honor --

10 THE COURT: Once you do that, get Mr. -- show it to
11 Mr. Hamilton so he can see it.

12 MS. SCOTT: I've got it for him to review now.

13 THE COURT: Okay. I know I didn't give you two a
14 bathroom break. Do y'all need a bathroom break before we
15 start closings?

16 MS. SCOTT: We do, Your Honor. Actually, we have
17 a -- a PowerPoint I need to put up.

18 THE COURT: Okay. We're going to -- we'll -- it's
19 12:15. We'll be ready to go around 12:30.

20 Just tell them they have an extended bathroom break
21 back there. We'll start at 12:30.

22 (WHEREUPON, a break was taken.)

23 THE COURT: Bring the jury in.

24 (WHEREUPON, the jury came into open court at
25 approximately 12:20 p.m.)

1 THE COURT: All right. Ladies and gentlemen of the
2 jury, I'll just give you some instructions. We're going
3 to deviate just a little bit. I'm going to go ahead and
4 send you to lunch now. And it's 12:15 [sic]. I need you
5 to just come back at 2:00. And at 2:00, we're going to
6 have closing arguments by Counsel. Then we'll directly go
7 into the charge on the law.

8 Please, ma'am, please, sir, don't talk to each
9 other -- I know you've heard that so many times. Don't
10 talk to each other about the case. And I'll see you back
11 at 2:00.

12 (WHEREUPON, the jury was excused from open court at
13 approximately 12:21 p.m.)

14 THE COURT: Okay. If there's nothing further, we'll
15 stand at ease until 2:00.

16 (WHEREUPON, a lunch break was taken.)

17 THE COURT: Anything from Counsel?

18 MS. GASSER: Your Honor, we're -- I'm just waiting
19 for co-counsel. She'll be back in just moment.

20 THE COURT: Okay. Very good.

21 Mr. Hamilton, anything?

22 MR. HAMILTON: I just told her I may use some
23 demonstrative...

24 MS. GASSER: Additionally, Your Honor, the State may
25 use -- we're going to use a demonstrative PowerPoint as

1 well.

2 THE COURT: Okay.

3 MS. GASSER: We do have a copy for Defense Counsel,
4 if he wants to look at it. We can do that while we wait
5 for Ms. Scott.

6 THE COURT: Very good.

7 (Pause.)

8 MS. GASSER: Your Honor, the State is ready to
9 proceed.

10 THE COURT: Okay. Is the Defense ready to proceed?

11 MR. HAMILTON: The Defense is ready, Judge.

12 THE COURT: Okay. Bring them in.

13 (WHEREUPON, the jury came into open court at
14 approximately 2:15 p.m.)

15 THE COURT: All right. Ladies and gentlemen of the
16 jury, I trust that you had a good lunch. And it is now
17 time to go directly into closing arguments for the State,
18 closing arguments for the Defense.

19 Again, I'll reiterate to you as I did earlier, the
20 closing arguments and the evidence is just the -- the path
21 that the lawyers are going to tell you they thought, in
22 their opinion, the evidence took them.

23 All right. So the State is ready to proceed?

24 MS. GASSER: Yes, Your Honor.

25 THE COURT: All right. Yes, ma'am.

1 MS. GASSER: May it please the Court.

2 THE COURT: Yes, ma'am.

3 CLOSING ARGUMENTS

4 MS. GASSER: Jasmine Robinson never stopped. I told
5 you at the beginning of this case she never stopped. In
6 fact, she told you herself from that stand she didn't
7 stop, even after Desmond Parks asked her to.

8 But you know what? This case, it's, actually, not
9 just about how she didn't stop; right? This case is,
10 also, about how Patience Parks taught us about courage,
11 about courage to come up here, take that stand, and tell
12 you about the fear, terror, and devastation that this
13 Defendant caused two families. Her courage to, finally,
14 stop the Defendant by telling you what happened to her and
15 Desmond on November 6th, 2020.

16 I told you in my opening statement, please, keep your
17 eyes and your ears open. I told you a little bit about
18 how the Defense may try to confuse or distract you, send
19 you down rabbit holes way over here to distract you from
20 the actual evidence, what, actually, happened that night.
21 Did y'all catch it?

22 They were soulmates, love of her life. They had been
23 broken up. Calling our victim a home wrecker. She
24 admitted on that stand herself, they weren't together.
25 They were broken up. They had called it quits. She knew

1 about Patience for a while. They tried to tell you there
2 were inherent inconsistent statements. Patience stayed
3 consistent. You know who didn't? I agree with them,
4 there was somebody that was inconsistent, the Defendant.

5 Lastly, they tried to tell you that she was the
6 victim in this case. She sat up there and said she's the
7 victim. She doesn't deserve this, not the dead victim
8 with a bullet in his head.

9 In a few minutes, the Judge is going to instruct you
10 on the law. But I want you to pay attention to the
11 elements, all of the law. And how we, the State, have
12 proved beyond a reasonable doubt that the Defendant
13 murdered Desmond Parks and attempted to murder Patience
14 Parks.

15 Throughout this case, you were presented with
16 evidence. And that evidence is what you are going to get
17 to consider, discuss, deliberate. You're going to get to
18 take all of this back there with you. But this isn't the
19 only evidence, this -- these physical pieces of paper,
20 that gun. It's, also, everything elicited from that
21 stand. And through that evidence, we were able to prove
22 beyond a reasonable doubt that the Defendant is guilty.

23 What is reasonable doubt? The Judge is, also, going
24 to tell you about that. He's going to instruct you. And
25 I want you to listen very closely to that as well.

1 Because reasonable doubt is not beyond all doubt. You
2 can't say that aliens came down and shot this gun. And,
3 you know, that presents doubt. It's beyond a reasonable
4 doubt. It's what leaves you firmly convinced in
5 courtrooms across the U.S. every day. The State proves
6 beyond a reasonable doubt. It's not this massive burden
7 that they want to tell you about, you know, that we will
8 never reach; right? It's not all doubt. It's what leaves
9 you firmly convinced.

10 Murder. That the Defendant killed Desmond Parks with
11 malice aforethought. We've proved that. Malice
12 aforethought may be expressed or implied. The Judge is
13 going to tell you that as well.

14 But how did we prove that? What evidence did we show
15 you that this Defendant explicitly used malice
16 aforethought to kill Desmond Parks? Let's go to that
17 Spinx video.

18 This Defendant followed the victims from the Spinx
19 gas station all the way to where the shootings -- where
20 the shooting happened. At any point, she could have
21 stopped. She didn't have to follow them from the Spinx
22 gas station. She could have got out and got what she was
23 going to the store for. Well, there's my ex. She could
24 have done that. But, no, she followed them.

25 At any point during that chase, she could have gone,

1 he's going home with her, whatever. She could have turned
2 left and gone home, not once, but three times. And she
3 told you that on that stand.

4 Expressed malice, malice aforethought. She knew
5 right then, right then when she aggressively followed them
6 and tried to cut them off on Welcome Avenue Extension what
7 she was going to do. She was going to chase him. She was
8 going to get her gun. And she was going to kill him.

9 Malice aforethought. Like I said, she was going to
10 chase him down. She exited that vehicle with a gun. And
11 she fired that gun. And it ended up shooting Desmond
12 Parks in the back of the head.

13 Attempted murder. The Defendant attempted to kill
14 Patience Parks. We proved that. She did so with
15 expressed malice, the specific deliberate intent to
16 unlawfully kill Patience Parks. How did we prove that?

17 Patience Parks got up here and told you. And I don't
18 know if y'all caught this, she was even closing her eyes.
19 She was having a visceral reaction about remembering those
20 details of how this Defendant opened that car door,
21 pointed that gun at her, and pulled the trigger. She told
22 you about how she begged for her life, how she pled for
23 Jesus. These are details that are incredibly important.

24 This Defendant attempted to murder her when she
25 pointed that gun and pulled the trigger. Let me tell you

1 this, if that gun hadn't have jammed, we'd be here today
2 with a double murder charge.

3 Possession of a weapon during a violent crime. This
4 one kind of speaks for itself. That the Defendant
5 possessed a firearm during the commission of a violent
6 crime. Murder is a violent crime. We proved that.

7 Let's talk a little bit, too, about some of the
8 evidence that you've seen. We have this map. You're
9 going to get to take it back with you. We walked through
10 it with Investigator Grubbs. And it's all the points of
11 interest. We wanted you to have a good picture of what we
12 were talking about.

13 We've got [REDACTED] Terilyn Court. That's Tammy Parks'
14 home. We've got the Spinx gas station on White Horse
15 Road. We've got the Defendant's home at [REDACTED] Best Drive,
16 Apartment [REDACTED]. And we have [REDACTED] Old Easley Bridge Road
17 where the deceased was located in the vehicle in the
18 middle of the roadway.

19 Timeline. There's been a lot of discussion about
20 timeline, and inconsistencies, and how important that is;
21 right? It is important, I agree. So let's talk about the
22 timeline.

23 1:33:35 a.m., Desmond Parks and Patience Parks
24 arrives at the Spinx. How do we know that? Because of
25 the Spinx video. We have that. You have that. You can

1 take it back, watch it, please. 1:34:08 a.m., this is
2 when Desmond Parks calls Patience Parks [sic]. He called
3 her. Here's that time stamp, 1:34:08 a.m. This is when
4 that phone call was being made by Desmond Parks, who's in
5 that Acura to Patience Parks, the Defendant --I mean to
6 the Defendant -- excuse me -- to the Defendant in that
7 Nissan.

8 Y'all remember up here on that stand, she was
9 absolutely firm that he did not call her when she was --
10 when he was leaving. That he called her when he was at
11 that gas pump. Wrong. We have the phone logs. We have
12 the screen shot from the surveillance camera. Yet,
13 another lie she got caught in. Because her story doesn't
14 make sense.

15 Let's talk about what happened after they left the
16 Spinx. Desmond and Patience are traveling down Old Easley
17 Bridge Road. That's the red mark you see there. That
18 phone call from the phone log, you can see it. It lasted
19 two minutes and 27 seconds. So it ended. The phone call
20 ended at 1:36:35 a.m. That's the duration of the phone
21 call. That is the duration of when they got from the
22 Spinx to [REDACTED] Old Easley Bridge Road.

23 One minute and 29 seconds, that is from the end of
24 the phone call between Desmond and the Defendant and when
25 you see Patience Parks begging for help on the Ring

1 doorbell camera. There's your time stamps, one minute,
2 29 seconds. It doesn't sound like much. But I want you
3 to think about it. Sit here and think about a minute and
4 29 seconds. Because that's when that Defendant pulled up,
5 grabbed her gun, got out of her car, shot at Desmond and
6 Patience, opened that car door, pointed that gun again,
7 and pulled the trigger. Think about how long that is.
8 It's painfully long when you sit and you think about it.
9 And then the doorbell video again at 1:38:04.

10 1:42:28, the first 911 call is made. And watch that
11 Ring doorbell footage because you'll see Patience. She's
12 knocking on the door. She's trying to flag down help.
13 She's trying to be on her phone. So there's a little bit
14 of a gap there. She told you herself, she was in shock.
15 She said she crawled over the body. She was running. She
16 ran to get his mom. Odd behavior, consistent with shock;
17 right? She told you, I was in shock. She had just had a
18 gun pointed at her.

19 So Defense Counsel, they in their opening statement
20 talked at length about how none of this made sense. We
21 wouldn't be able to prove it; right? You have all this
22 evidence, all this evidence that proves exactly what we
23 just walked through. Well, I want to talk about some
24 particulars, some particular things that came out from
25 this witness stand that I want y'all to really focus in

1 on. It's really important.

2 Desmond Parks and the Defendant were not in a
3 relationship on November 6th, 2020. They had not been
4 together for a while. She told you that herself. She'd
5 known about this girl for a while. They had broken up.
6 They had called it quits. She had told it to his face and
7 over the phone.

8 Let's -- let's talk about their own photographs that
9 they entered. They talked about March 2020. They talked
10 about -- let's see, this one is from 2017. There's no
11 dispute that they were on and off again in those 10 years.
12 This is from 2018, May 2nd, 2020, May 31st, 2020, May
13 14th, 2020. This one's a little cut off, but I think they
14 testified May 2020, April 10th, 2020, September 20, 2017,
15 2013.

16 Okay. Let's -- let's be clear. No photographs were
17 presented to you after May of 2020. When did Patience
18 Parks stand up there and tell you that they started dating
19 officially, they got serious? It started around May 2020.
20 Those are their own photos.

21 The Defendant admitted, like I said, that they were
22 broken up. They called it quits. And she was real
23 reluctant to tell you guys that she knew about this other
24 girl; right? We had to play her video statement. But she
25 even knew that it was Patience Parks, the girl that she

1 saw with him on November 6th, 2020. And she didn't want
2 you to know that, that she knew that.

3 She knew that they were together, that she was not
4 with Desmond, that he was with another girl. Because
5 there's no reason for her to chase him down. She wanted
6 to be very -- she wanted to hold that back.

7 Patience told you that Desmond called her that night.
8 We had testimony from Patience. We have testimony from
9 Investigator Grubbs. He called her, I think, Grubbs
10 testified around 11:00. She went to Tammy Parks' house.
11 That's Desmond's mom. Y'all heard from her as well. [REDACTED]
12 Terilyn Court.

13 They were in a serious relationship. Patience told
14 you that from -- from, at least, her point of view.
15 Desmond's not here. We can't hear from him. But from her
16 point of view, she was in a serious relationship with this
17 man. She had met his family, his kids. She was meeting
18 his mom for the first time in person.

19 At this same time, the Defendant is calling Desmond
20 Parks three times. No answer. Y'all have the phone logs.
21 You can look at them. 1:17:34 a.m., no answer. She
22 admitted that. 1:19:50 a.m., no answer. She admitted
23 that. 1:28:40 a.m., no answer. She admitted that.

24 Desmond was spending time with his mother and his new
25 girlfriend. They were meeting for the first time in

1 person, like I said. They were laughing. They were
2 eating. They told you they were having a good time. So
3 he wasn't answering his ex-girlfriend.

4 Patience and Tammy then both told you that Patience
5 and Desmond left in his car, in the Acura, the one that he
6 was driving to go up to the Spinx just up the road.
7 You've got the video. We talked about it a lot.

8 They arrive at the Spinx. You see that on the video.
9 Look at the times. And then the Defendant arrives right
10 after them. And she admitted to you, she didn't get out
11 of that car. She'd gone home. She was running up there
12 to grab something. But, yet, she didn't get out of the
13 car.

14 You see them pull up to the gas pump. You see them
15 immediately leave when they see it's her. And, again,
16 look at those time stamps. She was so firm on that stand.
17 He absolutely called me when he was at the gas pump, not
18 when he was leaving. You have the screen shot. You saw
19 it. He was leaving.

20 She even told you that he didn't want her to come to
21 his mom's house. He said, Jas -- or that he told her to
22 stop. Patience told you that she heard them yelling at
23 each other on the phone. She told you that Desmond didn't
24 want her to come back to his mom's house. Patience told
25 you how she was looking out that window. She was

1 irritated; right? The drama.

2 And she heard the glass break. She felt it on her
3 neck. And she looked over and saw Desmond slumped. And
4 then she described what happened next.

5 The Defendant admitted that at this time, she chased
6 them down Welcome Avenue Extension. She admitted that she
7 chased them down Old Easley Bridge Road. She sat right up
8 there and said it.

9 She, also, admitted that she didn't know who was in
10 the car with Desmond. It could have been a friend of his.
11 That's what she said he said. It could have been his mom.
12 It could have been his kid. So why did you get a gun out
13 if it could have been his kid? Because you didn't know it
14 was another woman. She told you that over and over again,
15 I didn't know. I didn't know who it was.

16 She admitted to you that she stopped her car behind
17 Desmond's. She admitted to you that she opened that glove
18 box and she got out her gun. She told you about how she
19 has her CWP, how she knows firearms, how she knows the
20 rules regarding those firearms, the laws, how she knows
21 about safeties. And she knows about -- it was the -- how
22 pulling out your gun, what that means; right? The draw of
23 the gun from her concealment. She admitted to that. She
24 knows all of that.

25 But then she sits up here and says, well, I didn't

1 intend to kill him. I just wanted to scare him. And we
2 talked about that with her. You know, scaring him, that's
3 not the right way to use a gun.

4 So why grab it? Why grab that gun if you were not
5 intending to use it? That's what doesn't make sense.
6 Because the truth is she intended to use it. She admitted
7 to you that she grabbed this gun, the nine-millimeter
8 purple gun.

9 She admitted this was the gun that she says that she
10 walked up to that car and that it was her intention to hit
11 the driver's window; right? Well, she, actually, you
12 know, got a little confused with her hand. But she says
13 it's in her left hand, not on the trigger. And her
14 intention is to hit the driver's window with this gun like
15 this, palm up, across her body left to right. She didn't
16 say up and down. She said, like this left to right. And
17 it hit the window -- driver's window and it went off.

18 She's come in here today and admitted that that's
19 what she said back on November 6th, 2020. She's then come
20 in here today and tried to explain to you, well, you know,
21 after seeing the photos now, it must have been the back
22 passenger window; right? Because the evidence proves her
23 story was false. She had to come up with something.

24 So, you know, maybe he pulled up a little. All
25 right. If we're going to believe that, then he was still

1 trying to flee from her. He was still trying to leave.
2 She admitted that he never got out of that car, that he
3 never rolled down his window. And she told you that the
4 only thing he said to her was stop. So her own story, her
5 own version of this is that he's continuing to try to flee
6 from her.

7 Let's talk about that jammed gun, too. Because
8 that's really important, really important. She got up on
9 this stand and told you that her gun jammed. She agreed
10 that she, also, told investigators that back on November
11 6th, 2020. She said, Yeah, I told them that.

12 She told them that the -- that she got back in her
13 car. She realized her gun was jammed. She had to remove
14 it and put it in the cup holder. And what's she's talking
15 about is this cartridge. And I -- you know, I -- I talked
16 with her. And I said, And that cartridge was full; right?
17 It was whole, the projectile and the casing. She said,
18 yeah. All right. And she agreed that Desmond Parks was
19 hit with a projectile in his head.

20 Now, what she wouldn't agree to is she wouldn't agree
21 that something shot out of that gun. She wasn't going to
22 agree to that; right? Because what works for her is,
23 well, I hit it on the car and then, you know, it jammed.
24 And then I got in my car and unjammed it. What doesn't
25 work is that she fired that gun killing Desmond, opened

1 that car door with this gun. And let's -- we'll put it in
2 the left hand. That's what she says; right?

3 She opened this gun -- or opened that car door
4 holding this gun, pointing it. And then it doesn't go
5 off. It jams. That's exactly what Patience said, pointed
6 it, pulled the trigger. And then it didn't go off.

7 And then Patience describes how she's re-racking.
8 She told you herself she has a cut on her hand. Wouldn't
9 aggressively re-racking the gun cause a cut? I think so.

10 Then she gets in her car. And she has to clear that
11 jam. That jam right here, full projectile and casing.
12 She tried to claim that she -- she doesn't know about, you
13 know, finding out whether a gun is jammed or not. And the
14 gun is jammed. You have to find out that it was jammed.
15 Just like if the car won't start, you have to try starting
16 it to know it won't start. And how do you know the gun is
17 jammed? How do you find out the gun is jammed? By
18 pulling the trigger and it not going off.

19 Ladies and gentlemen, she claims that this was just a
20 big accident; right? She called Desmond the love of her
21 life. I think in openings, they called him her soulmate.
22 She didn't call the love of her life after the gun went
23 off and he's in the car. She said she opened the door.
24 She didn't see him slumped dead or dying. She didn't call
25 him. He's the love of her life. That's her soulmate.

1 And she said -- she told you today she opened that
2 car door. She hears Patience screaming at her. No call.
3 She -- she couldn't -- she admitted to you even his friend
4 called her. She didn't answer. What was she doing? She
5 was going to figure out her story. She had to at that
6 point. There's not an eye witness. The gun is jammed.
7 She can't get rid of her. What does she have to do? She
8 has to come up with a story.

9 So she turned herself in, yeah, yeah, yeah, I'll tell
10 you everything. It was an accident. The evidence doesn't
11 align with an accident. It doesn't align. She told you
12 herself today she believes she's the victim in all this.
13 Desmond Parks is dead. He's the victim. She told you
14 that she doesn't believe she deserves any of this.
15 Desmond Parks is dead.

16 I want to thank you all for your time and your
17 patience this week. It's been a long week. But I really
18 want to pay -- I really want to thank you for you paying
19 attention. Your job is the most important. It's to
20 determine the facts in this case. And I ask that you use
21 your common sense. And that you come to the logical
22 conclusion.

23 This case was about the Defendant not stopping. It's
24 about Patience Parks and her courage to come sit up there
25 and tell you intimate details about her life, her

1 relationship, to recall the scariest most traumatizing
2 moment in her life. That's not easy to sit up there and
3 undergo cross-examination, to have your integrity, your
4 credibility, your trustworthiness questioned. It's not
5 easy, it's not.

6 It's not easy to do the right thing. But she did the
7 right thing here. She stood up there and did the right
8 thing for her and Desmond to, finally, stop the Defendant.

9 Find the Defendant guilty.

10 Thank you.

11 THE COURT: Mr. Hamilton.

12 MR. HAMILTON: May it please the Court.

13 THE COURT: Yes, sir.

14 MR. HAMILTON: Madam Prosecutor.

15 Ladies and gentlemen of the jury, good afternoon.

16 We're, finally, at the close of this case. And the
17 Judge instructed you to -- he wanted to ask each one of
18 you to pay attention in this case. And he, also, said it
19 was going to be a rough ride, and kind of buckle up, and
20 be -- if you choose to look at -- and you probably will
21 look at Jasmine Robinson's statement that she gave. It's
22 going to start out with the detective introducing herself
23 and saying, Jasmine, this is going to be an interview.
24 It's just like when she -- she was showing her the waiver
25 of rights. You know, you have a right to remain silent.

1 That this is just like every Law & Order episode you ever
2 seen. It's the same thing. You got rights.

3 And what you have seen is just like every Law & Order
4 episode. And the thing that come out that -- I agree it
5 don't make sense, half of it. And then you may agree as
6 well.

7 But I do agree with the Prosecutor that you -- and
8 the Judge will charge that you are allowed to use your
9 common sense. It would -- it's part of my job. And this
10 whole system, you know, of justice is to present to you,
11 and try to make sense of this, and make the system work.
12 And I'm trying to make sense of it. And I'm asking you to
13 make sense of it. And that's part of the jury system.

14 But what we have here is the truth. And then we got
15 the truth again. And then we got the question -- the
16 truth is absolute. We can -- the truth is absolute. Then
17 you got -- and that's direct evidence. The truth is
18 relative. And that is circumstantial evidence.

19 And what I'm going to ask you to do is to follow what
20 I'm saying is that what you've heard -- and that's where
21 you're going to get the truth and -- supposed to get the
22 truth. And -- but that's where you're going to get the
23 facts and make -- and you determine what's true. But the
24 truth is absolute.

25 And you got two people. We've got Jasmine Robinson

1 turning herself in. Well, she wouldn't have been arrested
2 of anything. But she -- something happened. And she
3 said, I done something. And we'll find out later that she
4 never said I shot and killed somebody. She just know that
5 it was an accident. And it was a terrible accident.
6 And -- and something terrible had happened.

7 But the truth is absolute in that you've got two
8 people telling a story. And you're asking one person and
9 you ask the other person, you know. What side is the
10 bathroom on? And they say, oh, the bathroom is on the
11 left. Then you ask that other person. They say, no, the
12 bathroom is on the right. Both of them telling you the
13 truth. So the truth -- they're telling you. That's
14 absolute.

15 But the truth is, also, circumstantial, relative.
16 Because it depends on which way you're walking. It's on
17 your right. But then if you're walking this way, it's on
18 the left. Both of them are telling you the truth. But
19 it's all relative. And then for something to be relative,
20 you've got to make sense of it. It's got to make sense.
21 It's got to make sense.

22 I'm going to -- her story -- I'm going to address the
23 argument that Madam Prosecutor presented. And it started
24 out with, it never stopped. And then that -- that
25 Patience had courage to come up there and tell her story.

1 And this whole thing involved two families whose families
2 have been disrupted. But what's remarkable about it is
3 how did -- she got into a family that existed one day
4 compared to a family that began in 2013.

5 The only time Patience knew Desmond's mother was the
6 first time she met her. She said -- oh, she did say that
7 they had a couple of telephone calls in that regard.

8 The Spinx station, the Prosecutor says it shows
9 some -- but the video that you seen -- and I imagine both
10 are still in evidence. Because you've got two Spinx
11 station videos. One that don't have a time stamp and one
12 that do have a time stamp.

13 So what does that tell you? You've got a technician
14 putting together a video. You've got a technician putting
15 together that same video. And this time, they putting the
16 time stamp in there. You've got a technician that --
17 well, then you have the telephone records. And you have
18 the telephone records from both -- from both the Defendant
19 and the deceased that have those time stamps as to when
20 they happened. And then we match them to the video.

21 But -- but we already know that the Spinx station
22 video has been manipulated. It's not the original form of
23 it. And they kind of -- we don't know how the
24 technician -- this is a -- as you can see, I can't do half
25 this technology stuff. But they can fix stuff to fit any

1 situation you want it to say. They call down there and
2 say, Spinx, I need you to fix the time stamp. Or they
3 know -- they needed something to show these times and that
4 situation.

5 You're here. You've heard my client tell the story
6 that she pulled into the parking space in front of the
7 Spinx station. She pulled in there. She didn't see
8 Desmond's car, which is her car. Desmond's car at the
9 pump at that time. The only time she saw Desmond's car at
10 the pump is when he called her and says, What are you
11 doing here? I thought you supposed to be at work. He's
12 counting on that, you know. That ain't -- she wasn't
13 supposed to be there. She's at work. She was supposed to
14 be at work.

15 So they're telling you that she's following behind
16 him and he -- but he's calculated -- if he's a -- if he's
17 a cheater, he's a sloppy cheater in that he --
18 everybody -- when they show -- when they show you State's
19 Exhibit -- everybody's where they supposed to be, except
20 for -- I can't remember her name. Patience. Patience
21 ain't supposed to be there.

22 Desmond lives around there. He lives with my client.
23 His momma supposed to be there. She stay down the street.
24 The Spinx is there. They -- but everybody's there, except
25 for this outsider.

1 And then he's thinking he's in the clear to see her
2 and be with her. Because he knows she was supposed to be
3 at work. But then he's supposed to be taking her -- yeah,
4 he's supposed to have been taking her to meet -- or had
5 taken her to meet his mother at her house. And why she's
6 there -- that's why she's there.

7 But the mother told us that she was supposed to go to
8 work that night. She was supposed to go to work that
9 night and was surprised that the two of them show up at
10 that time -- at that time. So there wasn't a planned
11 meeting for the first time. I'm going to meet you -- I'm
12 going to introduce you to my mother. My new girlfriend,
13 mom, I'm going to bring her over here at 8:00. That
14 didn't happen.

15 She was supposed to be -- mom was supposed to be at
16 work. The testimony I heard, she's supposed to be at
17 work. And, surprise, they got her some food. But she had
18 already fixed something. She wasn't expecting nobody to
19 come. I had -- they brought me something, but I didn't --
20 they left and went and got something and come back. But I
21 had already fixed my stuff. I didn't need -- need nothing
22 to eat. Desmond thought she was at work. So that wasn't
23 a planned meeting.

24 That's a terrible feeling to have, I'm sure that she
25 had, you know, to meet a woman and that same woman tells

1 you my son has -- has been killed. That's -- that's --
2 that's an awful situation. But -- but it -- but it
3 reflects the pictures that was -- that you'll have back
4 there reflects that they had a family situation.

5 And the last one that's real relative is -- you'll
6 see them. Some of them got dates. But one -- the picture
7 from 2017 and 2013, that shows that they had a family.
8 They have a family, his children, her child. They were
9 together. And one picture shows where they got matching
10 T-shirts and shoes. They had a family.

11 And in my opening, I said it was a common law
12 marriage. Because they -- she told you they had -- you
13 know, I guess playfully and seriously held themselves out
14 to be husband and wife at some point.

15 So the Spinx video showed that it did happen. That's
16 where the sequence began and the time frame that -- so who
17 do you believe? The person walking down saying the
18 bathroom is on the right or the person saying the bathroom
19 is on the left.

20 So which one is direct evidence and which one is
21 circumstantial evidence? They're the same -- they are the
22 same way. But it's all relative. Everybody is saying the
23 same thing. The telephone call is saying that he called
24 her. Where were my client when he called her? She says
25 that she got off work early, got off work. Desmond thinks

1 she's at work. He -- she coming from the house. She had
2 been to the house. The lights were on. And she had to go
3 do some other things. And she wanted to get some item, a
4 cigarette or something, and pulled into Spinx.

5 She didn't know that Desmond, who was down there at
6 his momma's house, had just come -- come to the same
7 purpose, whatever they was going to do at Spinx, pulled in
8 and -- pulled up to the gas pump. So clearly, that's
9 probably what it was. My client comes in. And he's at
10 the -- she didn't see it. She said -- she told you
11 yesterday that she didn't see him at the pump. The first
12 time she noticed he was there was when he called her.

13 All right. So we got the time stamps now. But we
14 done manipulated everything now. On the thing -- we got a
15 video that don't have it. Now, we got a video -- a video
16 that do have it. And then conveniently -- not
17 conveniently, but it don't make sense that all the sudden
18 it's off by a little bit when everybody wants to know is
19 the bathroom on the left or the bathroom on the right. So
20 the thing shows it's on the left. But we was there and it
21 was on the right. What's the truth?

22 And then so, like I said earlier, that this
23 technologies and these technicians, they can make that
24 thing show anything they want to make it show. You ask
25 them for it and they'll get it to you.

1 The other situation is the pacific [sic] intent. And
2 that's -- the pacific intent is -- is what the Court --
3 the Judge is going to instruct you in the -- the law of
4 the case. And that you have to find that my client
5 intentionally committed the crime. That in her -- the
6 evidence have to show that there's pacific intent to
7 commit a crime.

8 And if you don't find that, then no -- that's the law
9 in South Carolina. You got to have intent. I mean, you
10 can't accidentally do a crime. You have to have pacific
11 intent to commit that crime. She's being accused of
12 murdering Desmond and attempted murder to the other victim
13 in the case. Pacific intent to do that. And the burden
14 is upon the State to prove pacific intent.

15 So they say we got all this evidence here on the
16 table here. And it's a lot of stuff. And if I'm the
17 scales of justice -- I don't -- I don't have one. I got
18 one in my office, the scales of justice. And then they
19 put all this evidence -- all right. This is the State.
20 You got to do reasonable doubt; right? This is a
21 reasonable doubt.

22 And then they put the videos when they come out
23 there. They put the pictures of the car. They put the
24 gun over there. They put it all over here. And -- and it
25 weighs and -- reasonable -- beyond a reasonable doubt --

1 the scales got to go boom. You can't -- the scales can't
2 say, well, that's the gun right here, and the knife -- not
3 the knife, but the car window broke. The Spinx tape. The
4 map of the place. The bullet that -- we'll talk about a
5 little later about -- we don't know where that came from.
6 And then you got that. And, well, it looks like she did
7 it. It looks like it.

8 But I believe the Court is going to instruct you that
9 look like and almost ain't what we're asking you to decide
10 in this case. We're asking you, did she intend to commit
11 a crime that night when you look at this whole story when
12 you make sense of it? Because that's what's going to --
13 this is going to get the scale like this.

14 Now, she's guilty right here if -- if -- you can have
15 that conclusion and it's like this. But is that beyond a
16 reasonable doubt? Because you've got to go beyond a
17 reasonable doubt. So it can't be right here. It's got to
18 be right there. So it can't be a little bit. It's got to
19 be the whole ball game the whole sha bang. And that is
20 our argument to you in deciding whether or not the State
21 has met its burden of proof.

22 In response to Patience's situation and her
23 credibility -- and she cut me off, objected. What's --
24 what's your question? And, you know, she cut me off. And
25 then no, no, to obvious answers to the questions. But

1 that type of thing -- her demeanor and what she's got to
2 gain -- oh, we find out -- because the whole time before
3 the lead investigating officer testified, she had said I
4 didn't know -- I didn't know. And even in the -- I think
5 the three-minute -- it may not be in that three-minute
6 tape, initially, that Patience said that I don't know what
7 kind of gun it was. I don't know. Then we find out, oh,
8 she's got a gun just like mine, just like mine. But hers
9 is purple and it's a nine.

10 But then before -- like I say, this stuff don't make
11 sense. You knew what kind of gun the woman had. But when
12 you first asked about it, I don't know. I don't know.
13 But everybody do that from time to time, you know. You
14 say, well, I don't know. And then it comes time and you
15 do know. But is that an example of her credibility and
16 believability about something else? When you talk about
17 her ability to demonstrate the truth of the situation and
18 that -- did she, actually, see.

19 Because here -- here's the thing, something happened
20 out there. We say it was an accident. Nobody intended to
21 kill nobody, nobody. But it did happen. Yes, it did.
22 She's sitting in the car. She looks over there and said,
23 I couldn't even -- then so -- so disturbed and didn't even
24 have sense enough to unlock the door and get out on that
25 side. She crawls over his body.

1 So her ability to rationale -- what's going on in her
2 mind is he's dead. She opens the door. She's going to
3 shoot me. She's going to shoot me is what she's thinking.
4 Oh, don't shoot me. In the name of Jesus, don't shoot me.
5 You done shot him. She said that you done shot him. You
6 done shot him. Don't shoot me, too.

7 What did Desmond [sic] say to her? She didn't say
8 nothing to me. She just saw her backing off. I mean, she
9 didn't say nothing to her. She -- at the scene and on
10 that -- in that three-minute tape, the question -- well,
11 the investigator right here, he was going to come down to
12 investigate.

13 All right. We got all these people at the -- in the
14 video at the scene that's supposed to be -- we've got the
15 911 call that says, hey, something must have happened
16 here. Hey -- then you hear somebody say, Get away from
17 there. This is a crime scene just like TV. This is a
18 crime scene. Y'all get away. Get away from there. This
19 is a crime scene.

20 So you got people coming all around checking his
21 pulse, going in and out of the car before the police got
22 there. All this happened before the police got there. So
23 the -- the integrity of the crime scene is all messed up.
24 And then things come out that don't make sense.

25 And after that, they do get there. And then the

1 officer on the scene did a great job, got everything
2 organized. The first thing you see is Patience leaning
3 in. The momma is on one side. Patience is leaning in the
4 car. And he said, ma'am -- ma'am -- ma'am, come on back.

5 And she hollered -- she's on the phone the whole time
6 doing stuff. She's just screaming, Desmond shot --
7 Jasmine did this and Jasmine did that. And then in one
8 section there, And she was going to shoot me. That -- you
9 may see that in there or not. But the crime scene is
10 all -- got people everywhere.

11 And then the lead investigator comes. But before the
12 lead investigator comes, she was -- the first one there
13 was -- I was just trying to ask her to tell us what
14 happened. And she said, I ain't talked to nobody. I
15 ain't did nothing. Well, were you the only officer?
16 Well, maybe. All the sudden -- it don't make sense. All
17 the sudden, nobody can tell us what their job was.

18 What was you doing there? Well, I'm supposed to --
19 it don't make sense. Make sense of it and then you'll --
20 well, I'm trying to help us. I don't think we can. But
21 the whole purpose -- and I keep saying it don't make
22 sense. I'm saying that the scale ain't got there.
23 There's stuff pointing. Well, it could have been -- could
24 have been, but it ain't got there because it don't make
25 sense. It don't make sense. And it's got to make sense

1 beyond a reasonable doubt.

2 What do a reasonable doubt mean? It's got to be a
3 doubt for which you can put a reason to. Well, I don't
4 believe it because -- hey, how about this? I don't --
5 I'll give you an example. I'm buying stock in this
6 Facebook thing. Everybody hears all these stories about
7 Facebook going to do this and that. And then you say,
8 well, I don't think so. Why you ain't going to buy it? I
9 done heard so much. That's the reason. You done heard
10 they being sued. And I'm going to put my money somewhere
11 else.

12 So a reasonable doubt. That's a doubt for which you
13 ask -- well, why did you do it? Too many people crawling
14 all in the car. And the car was in park. And the car was
15 in drive. And, you know, he stopped. And he didn't stop.
16 The car was moving. She shot from her car. She was
17 standing over here.

18 A reasonable doubt. So you say in this case, well, I
19 doubt that anybody -- the law enforcement couldn't tell me
20 they had talked with anybody there. And then a reasonable
21 doubt is she said one thing there. And nobody would tell
22 you what was said there. And then by the time she get to
23 the law enforcement center, which the State has indicated
24 that she done got her story -- her story together. She
25 says Jasmine got her story.

1 But Patience got her story together by the time --
2 because what you say is, oh, I thought she was going to
3 shoot me, too. And then you ask her, well, did she put
4 the -- did she point a gun at you? Yeah, yeah, she
5 pointed a gun at me. And then there was some information
6 about it being cocked. I don't know. Jammed. But the
7 language before we got to this courtroom was she cocked --
8 she tried to cock the gun. But then when we got to court,
9 she tried to clear the jam.

10 So where does she get this jam information from?
11 Because Jasmine was down at the police station when all
12 these sheriffs, and detectives, and ambulance was at the
13 scene. She was there trying to tell the story. While she
14 was there, she said that her gun did jam. So that
15 information was relayed, we believe, and expressed and
16 talked about to help. Because Patience was hysterical and
17 all that. And she -- she seen things. Maybe saying
18 things she did see and putting two and two together.

19 This was a traumatic situation. I'm -- I'm -- I'm
20 not accusing her for -- for disillusion of anything. But
21 we really don't know her state of mind. She had been to
22 the club only a few hours before with girlfriends, you
23 know, and partying, celebrating something. So -- and that
24 influence -- in the middle of the night, everything get --
25 you know, those factor interfere with your thinking and

1 understanding of a different situation.

2 The key thing that don't make sense as far as her
3 testimony is he was -- the victim, the deceased, was
4 talking to my client on the phone. And she's been
5 screaming. She's screaming -- screaming with the
6 deceased. She can hear my client screaming. So there's
7 no question they're talking.

8 And she takes off her jacket in the car. She said, I
9 took off my jacket. But then I felt something in the back
10 of my neck. And the car stopped. Well, it don't make
11 sense. The car had -- the car was moving.

12 Well, somebody has asked the question, well, did he
13 slow down? Yeah, yeah, it slowed down, you know. But --
14 but that was after being suggested, you know. It slowed
15 down. It had to slow down. Even if it slowed down, he
16 said -- she said it slowed down, but it didn't stop until
17 after I felt something. After I felt something, then it
18 stopped. Then it stopped.

19 According to the State's version, the car was
20 stopped. The car was stopped. And they don't say a whole
21 lot about Jasmine walked up and pointed the gun and shot
22 into the car. I -- I don't know. I may have missed that.
23 Because this whole thing don't make sense.

24 The car started -- was moving. The car stopped. And
25 then -- and then the projectile came through the window,

1 hit -- and killed the deceased. How did that happen?

2 She -- I asked her, Did you see her shoot the gun? No.

3 Did you see her point the gun? No.

4 Well, even Officer Carpenter had a little hesitation
5 when we asked -- they wanted to object to everything she
6 was testifying to. And her whole job is to talk to
7 people. How you going to get the information if you can't
8 tell it? How you going to get the information if they
9 won't let you hear it?

10 So anyway, she -- she said that -- I said, well, how
11 you know Jasmine, my client, shot the gun? Well, Patience
12 said that she was standing there. So it may be that
13 Patience was saying she was standing there when she was
14 pointing the gun. I don't know what -- like I say, we're
15 back to the truth being relative.

16 And, you know, when she talking -- when she said I
17 saw her standing there, was it at the time when she
18 allegedly was supposed to have been pointing and she's
19 screaming, don't shoot me? Or was it the time when she
20 was standing there and -- didn't nobody ever say she was
21 standing there and she pointed or held the gun and fired
22 it. Nobody says that because nobody seen that. Even one
23 time she even corrected me and said, you know, well, it's
24 obvious. It's obvious. But that ain't your job. It's
25 not obvious. We need to know a fact. We need to know the

1 facts. You need to know the facts.

2 And then the Judge will, also, tell you that's what
3 you're doing here. You're trying to figure out the facts.
4 You're going to -- you're going to -- when I get further
5 into my closing remarks, I'll -- I'll tell you why I'm
6 saying that.

7 But that's the facts that you have to gather, make
8 sense of it to determine and put it on this side and make
9 it beyond a reasonable doubt. You gather them up, put
10 them on that side. And you're convinced that the evidence
11 points to the case. So the confusion and discrepancies
12 that's going to be -- it's full of them. That's why it
13 don't make sense.

14 Now, my client turned herself in. And I hate using
15 the word turned herself in because she hadn't done nothing
16 to turn herself in. She just knew -- reported what had
17 happened. She turned herself in. And then -- she turned
18 herself in and said, well, you know what? This is how it
19 happened.

20 And you'll see it when you look at her statement, the
21 video part or the audio -- audio. The -- I hit the
22 driver's side. And it was a lot of talk about that.
23 They're -- they're going back and forth in the interview
24 room. Because they trying -- everybody trying to make
25 sense of this thing.

1 Because like she said, she's right. They heard her
2 side of it. And her side was, I hit the driver's side. I
3 was -- my intention -- my intention was not to kill
4 nobody. My intention was to hit my car. I damaged my
5 car. So you can't say she destroyed somebody else's
6 property. It was her property. My intention was to hit
7 the window. What window you was hitting? I wanted to
8 hit -- you listen -- I wanted to hit the driver's side.

9 And so -- and this is where they -- they're saying --
10 and you know what? I -- I believe their story. I believe
11 something happened. But it's not working out for me.
12 Even to you, you say -- how you going to say you hit the
13 driver's side? And then the driver's rear passenger side
14 is busted -- busted. I don't know if you're supposed to
15 say burst or busted, whatever. The driver's -- that's --
16 that's the side that's damaged. But you're saying, yes, I
17 hit the driver's side. And I hit it with my left hand,
18 not my right.

19 Well, you did a motion with your right. Yeah, I did.
20 But what I meant to do -- and the Solicitor, she had that
21 gun in her left hand. And I was impressed with her
22 ability. I don't want to test it too much because this
23 thing -- the expert say them things going off. And
24 something might go off like that. But the left hand. You
25 did like that.

1 And then in the interview, they go on and on. If you
2 was holding the gun like this -- you was holding it like
3 that, why would the bullet go and hit the deceased? She
4 said I didn't know he -- I don't know where he was hit.
5 I -- and she, also, tells them she was hoping he was all
6 right. Despite not calling him and saying -- when -- when
7 she left the scene, she knew she couldn't call him and see
8 if he was all right. How's she going to call him and she
9 knows all that done happened? Is she going to be
10 condemned for not calling him?

11 But anyway, she swung and she hit like that. And
12 then they spent hours and hours -- Jasmine -- cause they
13 know at some point. At one point, they didn't know.
14 Because they're going in and out of the room to confirm
15 with one another. At some point, they know it's the
16 driver's -- so the language got caught up in telling the
17 story.

18 And -- and maybe she was -- because she's confused as
19 well. We all get in our head over certain situations. We
20 all -- this is what happened. This is what happened. And
21 then when you get -- well, wait a minute now. I do it all
22 the time, you know. And my wife, she said -- but -- but,
23 yeah. Okay. Yeah, you're right. I'm wrong, you know.
24 You straighten me out. But I was dead on what I -- what I
25 had in my mind. I was dead on that. And that's what she

1 was saying.

2 Because she was just being -- discussion -- what she
3 had thought she was doing. She said, well, maybe the car
4 moved, you know. Maybe the car moving. Once you realize
5 that it couldn't have happened. So those things -- it's
6 impossible.

7 So there's some impossibilities that she said. And
8 then there's some impossibilities that the State has
9 failed to satisfy you factually as being the way they said
10 it happened. Because they don't tell you where the --
11 where the gunshot come from. They don't tell you who shot
12 the gun. Oh, no, no. They -- they relying on
13 circumstantial evidence.

14 Because the lead investigator says, well -- well, you
15 know, this is a pretty easy case. Because you got crime
16 scene. You got somebody down there saying, hey, I was
17 down there. But did she really say, I shot the gun in
18 that car? I shot Desmond in the back of the head. I
19 shot -- or attempted to shoot Patience. Did she really
20 say that?

21 It's a really difficult question, according to the
22 lead investigator, the lead investigator of the homicide.
23 And he had a suspect. And that's all he needed to make
24 this charge.

25 Well, but don't you look at all the tapes, and stuff,

1 and interview, and the evidence, you know, like -- well,
2 like the gun. The gun and the window broke -- being
3 broke. He said, yeah, I went through all that and made my
4 determination.

5 The easy one is Patience saying, she pointed it at
6 me. And I said, don't shoot me. And she stopped. I
7 would suggest that even with her story, you could find
8 that Jasmine abandoned that cause. Because it don't take
9 much.

10 If you're going to attempt to do something to clear
11 the jam and do what you intended to do, if you intending
12 to do that. That didn't take -- it happens all the time.
13 You clear it. You clear it or -- clear it. And you
14 accomplish your intent. But then you can abandon it, too.
15 So, therefore, it didn't happen, the attempted murder.

16 I got wrote down here demeanor. Oh, demeanor
17 referring to the -- Madam Prosecutor referred to my
18 client's demeanor about something. And like, hey --
19 hey -- you know, hey, she went down there, you know, all
20 flippant. You'll see her demeanor. Oh, yeah, I was down
21 there. But she didn't go down there hollering, hey, hey,
22 I did this and, you know, smoking a cigarette. Well, you
23 did see a little bit of her demeanor when she was there.

24 So common sense is what I'm asking. Common sense is
25 what I'm asking. The Prosecutor is going to come back up

1 after I'm done. And I appreciate your patience, I really
2 do. I really do. Because in my opening statement, I gave
3 you a preview. And she repeated word for word everything
4 I said. But she didn't repeat this part when I told you
5 that the testimony and evidence would show that there was
6 a happy family.

7 And I think you can look at those pictures. And
8 you -- she's going to destroy years of a relationship with
9 children. There's a picture in there with a child, a
10 little one. And there's a picture when the child -- a
11 picture of them all together. Well, that happened all the
12 way up to May when this other person claims to enter into
13 the scene. But the testimony and evidence would show that
14 a happy home was not to last. And a demonic factor
15 creeped into their family by a home wrecker.

16 Accidents can't make sense. And answers are not
17 always what -- what they appear to be. So how do you find
18 the truth? How do you find the truth when one guy says
19 right and one guy says left, and both of them are telling
20 the truth and there's still a question? Well, you find
21 the truth by the little things in this case.

22 And that would be the demeanor and the credibility.
23 And what do the witness have to say. The reason why they
24 have to say what they have to say and what advantage --
25 and just the overall -- the example I wanted to give is if

1 you want to know which way -- try to -- try to make sense
2 of it. You want to know is the wind blowing. You look
3 out the window and you try to determine is the wind blowing.
4 That's the question. So you look out the window and you
5 look at a tree. Look at a tree. You look at that tree.
6 The tree is standing there. You can't tell.

7 Now, if you're outside, you know the wind is blowing.
8 You can feel it, you know. So you know -- or you can hear
9 it. And you look at a tree stump through a window, you
10 can't tell. Then you look a little higher to the strong
11 branches. And you can't tell nothing, whether or not the
12 wind is blowing.

13 But if you look at the leaves, the little things and
14 the little branches, you see them going whoosh. You can't
15 hear it. You can't feel it. But if somebody asks you is
16 the wind blowing, what can you say? Yeah, it's pretty
17 windy out there. How you know? I can't feel it. I can't
18 see the wind. I didn't -- I don't hear it. But I see the
19 little things. I see the little things.

20 It's the little things in this case that you got to
21 latch on to and find that the State has failed with the
22 burden of proof. It's a tremendous burden. I'm saying
23 they can't say -- hey, they got these pictures. They got
24 that. And it's the little things. So what's a little
25 thing?

1 Now, I'm going to go straight to the gun. I don't
2 want to grab it. But for my client's sake, I will. I'm
3 not going to point it at nobody. But give [phonetic] me
4 what she did. Left hand. Bam. All right. I'm sorry.

5 UNIDENTIFIED JUROR: Would you take your finger off
6 the trigger, please?

7 MR. HAMILTON: And that's what I was going to
8 mention. The most -- the expert who testified in this
9 case -- because I didn't intend to do that. I didn't
10 intend to put my fingers -- and you noticed she had her
11 finger on the trigger, too. But I didn't want to disturb
12 the decorum and interrupt.

13 But thank you, ma'am.

14 That's an instinctive thing to do. I don't care how
15 much training you had. I got a weapons permit. I know
16 better. But what is the first thing I did? I put my
17 finger on the trigger.

18 So what did the expert tell us? Now, the Court is
19 going to say, well, he's the expert, but he don't know. I
20 mean, you know, you can use him as any other witness to
21 determine whether or not -- you -- you determine how much
22 you believe and trustworthy of his statement.

23 But he's been around a long time. But he says, yeah,
24 you have a tendency to do that. So when somebody say I
25 had my hand -- I didn't pull the trigger -- sometimes,

1 they say they just had it on the guard. They think they
2 got it on the guard, but they got it on the trigger.

3 So just imagine -- my client said she didn't have no
4 trigger. But we just -- how when you pick a gun up, the
5 first thing you do, you put your finger on the trigger.
6 And she's trying to communicate. And she swings -- swings
7 like that. And look where that's going, to the car, to
8 the car, to the car.

9 Now, the State wants you to say with malice
10 aforethought she just did like that. I can't -- I'm
11 not -- I ain't trying to make their case for them. But
12 that's -- but nobody saw her do that. They don't have --
13 nobody saw -- they guessing.

14 So who did they -- how -- how did it happen? She
15 told you, I -- boom. And then if she was going to lie
16 about it, why is she going to stand there and lie about
17 what window she hit? Wouldn't it just be easy -- wouldn't
18 it be easy to lie?

19 Yeah. That's a good one. State's Exhibit No. 18,
20 wouldn't it be easy just to lie and say I hit the back
21 passenger side? I didn't intend to kill him. I -- I hit
22 the back passenger side. I didn't intend to shoot nobody.
23 I didn't -- but what I did intend to do -- and
24 intention -- the Judge is going to say intention is the
25 trump card in my client's case. You form that intent on

1 her case -- they have not proved their case. If they
2 don't prove their case, my client's not guilty. There got
3 to be intent.

4 So this photograph is -- you have to look at it and
5 say she's the biggest fool in Greenville to say that. And
6 this picture right there and -- and hold to it. And she
7 hold to it today. She said, well, I intended to hit the
8 driver's side. It don't make sense. It don't make sense
9 on everybody's side right now. But is that what you do?
10 Don't that count? Well, I'm confused. But it ain't her
11 to make sense of it. And I don't think it's the law that
12 you have to make sense of it.

13 But you have to use the evidence to find her guilty
14 beyond -- it's a reason. It's a reason why you didn't
15 unanimously agree that she intended to do what she
16 intended to do. It's a reason. But keep in mind that the
17 gun barrel points and hit -- hit the window, hit the
18 window.

19 And then the other pressure that I was asking the
20 technician -- it looks like two -- two imprints on there.

21 I keep swinging the gun at you. I'm going to put it
22 down.

23 It looks like two holes, you know. Boom, the
24 bullet -- the gun went off. Well, the expert says --
25 well, what it take to do that, Mr. Armstrong? I think

1 it's Mr. Armstrong. Mr. Armstrong said, it don't take --
2 well, everything is designed -- the warrantees on these
3 things, they're designed to be safe, put the safety on.
4 Everybody come in here -- every shooting you see,
5 accidental, I thought I had the safety on. I could have
6 swore I put the safety on that thing. But it happens.

7 So when you hit it -- and then you say -- another
8 thing is that a gun will go off if everything is charged
9 in there, you know, down in the chamber, a bullet in the
10 chamber, and all that. It will go off if you got a limp
11 wrist. A gun -- a gun will go off.

12 But it'll jam if you got a limp wrist or you got
13 clothing. You see her with all this stuff on. You got
14 clothing or something that caused the mechanism to delay
15 the spring and it goes up and it goes down. Do you
16 remember what he said about it?

17 And some of you may know the functions of a gun. I
18 don't. But anything can happen to cause a gun to jam.
19 Well, couldn't a gun jam -- yeah, everything. The gun was
20 jammed. And the expert told you how that happened.

21 But the most important thing is according to
22 Desmond -- not Desmond, but Jasmine. I keep calling
23 them -- they got the same name [sic], Jasmine, Desmond.
24 Jasmine -- Jasmine is -- that the gun went off. And
25 because of the impact, boom, she hit -- she hit it. And

1 that's what she said happened. And no intent. And no
2 intent for it to go off, reckless.

3 But the Court -- but the Court is going to tell you
4 that you have to find her guilty if you find she
5 intentionally killed her, not -- killed him, not
6 accidentally killed him. It's got to be intent. It's got
7 to be intent.

8 She left the house. She woke up that morning and
9 said, I'm going to kill that rascal. He's been going
10 around with all these women. I got all these babies. I'm
11 taking care of all these babies. I got to take one
12 grandbaby to his momma's house. And -- and it turns out
13 she don't appreciate it. She got a car over there in her
14 name at grandma's house. It just don't make sense. So
15 why she -- common sense.

16 So I'm just checking to make sure that I covered all
17 my -- my principle points about the relative -- the truth
18 is relative. You got to understand that.

19 Reasonable doubt. The Judge is going to give you
20 instructions. Answers do not always appear -- they could
21 have stopped -- or one shot. What's this one shot thing?
22 Why they asking this question? How many shots were there?
23 How many shots were there? One. How many shots? Okay.

24 And then State's Exhibit No. 7 shows that cone there.
25 That was a sheriff casing that -- I don't believe it's

1 important to the evidence. But you heard the testimony.
2 There's a shell casing -- casing right there at the scene.
3 How many shots? It don't make sense. How many shots out
4 there? One shot. One shot.

5 All right. So they take this shell casing. They
6 pick it up and they give it to Mr. Armstrong. And
7 Mr. Armstrong says that shell absolutely did not come out
8 of this gun. He ain't -- I'm an expert, he says. I know
9 what I'm talking about. That right there, it didn't come
10 out of that gun.

11 It don't make sense. It's got to make sense. This
12 right here, it didn't come out of that gun. How you know
13 that? Because the man told you. He knows what he's
14 talking about. Believe him. The Judge will say you can
15 believe any -- any other witness. You know, you ain't got
16 to believe a word they're saying. But you can believe
17 that.

18 I think that gun should have -- so here's what they
19 call the magic bullet. It's one of these here. The magic
20 bullet found in the deceased. The expert says, oh, yeah,
21 that didn't come out, no. He says, I tested it. And I
22 tested it again. And I couldn't find a thing to say it
23 came out of that gun.

24 We all agree that is Jasmine's gun. But if you ask
25 me -- where the bullet come from? And just like TV, the

1 bullet came out of a 44 and AR17. And, you know, in TV,
2 everything matches up, you know. If I was technical, I
3 would have pictures up there showing all this, how it
4 don't match, and this and that. But that's technology I
5 don't have. But I do have your attention right now. And
6 I'm telling you that don't match. Okay.

7 So we say -- the Court is going to say, well,
8 circumstantial evidence, you've got somebody -- somebody
9 standing there. They claim it was Desmond [sic]. So you
10 can put one plus two and you can say, well, even though we
11 don't have scientific evidence to substantiate the bullet
12 coming out, then you have to put one plus two and say,
13 well, it came out of her gun.

14 But that -- if that's -- if that's satisfactory to
15 you, then that's your province. Because you are the one
16 to determine what the facts are. But before you determine
17 that, can you make sense of it? Can you make sense of
18 that bullet was -- is not for sure to come out of there
19 compared to the shell that we know is sure did not come
20 out of there? Does that make you hesitate? Would you buy
21 stock into that?

22 You just -- you just don't just jump on it and say,
23 I'm going to put my money here. I'm not going to put my
24 money there because, you know, they got a big lawsuit
25 going on. The hesitation. The -- the shell casing behind

1 the car. The car belongs to Desmond -- to Jasmine.

2 The -- the malice aforethought is just simple
3 with full intent. Malice means the full intent. Well, we
4 just established there's no intent. With careful
5 consideration with unemotional -- with intent premeditated
6 and they accomplish therein, precisely, exactly. That she
7 did precisely what she intended to do.

8 She followed them. And she showed up. She saw him
9 in the car. She got behind him. She precisely -- she got
10 behind the car. She walked over there. And she said that
11 Jasmine -- who -- who told her that? Who told her what
12 Jasmine did? Did you hear what Jasmine did, other than
13 what Jasmine said she did? I -- I never heard it.

14 Now, Patience said -- you know, if you believe her,
15 all this -- you know, this -- she was in a traumatic
16 situation. Her trauma, I submit, was the fact that the
17 accident happened and the man was dead. She crawls over
18 him. And she's disturbed. She's disturbed.

19 So we talked about Patience's powers -- powers of
20 observation and her ability. Because she had been
21 mistaken about a lot of it, or what influenced her to
22 reach those conclusions.

23 In that statement -- it's in the statement that --
24 you know, Jasmine -- the investigators, they talked about,
25 you know, we don't have nothing on you. Do you live in

1 Greenville? That's nothing. They can't figure out why
2 are you sitting in here. That is nothing. They don't --
3 not nothing. And they kind of -- that's why they kind of
4 wanted to -- they got a disagreement on the front window
5 and the back window. That can't happen. You lying
6 because that ain't happened. And then that's where the
7 communication broke down.

8 So accidents -- I want to make sure I covered it all.
9 I won't be able to get back up and -- I think the evidence
10 speaks for itself. It points -- it points -- but it's not
11 enough. It's too much stuff that don't make sense. And
12 you can't -- you -- you -- you got to do your job and make
13 sense of this thing before you decide. And if you make
14 your decision, make it your decision. If you believe that
15 this is not enough, you believe it's not enough.

16 And everybody else can think it is or two or three
17 can think it is. All of you can't believe that this is
18 enough. Accidents can't make sense. Accidents can't make
19 sense. And why do I keep -- why do I think you got to
20 make sense of this case? Why you have to do that?

21 Well, going back to my opening, I said my client
22 voluntarily reported to the sheriff's office. The
23 sheriff's homicide investigation concluded that Jasmine
24 said she did it. No, that ain't what happened. She never
25 said that. She has taken the life of her soulmate.

1 Now, rewind and find out she had hoped he was going
2 to be all right. She kind of knew something -- all was
3 not going well is why she went down there. So what do --
4 what do not make sense is the evidence in this case is
5 presented as murder, attempted murder, possession of a
6 weapon of [sic] a violent crime. And if it was an
7 accident, then you should say so as the jury, based on the
8 facts.

9 But where do you get the facts? Well, these are
10 facts, inconclusive coming out of her gun, shell casing
11 didn't come out of her gun. Nobody saying I saw this
12 woman stand there and pull the trigger. If it was an
13 accident, you should say so, based on the facts.

14 And you get the facts from the witness stand, too,
15 from what people tell you. Those are the facts. Now, you
16 can reject them. You can say I don't believe that, you
17 know, based on your own common sense and everyday
18 experiences. You don't leave that at home.

19 In fact, my client and I are relying on you to bring
20 that with you in the jury room, that common sense. Common
21 sense. She wants you to do it, too. Common sense. So
22 what are the facts? Your verdict will tell us what you
23 found the facts to be in this case. That's it.

24 When you come back and your verdict is not guilty,
25 those are the facts. That's what you found the facts to

1 be, not what I said, not what she said. And the Judge,
2 all he going to tell you is the law. And he going to tell
3 you based on the facts your verdict will say what it is.
4 And that's all we want is a verdict that speaks the truth.
5 And the facts have been shown to you. Jasmine did not
6 intend to kill anyone.

7 And the Judge is going to charge you on that criminal
8 intent. That criminal intent is a powerful privilege
9 you -- everybody have. That's the first thing under the
10 juris prudence and the laws of our state is that there
11 must be criminal intent to commit any crime. You -- like
12 I may have said this earlier, but you got to have criminal
13 intent.

14 So there is nothing of criminal intent to base your
15 verdict on the intent to commit a crime. Jasmine did not
16 act with malice aforethought either expressed or implied.
17 Malice aforethought, I just got through saying that I
18 intended to do it, planned it, premeditated. Jasmine did
19 not take actions in the furtherance of --

20 THE COURT: Mr. Hamilton, I hate to interrupt you.
21 But the Court needs to take a bathroom break. How long do
22 you -- I need -- I need to take a bathroom break. How
23 much longer you got? How much longer are you going to be?

24 MR. HAMILTON: I'm just going to be just a little bit
25 more. Do you want me --

1 THE COURT: Yeah.

2 MR. HAMILTON: Okay. I understand what you're
3 saying, Judge.

4 THE COURT: All right.

5 MR. HAMILTON: Jasmine did not take actions in the
6 furtherance of the alleged crime. Jasmine
7 couldn't possibly have -- I'm going to run through that
8 quick. And that there was some talk about the car moving.
9 And so how she going to move -- you know, I've already
10 talked about that. She -- she had to have military
11 expertise to be in a car and shoot the gun with it going
12 in the backside window and come -- she had to have
13 speed -- speed. He -- he driving slow. It depends on how
14 slow he's slowing down.

15 But wherever it was, she had to stop her car, get
16 out, catch up to a moving car, and shoot him. Because
17 we -- she said she was standing right there. So we can't
18 say there was some motion that he -- that -- you heard it.
19 You heard it. And you know my point. Jasmine couldn't
20 possibly have carried out the murder. And she withdrew
21 from it. She backed out of there is what -- the word of
22 Patience. She quit.

23 The weight or value you give to the existence of --
24 of the evidence is guilty beyond a reasonable doubt. The
25 burden of the State in this case is to prove that it was

1 Jasmine that shot her gun through the back window. And --
2 and we already talked about how the State has framed it.
3 Was it moving? Was it moving or had it been stopped?
4 What did not make sense is that such an act would require
5 military type training.

6 The State's theory that Jas followed him don't make
7 sense. She just got off work. She's where she's supposed
8 to be. She lives there. So she ain't supposed to be in
9 that neighborhood? The claim that it was Jasmine's gun
10 the bullet came from with no witnesses testimony is
11 circumstantial. It's circumstantial. And the Judge will
12 tell you what circumstantial means.

13 They have portrayed Jasmine as suspicious. But that
14 proof has failed. All these -- all these circumstances
15 has failed, failed to get us there. It's suspicious, but
16 it failed. The credibility and the believability of
17 Patience Parks was destroyed. It fails as we learned how
18 she knows all about -- she don't want you to know that
19 she -- she don't even know Jasmine.

20 The witnesses appeared to be coached. And not to
21 mention that she don't know nothing about Jasmine. The
22 point that I wanted to make sense of these factors is that
23 the State does not prove the case beyond a reasonable
24 doubt. I talked to you about what a reasonable doubt is
25 [inaudible] --

1 THE COURT REPORTER: Judge, I can't hear him.

2 THE COURT: Mr. Hamilton, you're -- you're mumbling.

3 And the court reporter can't hear you.

4 Are you bringing this to a close?

5 MR. HAMILTON: Okay. I just got one more page.

6 One of the State's theories no doubt is that Jasmine
7 is a -- was in a jealous rage and was seeking to be heard.
8 And this is why I asked the Court to let me get this thing
9 to you. We now know that Jasmine loved Dezz no matter
10 what he did to her.

11 Patience told us she felt betrayed. She said
12 something had to be going on. She said that they done
13 broke up and don't see -- Patience said, you know what,
14 this just didn't happen. Something had to be going on.
15 This ain't nothing -- he broke up -- he told her that they
16 was through -- I mean told her that they -- she [sic] had
17 an ex-girlfriend. But something was going on. She told
18 you that.

19 And she said always -- but Patience told us that the
20 betrayed -- but Jasmine has been -- she's been through
21 this other women -- this other women cycle trying to
22 take -- trying to be with Jasmine for years. And she
23 always come out with Desmond on her side. And Jasmine has
24 seen women come and go, took care of his babies, too.
25 Never had a problem with the other women.

1 But for this horrible accident, Patience would have
2 been one of Jasmine's many friends. Just one -- he's
3 just -- he's just another fling that -- and then she's
4 just another fling that Desmond -- Jasmine [sic] was going
5 through. And just as -- as Jasmine's mother-in-law, if it
6 was a common law marriage, she foresaw -- Ms. Parks --
7 Ms. Tammy Parks, she foresaw Patience was the one -- was
8 the one woman who would be the romantic force and cause
9 Jasmine's loss of her soulmate forever.

10 Jasmine and I ask you to bring back a verdict that
11 speaks the truth.

12 THE COURT: All right. Thank you, Mr. Hamilton.

13 Ladies and gentlemen of the jury, I'm going to do
14 something just a little bit different. What I need you to
15 do is -- because I'm going to be down about two minutes.
16 And I just need you to stand in place and stretch for a
17 minute, not go back. Just stand up and stretch for a
18 minute. Nobody talks. Just maybe two minutes and I'll be
19 right back.

20 Madam Court Reporter, we'll be off the record just
21 for a second.

22 And then we'll go to you, Ms. Glazer.

23 So just give me two minutes.

24 (Pause.)

25 THE COURT: All right. We're back on the record,

1 Madam Court Reporter.

2 Counsel for the State.

3 MS. GASSER: Yes, Your Honor.

4 May it please the Court, Your Honor.

5 THE COURT: Yes, ma'am.

6 MS. GASSER: Ladies and gentlemen, first, I want to
7 apologize if the use of the gun made anybody
8 uncomfortable. I was trying to be careful and tried to --
9 came over towards the corner. So I need to apologize to
10 the bailiff as well.

11 But, first, we talked about confusion, distraction,
12 and that that would be attempted in this case. I think
13 y'all just heard a lot of confusion. So there's just a
14 couple of things that I want to clear up and I'm going to
15 sit down. And I won't keep y'all here long.

16 First, the law. The law is going to come from that
17 man there, the Judge. He is the one that is going to
18 instruct you on what the law is, not the attorneys.

19 Because there was a lot of discussion about intent.
20 And I think it was stated that murder required specific
21 intent. Well, that's -- that's not what murder says.
22 Murder requires malice aforethought.

23 What is malice? Because that does have an intent
24 element; right? It is the intentional doing of a wrongful
25 act without just cause or excuse and with an intent to

1 inflict an injury or under circumstances that the law will
2 infer an evil intent expressed or inferred from the --
3 from the evidence. He's going to explain all of this to
4 you again. I just want to be real clear because it's
5 really important.

6 The intentional doing of a wrongful act, pulling out
7 a gun on someone, without just cause. He's fleeing.
8 Multiple times, he's trying to leave her. Or excuse with
9 the intent to inflict an injury. I propose to you that
10 she was intending to inflict an injury on him when he
11 shot -- when she shot at his car. Or under circumstances
12 that the law will infer an evil intent. Walking up to
13 that car with a gun. We went through all of that already.

14 So now, attempted murder. Now, attempted murder does
15 require specific intent. It does. But the Defendant did
16 so with the deliberate intention, the specific intent to
17 unlawfully kill when she pointed the gun and pulled the
18 trigger. That's your specific intent to kill Patience
19 Parks that this Defendant had. Specific intent.

20 Just remember, murder, malice aforethought expressed
21 or implied. Wrongful act, pulling that gun out without
22 just cause or excuse. He was fleeing. He didn't roll
23 down the window. He didn't get out. She told you he just
24 said, Stop. She intended to inflict that injury. That's
25 what I propose to you from the circumstantial evidence in

1 this case.

2 Or under circumstances that the law will infer that
3 evil intent, the getting out of that car, the choosing to
4 get out of that car with a gun, the walking up on that
5 car. It's very important. I want y'all to listen so
6 carefully to him when he instruct y'all on intent. It's
7 very important.

8 The second thing we need to clear up. There's a lot
9 of talk about the evidence and the technicians. And, you
10 know, I think he said about us calling them up and saying
11 we need this, this, and this. That proposes that there's,
12 like, this giant conspiracy; right, against the Defendant?

13 That Patience and all these people that walked up on
14 that stand had this giant conspiracy. That doesn't make
15 sense. That's ridiculous. The Spinx custodian, Chuck
16 Yates, he doesn't know her. Why would all these people
17 randomly agree to just come in, and create things, and fix
18 things so that we convict her? It sounds ridiculous
19 because it is ridiculous. And it didn't happen.

20 Finally, circumstantial evidence. That was talked
21 about a lot as well. And that's, also, very, very
22 important. In fact, I really like that the Defense
23 attorney brought up the wind. That's a great analogy;
24 right? You know, you see the wind blowing. You see the
25 leaves on the -- the -- the leaves on the tree. So you

1 know it's windy outside. But did you feel it? Did you go
2 out -- did you hear it if you're inside? No, no. But you
3 can surmise from what you know that it's obvious that it's
4 windy outside.

5 And he kept bringing that up. That -- that it was
6 so -- that it's so terrible that Patience said it was
7 obvious that she was the shooter. Yeah, common sense.
8 She's looking out the window. Jasmine is chasing them.
9 She hears it go off. She looks over. He's shot. And
10 she's standing there with a gun in her hand. That's
11 circumstantial evidence. Listen to what he tells you
12 about what that is, too.

13 Yes, it's obvious. Of course, it's obvious. But
14 further than that, while she can't say I saw her shoot
15 Desmond, she can put all that together in her mind. And
16 it circumstantially makes sense.

17 We, also, have the Defendant's statement. She turned
18 herself into the LEC. She said she had her gun out there.
19 She said she walked up to that car. She said she --
20 she -- her claim is that she hit it on the side and that
21 it went off. She places that gun in her hand. She places
22 herself by that car. She places that gun going off.

23 Patience, she fills in the gaps; right? Right? She
24 fills in the gaps between what Patience couldn't see
25 because she's in the car. And then she puts herself right

1 there with that gun. So what are we disputing? We're
2 disputing how this happened. He kept saying let's make
3 this make sense.

4 I'm going to make this make sense for y'all. I'm
5 going to use my hand. Because, again, I don't want anyone
6 to be uncomfortable. Jasmine Robinson followed them from
7 the Spinx. He's telling her, Don't follow me back to my
8 mom's house. When he realizes that she misses the first,
9 second, and third turns, he stops his car. She stops her
10 car. She says that. She says she grabs that gun. She
11 pulls that gun out. She gets out of her car. And she is
12 up at that car. She tells you that.

13 Ladies and gentlemen, I argue to you, she pulled that
14 gun out and she shot at that car. She says it's in her
15 left hand. Sometimes, she says it's in her right. I --
16 actually, you know, I think the left hand's great.
17 Because she shot that gun.

18 Limp wrist, we heard that from the expert. Limp
19 wrist. Why is a reason that your gun might jam or misfire
20 after you've just shot it and it's gone off? Limp wrist.
21 That's one of the reasons he talked about. They talked
22 about it.

23 So she opens that car door after she -- after she
24 shot into that car. She sees Desmond. She looks at
25 Patience. She points that gun in her limp wrist

1 non-dominant left hand. She pulls that trigger. But
2 because she is limp wristed in her non-dominant hand, that
3 gun misfires. Patience tells you how she's re-racking it.
4 She tells you herself she's got a cut on her hand. She's
5 re-racking it. She realizes she can't kill the
6 eyewitness.

7 So she backs out. She goes to her car. She unjams
8 that gun. She drives away, turns herself into the law
9 enforcement center after coming up with, I've got to say
10 it was an accident because she lived. Like I told you
11 before, if she had successfully followed out on her plan,
12 we would be here for a double murder.

13 Finally, just a couple of final points. I'm really
14 glad that Defense Counsel, actually, brought up that
15 body-worn camera. Because there was a lot of discussion
16 in this case about Patience and when she said that the gun
17 was pointed at and whether she was making that up as she
18 went along.

19 Watch that body-worn camera. There again -- and
20 Defense Counsel just told y'all this, at the very end, she
21 says she tried to point it at me, too. It captured.
22 She's in the background. Watch it. Watch it real
23 carefully. It's the last thing she says on that body-worn
24 camera before it turns off.

25 Finally, there was a lot of discussion about

1 communication breaking down and how she just lost her
2 language. Well, that was all confused and all broke down
3 because it was a lie. Because when you get caught in a
4 lie and people start pointing out, hey, that's
5 inconsistent. That doesn't make sense. Help us make
6 sense. You can't backtrack. Change of hands, changing
7 windows. You can't backtrack. You're locked in.

8 Defense Counsel -- and I think -- you know, why is
9 this different? She knew about other women. He had
10 children by other women. Why was this case different? I
11 propose to you it's different because Desmond really left
12 her. They were done. It was over. He had met Patience.
13 They were through. It was really over this time. She
14 couldn't take it. He had chosen Patience Parks. And for
15 that reason, Jasmine Robinson refused to stop.

16 Thank you.

17 THE COURT: Thank you, Madam Solicitor.

18 First of all, are you guys good over there?

19 (WHEREUPON, the jurors indicated in the affirmative.)

20 CHARGE ON THE LAW

21 THE COURT: All right. I'm going to speak to you.
22 And I -- I, certainly, want to thank you, all of you for
23 paying attention to both sides of the case. That's very
24 important, not only to the State, but, also, to the
25 Defense. And it's important to me that you paid

1 attention. I want to thank you in advance for that.

2 I said -- I know -- I don't know if I said it at the
3 beginning, but I'll say it, there are two judges in the
4 courtroom. I've got -- all of you are judges. And you're
5 judges of the facts of the case. And that's what you were
6 performing for the last several days. Your role as judges
7 of the facts in the case -- and we'll talk about that in
8 just a little bit.

9 I knew nothing about this case when I walked in here
10 the first part of the week. And that's a good thing.
11 Because I'm not supposed to know anything about the case.
12 And I heard what you heard. I have no opinion on the
13 facts of the case. And the reason -- I'm the second judge
14 that's in the courtroom. I'm the judge of the law. I
15 tell you what the law is as it relates to the facts that
16 are presented to the -- to the Court through the
17 witnesses.

18 So it becomes my duty as the trial judge under the
19 Constitution mandated by this state to charge and instruct
20 you on what's the applicable law in the case that is
21 before you. It is your duty, as jurors, to accept the law
22 as I will now state it to you, not what you think it
23 should be, but as I state it to you.

24 In your exclusive duty to determine the effect, the
25 value, the weight, and truth of the evidence, both the

1 State and Ms. Robinson, the named Defendant in this case,
2 have the right to expect that you will conscientiously
3 consider and evaluate the evidence and apply the law of
4 this case thereto. And to that end, both parties will
5 receive a fair and impartial trial in this case.

6 When I use the word Defendant, I refer to this
7 Defendant, Ms. Robinson. The Defendant here has been
8 accused of [sic] what we call an indictment. At the
9 beginning of this case, I made reference to these two
10 sheets of paper. And I, also, likened it to your entry
11 into a movie theater. And I said that that's the only way
12 that this matter can come before the Court. It has to
13 come through an indictment.

14 This piece -- these two pieces of paper is not
15 evidence of anything. It's just the vehicle by which the
16 matter comes before me. It is not an exhibit. It wasn't
17 marked as an exhibit. It's just a matter -- the ticket
18 that brings it before me.

19 Now -- now, to this indictment -- or indictments that
20 has three specific charges, the Defendant has pled not
21 guilty. That, specifically, places the burden -- the
22 absolute burden on the State to prove that the Defendant
23 is guilty beyond a reasonable doubt of the offenses upon
24 which the Defendant is charged.

25 The State not only has the burden to prove the

1 Defendant guilty beyond a reasonable doubt, but the State
2 must, also, prove the elements of the offense upon which
3 the Defendant is charged, and prove those elements beyond
4 a reasonable doubt.

5 In this state and in this country, a person who is
6 accused of the commission of a criminal offense is never
7 required to come in here and prove him or herself
8 innocent. This principle of law we call the presumption
9 of innocence.

10 In other words, I like to talk about it being the
11 cloak of innocence. A person walks in here and they have
12 the cloak of innocence. And that cloak remains on that
13 Defendant, him or her, until you, the jury, find that the
14 cloak should be removed once you hear all the evidence and
15 you're -- you're satisfied that the State has proven its
16 case beyond a reasonable doubt and the elements thereof.

17 Now, the presumption -- this presumption of innocence
18 is maintained throughout this trial. And as the Defendant
19 sits there at counsel table for the last two or three
20 days, however long we've been here, that presumption of
21 innocence still remains on the Defendant even at this
22 particular time until you are convinced beyond a
23 reasonable doubt that the State has met its burden.

24 I probably mentioned this to you at the beginning and
25 I don't know how many of you have ever served on a civil

1 jury. You may have not. But you may have heard this
2 term, preponderance of the evidence. And I don't want you
3 to get confused. I saw Counsel using a -- a gesture about
4 the scales of justice.

5 And, certainly, in -- in the civil -- civil arena,
6 the standard of proof is by the -- the case must be proved
7 by the greater preponderance of the evidence. And you may
8 have seen some lawyers use the scales in that regard. In
9 the -- in the criminal arena, the burden is on the State
10 to prove the Defendant guilty beyond a reasonable doubt.
11 So you've got two different burdens, two different arenas,
12 two different burdens.

13 Now, let's talk about a reasonable doubt. A
14 reasonable doubt is a doubt which makes an honest,
15 sincere, conscientious juror in search of the truth to
16 hesitate to act. Proof beyond a reasonable doubt is proof
17 that leaves you firmly convinced of the Defendant's guilt.

18 There are few things in this world that we know with
19 absolute certainty. And in criminal cases, the law does
20 not require proof that overcomes every possible doubt. If
21 based on your consideration of the evidence, you are
22 firmly convinced that the Defendant is guilty of the crime
23 charged, you must find him or her guilty. If, on the
24 other hand, you think there's a real possibility that he
25 or she is not guilty, you must give him or her the benefit

1 of the doubt and find him or her not guilty.

2 Reasonable doubt may arise from the evidence which --
3 in this case or from the lack of evidence in a case. It
4 is up to you, ladies and gentlemen of the jury, to
5 determine whether or not reasonable doubt exists as to
6 this Defendant on all three of the offenses upon which
7 this Defendant is charged.

8 I charge you the Defendant is entitled to every
9 reasonable doubt arising in the whole case. If upon any
10 issue of fact essential to the conviction and a verdict of
11 guilty, you have a reasonable doubt as to how that issue
12 should be resolved, it would be your duty, as jurors, to
13 resolve that reasonable doubt in favor of the Defendant.

14 Ladies and gentlemen, cases can be presented or
15 evidence can be presented in one or two ways. And before
16 I get into talking about direct and circumstantial
17 evidence, I'm going to allude back to something I said at
18 the beginning.

19 Evidence can take many forms. You sat in here the
20 last few days and you saw evidence take many forms. You
21 saw evidence take the form of witnesses who testified from
22 this witness stand. Those were lay witnesses. Those were
23 law enforcement witnesses. And those were expert
24 witnesses. Those were the witnesses that you heard. You,
25 also, saw evidence take the form of diagrams, and

1 pictures, and videos, and all those things that you have
2 on the table in front of you. All these things are
3 considered evidence.

4 Now, let's talk about -- and I'm going to talk about
5 the -- I can say it to you now. Whatever weight --
6 credibility is at your purview. You can give whatever
7 weight you want to the evidence that's presented before
8 you. In other words, if a witness testifies, you can
9 believe some of what a witness says, half of what a
10 witness says, or none of what a witness says. Okay.

11 If evidence is presented to you in the form of
12 pictures, diagrams, or anything of that nature, or videos,
13 you can believe some of it. You can believe all of it, or
14 you can believe none of it.

15 And I'm going to talk to you about how you should
16 approach your examination of expert witness testimony.
17 And I'll talk about that in just a minute.

18 But now, let's talk about direct evidence. Direct
19 evidence is -- is when someone comes in and testifies to
20 the commission of a crime that they perceived through
21 their own senses, saw someone commit a crime. For
22 example, indirect or circumstantial evidence is when
23 someone testifies as to different events that occur. And
24 when you link all of them, they point to the commission of
25 the crime. Those are the two different things.

1 I'll read that again for simplicity. Direct evidence
2 is when someone comes in and testifies to the commission
3 of a crime that they perceived through their own senses,
4 saw one -- someone commit a crime, for example. Indirect
5 or circumstantial evidence as it's called is when someone
6 testifies as to different events that occur. When you
7 link them altogether, they point to the commission of a
8 crime. So a little -- a little different twist there.

9 Now, either method can be used to present a case.
10 And oftentimes, both methods are used in a case. The law
11 makes absolutely no distinction between the weight or
12 value to be given to either circumstantial evidence or
13 direct evidence by you. Nor is a greater degree of
14 certainty required of circumstantial evidence, as opposed
15 to direct evidence. You should weigh all the evidence in
16 the case.

17 The law says to the extent that the State relies on
18 circumstantial evidence, it has to meet a certain test.
19 First, as to each one of those events or circumstance,
20 they are relying on, the State has to prove each one of
21 those beyond a reasonable doubt. Going back to the burden
22 upon the State. Further, these facts must point
23 conclusively to the guilt of the accused. And they must
24 be wholly perfectly consistent with each other in every
25 particular respect.

1 I further instruct that the mere fact that the
2 circumstances brought out in the case are strongly
3 suspicious of guilt or the circumstances are such that a
4 Defendant's guilt is probable is not enough. That is not
5 sufficient to state a conviction because the proof offered
6 by the State has to be more than suspicion. It has to be
7 more than someone being probably guilty. It has to be
8 proof that satisfies you then beyond a reasonable doubt.

9 The evidence you are to consider -- and I said this
10 earlier and I'll repeat it again. The evidence that you
11 are to consider consists of the testimony of the witnesses
12 and the exhibits that have been offered and received
13 during the trial, those exhibits that were entered into
14 evidence during the trial.

15 Objections, and rulings, and matters that may have
16 been excluded from the record are not to be considered by
17 you in any fashion. In other words, as I indicated to you
18 at the beginning, there could be objections made by both
19 sides that the Court would have to rule on that you would
20 have to be excluded on. That's not to be considered by
21 you. Those are matters of law that the Court needed to
22 deal with. I dealt with them.

23 Any -- any -- any testimony, anything that I directed
24 the court reporter to strike from the record, that is not
25 to be considered by you at all. That testimony is like

1 it's not present. It doesn't exist.

2 If it appears to you that I have commented on this
3 trial or my facial expression has given you any indication
4 at all that I have a position one way on this trial --
5 trial, you need to disregard it. I'm just -- I normally
6 have a disgruntled face anyway. But you just don't --
7 don't attach any meaning to that at all.

8 There -- also, the remarks of the attorneys are not
9 evidence. And I talked about the fact that opening
10 statements and closing statements are not evidence. And
11 any remarks the attorneys make, that's between themselves.
12 It's not evidence. You should disregard any remarks,
13 statement, or argument which is not supported by the
14 evidence or law as given to you by the Court.

15 Now, how do you define -- decide the facts of this
16 case? You do so through the exercise of your good
17 judgment and the application of your common sense. And
18 you've heard that term mentioned to you by lawyers, your
19 sense of logic and reason, and your experiences, your real
20 life experiences in life.

21 You know, every day in your life, you judge
22 credibility. You do it every day. You make decisions
23 every day in your life as to determine whether or not
24 somebody's believable, persuasive, or convincing or not.
25 You have a way to do that. You do the same thing as a

1 juror.

2 In deciding believability, you may consider, what was
3 the manner and appearance of the witness who testified?
4 Was he or she straightforward or hesitant in answering the
5 question? Was the testimony of a witness consistent or
6 inconsistent? How did the witness come to know the facts
7 that he or she testified to? What was the witnesses
8 ability to know these facts? Is there some reason a
9 witness would want to give testimony which would help or
10 hurt one side or the other? In other words, was the
11 witness bias or prejudice in any manner?

12 In determining the -- the credibility or
13 believability of witnesses, you may believe one witness
14 over -- one as against several, or several against one.
15 You may believe a part of a witnesses testimony and reject
16 the remaining.

17 As I said to you earlier, these considerations you do
18 exercise -- you do not exercise arbitrarily. But if in
19 your good judgment there are sound reasons in the record
20 of this case for doing so. You are to consider all the
21 evidence in the case and determine what you believe to be
22 the true facts in the case.

23 Now, you -- there were two or three witnesses, maybe
24 more -- I don't know -- that were qualified as expert
25 witnesses. Here's what the law says on how you should

1 treat the testimony of your expert witness. The rules of
2 evidence ordinarily do not permit witnesses to testify
3 regarding opinions or conclusions. An exception to this
4 rule exists for witnesses who are called expert witnesses.

5 A witness who by its education and experience has
6 become an expert in some art, science, profession, or
7 calling may state an opinion as to the relevant and
8 material matter in which the witness claims to be an
9 expert and may, also, state the reasons for that opinion.

10 You should consider any expert opinion received in
11 evidence in this case and, like any other evidence, give
12 it the weight that you think it deserves. If you decide
13 that the opinion of an expert witness is not based on
14 sufficient education or experience, or if you conclude
15 that the reasons given in support of the opinion are not
16 sound, or that the opinion is outweighed by other
17 evidence, you may disregard the opinion entirely.

18 An expert witnesses testimony is to be given no
19 greater weight than any other witness simply because the
20 witness is an expert. In other words, you treat them all
21 the same. You judge credibility all the same. Further,
22 you are not required to accept an expert's opinion, even
23 though it is not contradicted.

24 Now, we have three offenses in this case. And I'm
25 going to talk to you about them and tell you the law

1 that's applicable to each offense upon which this
2 Defendant is charged in the indictment.

3 And the first one, this Defendant is charged with the
4 offense of murder. Section 16-3-10 of our South Carolina
5 Code of Laws gives the definition for murder as the
6 killing of any person with malice aforethought either
7 expressed or implied. The State must prove beyond a
8 reasonable doubt that the Defendant killed another person
9 with malice aforethought.

10 Malice is hatred, ill will, or hostility towards
11 another person. It is the intentional doing of a wrongful
12 act without just cause or excuse, and with the intent to
13 inflict an injury or under circumstances that the law
14 would infer an evil intent.

15 Malice indicates a formed purpose in a design to do a
16 wrongful act under circumstances that exclude any legal
17 right to do it. Further, there must be malice
18 aforethought, which means that the malice must have been
19 conceived in the mind of the Defendant prior to the act
20 producing the fatal result. The word aforethought is
21 usually understood to refer to the time when the evil was
22 conceived.

23 The law does not require that the malice must exist
24 for any appreciable length of time before the commission
25 of the act. It may be conceived at the very moment the

1 action is taken which results in the death of another.
2 Malice aforethought may be expressed or implied or -- or
3 inferred. I'm sorry. These terms expressed or inferred
4 do not mean different kinds of malice, but merely the
5 manner in which the malice may have shown to exist. That
6 is either by direct evidence or inference from the facts
7 and circumstances that are proved.

8 Expressed malice is shown when a person speaks words
9 which express hatred or ill will for another when the
10 person appeared beforehand to do the act which was later
11 accomplished. Malice may be inferred from conduct showing
12 a total disregard for human life.

13 If the facts are proved beyond a reasonable doubt
14 sufficient to raise an inference of malice to your
15 satisfaction, this inference would be simply an
16 evidentiary fact to be taken into consideration by you,
17 the jury, along with all the other evidence that is
18 presented in the case. And you may give it such weight as
19 you determine it should receive.

20 You, as jurors, are free to accept or reject this
21 permissive inference, depending on your view of the facts.
22 You are the fact finders. If malice is present in the
23 mind of the one doing the killing any length of time
24 before the act, then its presence would be sufficient to
25 render the killing murder under this particular statute.

1 Let's talk about criminal intent. Criminal intent is
2 a necessary element of the crime of murder. And that must
3 be proved by the State beyond a reasonable doubt.

4 Criminal intent is always a matter that must be determined
5 by the jury by the -- from the circumstances surrounding
6 the situation. So the law states that criminal intent may
7 be inferred from the circumstances shown to have existed.

8 The State is not required to prove motive through the
9 presence or absence of this evidence of motive -- let me
10 read that clear so I make sure you understand it. The
11 State is not required to prove motive, although the
12 presence or absence of this evidence of motive may be
13 considered in making your determination in this case.

14 Criminal intent is a state of mind that operates
15 jointly with an act in the commission of a crime. Intent
16 includes those consequences which (A) represent the very
17 purpose upon which the act is done, (B) are known to be
18 substantially certain to result. Criminal intent is a
19 mental state, a conscious wrongdoing.

20 So it's up to you, the jury, to determine what the
21 Defendant intended to do, based on the circumstances shown
22 to have existed at the time. I tell you, the State must
23 prove criminal intent as it must prove every other element
24 beyond a reasonable doubt.

25 Ladies and gentlemen of the jury, you are not

1 partisans or advocates for the State of South Carolina or
2 this Defendant. You do not serve as jurors to reward
3 friends or punish enemies. You have been selected both by
4 the State and this Defendant as fair and impartial jurors,
5 which you took an oath to do.

6 It is your duty by your oath and joint deliberations
7 to determine the truth in this case giving to this
8 Defendant the benefit of every reasonable doubt. Then to
9 the facts which you determine to be true, you take and
10 apply the law which has been given to you by this Court
11 and then arrive at a verdict.

12 But before I do that, let's talk about -- there are
13 two other offenses upon which this Defendant has been
14 charged. Section 16-23-0490 of our South Carolina Code of
15 Laws spells out the offense of possession of a weapon
16 during the commission of or attempt to commit a violent
17 crime.

18 Let me just read what the law states in that regard.
19 This Defendant is charged with possession of a weapon
20 during the commission of or attempt to commit a violent
21 crime. The State must prove beyond a reasonable doubt
22 that the Defendant was in possession of a firearm or
23 visibly displayed what appeared to be a firearm during the
24 commission of a violent crime.

25 A firearm means any machine gun, automatic rifle,

1 revolver, pistol, or any weapon which will -- is designed
2 to or may be readily converted to expel a projectile. In
3 order to find the Defendant guilty of possession of a
4 weapon during the commission of a violent crime, you must,
5 first, find the Defendant guilty of either committing a
6 violent crime or attempting to commit a violent crime.

7 Do you understand that?

8 Attempted murder and assault and battery of a high
9 and aggravated nature are considered violent crimes. The
10 State must prove beyond a reasonable doubt that the weapon
11 further advanced or helped in the commission of a crime.
12 That is the second offense upon which this Defendant,
13 Ms. Robinson, is being charged.

14 The third offense upon which this Defendant is being
15 charged -- has been charged is attempted murder. Section
16 16-3-0029 speaks, specifically, about what the elements of
17 attempted murder is. And I will read you the law as it --
18 as it applies to that particular offense.

19 This Defendant, Ms. Robinson, is charged with
20 attempted murder. In order to prove this crime, the State
21 must prove the Defendant attempted to kill another person
22 with malice aforethought either expressed or implied. The
23 State must prove beyond a reasonable doubt that the
24 Defendant had the specific intent to kill a person. A
25 specific intent to kill is necessary to convict a

1 Defendant -- in this instance this Defendant for attempted
2 murder.

3 Intent means intending the result which, actually,
4 occurs, not accidentally or involuntary. Intent may be
5 shown by acts and conduct of the Defendant and other
6 circumstances which you may naturally and reasonably infer
7 intent existed. Intent may be inferred when it is
8 demonstrated that the Defendant voluntarily and willfully
9 commits an act the natural consequences which is to
10 destroy another's life. These are the three offenses upon
11 which this Defendant is charged.

12 Here again, the State has the absolute burden to
13 prove the Defendant guilty beyond a reasonable doubt, and
14 must satisfy that all of the elements of each one of those
15 offenses that I just read to you is proven beyond a
16 reasonable doubt.

17 Now, before I -- let me make sure I've covered
18 everything I need to.

19 I have -- I will send back to the jury room with you
20 everything I just read. Everything that I just read, you
21 will have in your hand so you can go back through in
22 case you just -- everything I just said, word for word is
23 in my hand. Okay. And you'll have that back in the jury
24 room.

25 Now, I have a verdict form. And the verdict form

1 states, the State of South Carolina, County of Greenville,
2 in the Court of General Sessions for the Thirteenth
3 Judicial Circuit. Indictments number 2021-GS-23-04474 and
4 4475. Warrants number 2020A2330210835-0836; and 0925, the
5 State vs. Jasmine Liz Marie Robinson, date of birth
6 January 3rd, 1989, being the named Defendant in this -- on
7 this verdict form. It is entitled, Verdict Form. And it
8 states --

9 And I'm looking at you, Madam Forelady, because
10 you're going to be the person having this in your hand.

11 The first paragraph states this -- and I had to put
12 it in some order. So do not attach any meaning to how I
13 state this because I had to state it in some order.

14 Number one, as to indictment 2023-GS-23-4475, the
15 charge of murder, we, the jury, find the Defendant --
16 there's a line that says, Guilty. And then there's a line
17 that says, Not guilty. You check either one that you
18 determine to be.

19 Number two, as to indictment 2023-GS-23-4475, the
20 charge of possession of a weapon during a violent crime,
21 we, the jury, find the Defendant -- there's a line that
22 says, Guilty. And there's a line that says, Not guilty.
23 You determine what to choose.

24 Thirdly, as to indictment 2023-GS-23-4474, the charge
25 of attempted murder, we, the jury, find the Defendant --

1 there's a line that says, Guilty. And there's a line that
2 says, Not guilty.

3 And then there's a line that says, I certify this
4 decision was a unanimous decision of the jury.

5 Then there is a line that says, Jury Foreperson,
6 which, Madam Forelady, you would sign.

7 And it has dated today, May 12th, 2023. You will be
8 sent this verdict form back in the jury room. You'll be
9 sent my instructions back in the jury room for you to take
10 a look at. You will be -- all these exhibits will be
11 taken back in the jury room for you to take a look at, if
12 you need to.

13 If there are any videos that you saw on the screen
14 that you would like to see again, Madam Forelady, you just
15 let me know through a note to the bailiff. And I'll
16 arrange to make that happen, if that's the case, if you
17 need to see any.

18 But do not start any deliberations until I give you
19 my instruction to do so. My instructions will come
20 through the bailiff. He will -- he will tell you that you
21 can begin deliberations.

22 And we will -- we will not let you starve to death.
23 There may be some conversations about food. So we will --
24 somebody will approach you about that. Okay.

25 Okay. So I'm going to send you back to your jury

1 room. Sit tight. Please, ma'am, even though you've heard
2 all the case --

3 Madam Forelady, there's not to be any discussion
4 about this case until you hear from me. Because
5 somebody's going to tell on you if you don't do that.

6 (WHEREUPON, the jury was excused from open court at
7 approximately 4:34 p.m.)

8 THE COURT: All right. Any exception to the charge
9 by the State?

10 MS. SCOTT: Your Honor, when you were reading the
11 possession of a weapon during a violent crime, you
12 referenced only attempted murder being a violent crime
13 from what I could take from my notes. I know that you
14 have the -- the verdicts right in front of you. So that
15 may not be the case, Judge. And since you're sending it
16 back to them, they'll see --

17 THE COURT: Well, I see -- I got -- I think I read --
18 I said, attempted murder and assault and battery of a high
19 and aggravated nature are considered violent crimes.

20 MS. SCOTT: Okay. This is a murder and attempted
21 murder.

22 THE COURT: Okay. So it should say attempted --
23 murder and attempted murder, instead of --

24 MS. SCOTT: Yes, Your Honor. I didn't hear the
25 assault and battery high and aggravated either. But if

1 that's something -- I definitely don't want that in there,
2 Judge.

3 THE COURT: Okay. What I can do is I can -- I can
4 cure this in one or two fashions. Since I am sending this
5 back to them, I could scratch that out and put, And
6 murder. Or I can bring them back out and make the record
7 pristine.

8 MS. SCOTT: I don't think it's necessary to bring
9 them back out since you've stated to them that they're
10 going to get everything you said verbatim --

11 THE COURT: So what I'm going to do is, I'm going
12 to -- I'll tell you exactly what I'm going to do. And I
13 can show it to y'all, if you want to see it.

14 I'll tell you what, Ms. Scott --

15 MS. SCOTT: Well, Your Honor --

16 THE COURT: What I can do is I -- I can get my law
17 clerk just to just print it out and take those words out.
18 It'll be clean.

19 MS. SCOTT: That would be fine. And we'd ask,
20 actually, at this point, she only attach it for the
21 indictment purposes to the murder charge. If you look at
22 the indictment, the count is attached to the indictment
23 for the murder. To be clean and for the record --

24 THE COURT: Just say murder.

25 MS. SCOTT: -- just say murder, Judge.

1 THE COURT: Okay. Anything else, other than -- other
2 than that?

3 MS. SCOTT: Yes, Your Honor. And then in your
4 reading of attempted murder, you referenced attempted
5 murder, also, requires malice aforethought. And that's I
6 believe what I heard. But, again, it may not be what was
7 written down.

8 THE COURT: You said I did say that?

9 MS. SCOTT: Yes, Your Honor. I believe I heard that
10 you stated that it was -- it required that. I did hear
11 the specific intent, but I heard the malice aforethought.

12 THE COURT: Hold on one second. Let me find it.

13 (Pause.)

14 THE COURT: Bear with me a second.

15 MS. SCOTT: Your Honor, the statute code is what you
16 read verbatim. And then the case law is what asks judges
17 to be particular when mentioning specific intent. But I
18 did hear you say specific intent, Your Honor. And given
19 that statutorily, we still have that within our codified
20 code of law, we are fine with you sending that back. I
21 know I heard you say specific intent, regardless of the
22 malice.

23 THE COURT: Okay. Mr. Hamilton, have you got a
24 position one way or the other?

25 MR. HAMILTON: I understand the cure is going to be

1 you're going to correct the written form and -- to reflect
2 what you stated.

3 THE COURT: Do y'all want to take a look at the
4 exhibits and make sure you got -- see what's going back?

5 (WHEREUPON, there was no response.)

6 (Pause.)

7 THE COURT: They've got all the exhibits. Tell them
8 they can start deliberating.

9 THE BAILIFF: Do you want the two extras?

10 THE COURT: The three extras. We have three.

11 (WHEREUPON, the alternate jurors entered the
12 courtroom.)

13 THE COURT: Let's put this on the record.

14 What I'm going to do is -- I appreciate you -- your
15 willingness to serve as jurors. And if you want to stick
16 around, you can. I don't anticipate that we're going to
17 have any issue with any of the current jurors in terms of
18 their need to not be there, or whatever.

19 But it's 5:00 on Friday. And so if you want to
20 leave, I'm going to allow you to do so.

21 Let me ask -- let me see y'all for just a second.

22 We're off the record.

23 (WHEREUPON, a bench conference was held.)

24 THE COURT: Let's got on the record.

25 You are juror number -- no. You're -- what's your

1 juror number there?

2 JUROR #171, PETRA MCEL RATH: Three.

3 THE COURT: Okay. And you are juror number?

4 JUROR #307, JASON ZELL: #307 --

5 JUROR #171, PETRA MCEL RATH: Oh, juror number. I'm
6 sorry. #171.

7 THE COURT: You're juror?

8 JUROR #307, JASON ZELL: #307.

9 JUROR #22, DARREN BERGEN: #22, sir.

10 THE COURT: All right. I'm going to have to -- I'm
11 going to have to keep you. And you will be housed in a
12 different room other than where the other 12 people are.

13 And I know you don't know each other. I understand
14 that. But you still can't talk about what you just heard
15 with each other. You can talk about anything else. I
16 know you can't sit in there and just look at each other.
17 But -- but maybe you can talk. And maybe you'll find out
18 that you may be related.

19 But what I want you to do is -- the bailiff is going
20 to house you in another room. And, hopefully, you won't
21 be here too long. But I got to keep you just for
22 administrative reasons.

23 JUROR #22, DARREN BERGEN: Would you require all
24 three of us?

25 THE COURT: I -- I just don't want to just pick one

1 of you. I'm going to require all three of you.

2 JUROR #22, DARREN BERGEN: If one had said that they
3 would be willing to stay and let the other two go --

4 THE COURT: My thoughts on it, it would be -- I don't
5 think that it needs to show that I'm interfering with that
6 at all. I'm -- I don't have anything to do with you
7 there. So that's why I'm going to ask all three of you to
8 stay.

9 JUROR #22, DARREN BERGEN: Got it.

10 THE COURT: Okay. Take them to their room.

11 (WHEREUPON, the alternate jurors exited the
12 courtroom.)

13 THE COURT: Okay. We're going to stand down until
14 whenever.

15 (WHEREUPON, the proceedings were recessed at
16 approximately 4:57 p.m.)

17 THE COURT: It's my understanding that there's an
18 issue regarding a statement.

19 MS. GASSER: Your Honor, the State just wanted to
20 confirm -- because there was mention of the statement
21 being in evidence. And since it's not in evidence --

22 THE COURT: The statement of who?

23 MS. GASSER: The Defendant's statement was only a
24 Court's Exhibit. And I just wanted to confirm that it was
25 not being deliberated upon by the jury as it was just a

1 Court's Exhibit and it was not entered into evidence.
2 Because there was a little bit of confusion on that during
3 closing arguments.

4 THE COURT: All right. That was the Defendant's
5 statement and not the interview; right?

6 MS. GASSER: The Defendant's -- yes. So her -- it's
7 her interview. It was only entered --

8 THE COURT: That was on the -- on the laptop?

9 MS. GASSER: Yes, Your Honor. So that was not
10 entered into evidence.

11 THE COURT: Right.

12 MS. GASSER: And I just wanted to confirm that
13 wasn't.

14 THE COURT: I don't think it was.

15 MS. GASSER: It was not, no, Your Honor.

16 THE COURT: I'm sure it was not.

17 Okay. Is that -- is that it for right now?

18 MS. GASSER: Yes, Your Honor. We confirmed with the
19 court reporter that it was not.

20 THE COURT: All right.

21 MS. GASSER: Thank you, Your Honor.

22 THE COURT: All right. We'll be still at ease.

23 (WHEREUPON, the proceedings were recessed at
24 approximately 6:28 p.m.)

25 THE COURT: Let's go on the record in the State vs.

1 Jasmine Liz Marie Robinson.

2 Before -- I just wanted to admonish those of you who
3 are here on behalf of either side. Whether you're on the
4 side of the Defendant or the side of the victim's family,
5 please, ma'am, and, please, sir, I do not want any
6 outbursts or any emotion showed. This is a difficult time
7 for both sides. But let's be respectful for the Court and
8 not do that, irregardless how it turns out.

9 Do you understand that?

10 MS. SCOTT: Yes, Your Honor.

11 THE COURT: All right. Ready to bring the jury
12 out -- jury out?

13 MS. GASSER: Yes, Your Honor.

14 THE COURT: Mr. Hamilton?

15 MR. HAMILTON: Yes, sir.

16 THE COURT: All right. Bring them out.

17 (WHEREUPON, the jury came into open court at
18 approximately 6:54 p.m.)

19 THE COURT: All right. Madam Forelady, has the jury
20 reached a verdict?

21 JUROR #177, JENNIFER MILLER: Yes, Your Honor, we
22 have.

23 THE COURT: All right. Would you pass the sheet to
24 the bailiff, please, ma'am?

25 All right. Madam Clerk, would you, please, publish

1 the verdict?

2 VERDICT

3 THE CLERK: Your Honor, this is case number
4 2021-GS-23-4474 and 4475.

5 As to indictment 2023[sic]-GS-23-4475, the charge of
6 murder, we, the jury, find the Defendant guilty.

7 As to indictment 2023[sic]-GS-23-4475, the charge of
8 possession of a weapon during a violent crime, we, the
9 jury, find the Defendant guilty.

10 As to indictment 2023[sic]-GS-23-4474, the charge of
11 attempted murder, we, the jury, find the Defendant guilty.

12 Ladies and gentlemen, if you agree to this verdict
13 you've reached in the deliberation room, please, raise
14 your right hand.

15 (WHEREUPON, all of the jurors raised their right
16 hand.)

17 THE COURT: All right. Thank you, Madam Clerk.

18 Ladies and gentlemen of the jury, that completes your
19 duties for this week. And I want to thank all of you,
20 including the three alternates for your service.

21 I want to thank you for paying attention. I think it
22 was important to both sides. And you were very attentive
23 during the period of time. And we really appreciate that.
24 And I'm going to let you go.

25 Hopefully, you'll get an opportunity to serve as a

1 juror again. And whether you serve as a juror in the
2 Court of General Sessions, which this is, or any court,
3 be -- always be willing to take up the opportunity to
4 serve as a juror. It's a very noble job. And I
5 appreciate very much your service this week. And you're
6 free to go.

7 (WHEREUPON, the jury was excused from open court at
8 approximately 6:57 p.m.)

9 MOTIONS

10 THE COURT: All right. Any motions of any kind?

11 MR. HAMILTON: Yes, Your Honor. I want to renew my
12 previous motions. I would motion the Court to direct the
13 verdict on the grounds that there was not evidence of --
14 the jury to find that -- showed that my client was the one
15 that shot and -- into the car and pointed -- the
16 identification of her and pointed the gun.

17 THE COURT: All right. So it's a motion for a new
18 trial, is that what -- is that what your motion is?

19 MR. HAMILTON: That's correct.

20 THE COURT: All right. I'll let you respond before I
21 rule on this one.

22 MS. GASSER: Your Honor, the State asks that you deny
23 this motion by Defense Counsel. There was sufficient
24 evidence in the record.

25 THE COURT: I agree, Counsel. And I'm going to go

1 ahead and deny the motion. I think there was more than
2 adequate evidence submitted to the jury. So I will deny
3 the motion.

4 Mr. Hamilton, would you bring your client forward?

5 And, Madam Solicitor, do you want to come forward as
6 well?

7 MS. GASSER: Yes, Your Honor.

8 THE COURT: You've got -- Madam Clerk, you've got
9 sentencing sheets?

10 THE CLERK: Do you have sentencing --

11 MS. GASSER: There's the tracking sheets as well.

12 THE CLERK: Okay. Do you want me to read them?

13 THE COURT: You can, just for the record.

14 THE CLERK: Your Honor, this is case number
15 2021-GS-23-04475, the State vs. Jasmine Liz Marie
16 Robinson, indicted for murder. And it's a true bill.

17 Indictment -- and that one is also -- I apologize --
18 a possession of a weapon during the commission of a
19 violent crime, pleading [sic] to murder.

20 Case number 2021-GS-23-04474, indicted for attempted
21 murder, pleading [sic] to the same. And it's a true bill.

22 THE COURT: All right.

23 THE CLERK: Do you want me to swear her in?

24 THE COURT: No.

25 THE CLERK: Okay.

1 THE COURT: I'll be glad to hear from the State.

2 And then I'll be glad to hear from you, Mr. Hamilton.

3 MS. GASSER: Yes, Your Honor. In regards to
4 sentencing, the State's requesting the maximum penalties
5 on all charges, Your Honor. This was an egregious crime,
6 a crime that ended in the -- ended the life of a young
7 man, a father, a son. Both families that are here. It,
8 also, tormented a woman that will have to live with
9 looking down the barrel of a gun for the rest of her life.

10 I believe that Ms. Tammy Parks, the deceased Desmond
11 Parks mother, is present and would like to make a
12 statement.

13 Additionally, Ms. Patience Parks is present. I'm not
14 sure if she'd like to make a statement on the record at
15 this time.

16 But, Your Honor, the State would just like to
17 acknowledge that these families were put through a trial
18 and that responsibility was not taken by this Defendant
19 for these horrible crimes. So that is why we are asking
20 for the maximum sentences on all these charges.

21 THE COURT: All right. Ma'am, raise your right hand
22 for me.

23 WHEREUPON,

24 TAMMY PARKS,

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

1 THE COURT: What's your name?

2 MS. TAMMY PARKS: Tammy Parks.

3 THE COURT: All right. Speak loud enough so that the
4 court reporter can hear you.

5 What do you want to tell me?

6 You can put your hand.

7 What do you want to tell me?

8 MS. TAMMY PARKS: I -- I want to say my son, my -- my
9 baby, my friend was taken away from me way too soon. He
10 was taken away from his children and all the -- his
11 friends and family. And it was not fair.

12 And I ask that you give her the maximum.

13 THE COURT: All right. Anything else?

14 (WHEREUPON, there was no response.)

15 THE COURT: Mr. Hamilton.

16 MR. HAMILTON: May it please the Court, Your Honor.

17 You've heard the testimony and her testimony, Jasmine
18 Robinson's testimony and her account for stuff. And
19 her -- you, also, heard how she was a productive person in
20 the community, have a good job.

21 She, also, has a -- two children. She, also, have a
22 very sickly daughter that is -- will be taken care of by
23 her family.

24 We just ask the Court to take into consideration that
25 she elected to tell her side of the story. And the jury

1 has determined that she should be held responsible for
2 what -- and she has never -- never denied being involved
3 in it. It's just that she did not intend for it to
4 happen.

5 The law is designed to take care of those type of
6 situations, the facts being what they are. And it just
7 didn't apply to her case as to the way it turned out in
8 front of the jury.

9 We just ask the Court to take into consideration that
10 she is a young person. And that she needs an opportunity
11 to serve the time, and as minimum as the Court can give.
12 And that it will allow her to rejoin her family.

13 THE COURT: What kind of prior record does the
14 Defendant have?

15 MS. GASSER: Yes, Your Honor. She has no prior
16 record.

17 And may it please the Court.

18 The victim of the attempted murder, Ms. Patience
19 Parks, did want to place a victim impact statement on
20 record.

21 THE COURT: Ms. Parks, raise your right hand.
22 WHEREUPON,

23 PATIENCE PARKS,
24 after first having been duly sworn, testified as follows:

25 THE COURT: All right. What do you want to tell me?

1 MS. PATIENCE PARKS: I, also, just would like to say
2 that Desmond and I did not deserve what happened to us. I
3 came in here and I told nothing but the truth.

4 I have had to deal with the fact of lies being told
5 on me, people threatening me. I've had to deal with the
6 fact of just being in total complete terror and fear.
7 This was a very traumatic experience. And I, also, ask
8 that she does get the max as well. Because she had the
9 chance to stop. And she had a chance to tell the truth
10 and she did not do that.

11 THE COURT: All right.

12 MS. PATIENCE PARKS: Thank you.

13 THE COURT: Ms. -- anybody else?

14 Ms. Robinson, anything you want to tell me?

15 (WHEREUPON, there was no response.)

16 THE COURT: You don't have to. I'm just giving you
17 an opportunity.

18 DEFENDANT ROBINSON: No. I'm just -- I'm sorry it
19 happened. I didn't mean it. It was an accident. I
20 didn't mean for it to happen.

21 SENTENCING

22 THE COURT: All right. Indictment ending in 04475,
23 the State vs. Jasmine Liz Marie Robinson charged with the
24 offense of murder, the sentence of the Court is you be
25 committed to the South Carolina Department of Corrections

1 for a period of 45 years.

2 On indictment ending in 04474, the sentence of the
3 Court is that you be sentenced to the South Carolina
4 Department of Corrections for a period of 20 years. That
5 sentence is to be ran concurrent with the prior sentence.

6 And on indictment ending 04475, the sentence of the
7 Court is five years. That sentence, also, is to be ran
8 concurrent with the prior sentence.

9 Good luck to you, ma'am.

10 *****END OF TRANSCRIPT OF RECORD*****
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CERTIFICATE OF REPORTER

STATE OF SOUTH CAROLINA)
COUNTY OF GREENVILLE)

I, HOLLIE JENKINS, Official Court Reporter for the Thirteenth Judicial Circuit of the State of South Carolina, do hereby certify that the foregoing is a true, accurate, and complete Transcript of Record of the proceedings had and the evidence introduced in the trial of the captioned case, relative to appeal, in the Court of General Sessions for Greenville County, South Carolina, on the 8th, 9th, 11th and 12th days of May, 2023.

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

December 19, 2023

Hollie M. Jenkins, Court Reporter

WITNESSES

Robert L Grubbs

Greenville County Sheriffs Office

11/10/2020

DOCKET NO. 2021-GS-23-

MAG

The State of South Carolina

County of Greenville

004474

COURT OF GENERAL SESSIONS

July

TERM 2021

THE STATE

VS.

JASMINE LIZ MARIE ROBINSON

ARREST WARRANT NUMBER

2020A2330210925

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

3410

Indictment for

ATTEMPTED MURDER

VIOLATION § 16-03-0029

Foreperson of Petit Jury

Date:

ENTERED

ACCT.

PR

STATE OF SOUTH CAROLINA)
)
COUNTY OF GREENVILLE)

INDICTMENT FOR
ATTEMPTED MURDER

At a Court of General Sessions, convened on

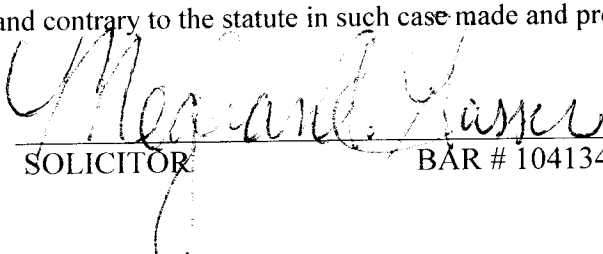
the Grand Jurors of Greenville

County present upon their oath:

JUL 06 2021

That JASMINE LIZ MARIE ROBINSON did in Greenville County, on or about the 6th day of November, 2020, unlawfully, with malice aforethought, and with the intent to kill, attempt to kill Patience Parks. This is in violation of § 16-03-0029 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


SOLICITOR

BAR # 104134

WITNESSES

Robert L Grubbs

Greenville County Sheriffs Office

11/6/2020

DOCKET NO. 2021-GS-23-

MAG

004475

The State of South Carolina
County of Greenville

COURT OF GENERAL SESSIONS

July TERM 2021

THE STATE

VS.

JASMINE LIZ MARIE ROBINSON

ARREST WARRANT NUMBER

2020A2330210835

2020A2330210836

ACTION OF GRAND JURY

TRUE BILL

FOREMAN GRAND JURY

Foreperson of Grand Jury

VERDICT

0116
0549

Indictment for

MURDER

VIOLATION § 16-03-0010

POSSESSION OF WEAPON DURING THE
COMMISSION OF A VIOLENT CRIME

VIOLATION § 16-23-0490

Foreperson of Petit Jury

Date:

ENTERED
ACCT.

[Signature]

STATE OF SOUTH CAROLINA)
)
 COUNTY OF GREENVILLE)

INDICTMENT FOR
 COUNT ONE-MURDER
 COUNT TWO-POSSESSION OF WEAPON DURING THE
 COMMISSION OF A VIOLENT CRIME

JUL 06 2021

At a Court of General Sessions, convened on

the Grand Jurors of Greenville

County present upon their oath:

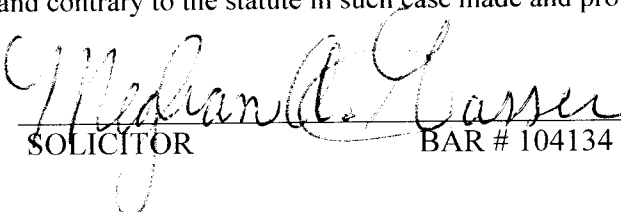
COUNT ONE-MURDER

That JASMINE LIZ MARIE ROBINSON did in Greenville County, on or about the 6th day of November, 2020, unlawfully and with malice aforethought kill DESMOND LAMAR PARKS by means of shooting him, and that DESMOND LAMAR PARKS died as a proximate result thereof. This is in violation of §16-3-10 of the South Carolina Code of Laws (1976) as amended.

COUNT TWO-POSSESSION OF WEAPON DURING THE COMMISSION OF A VIOLENT CRIME

That JASMINE LIZ MARIE ROBINSON did in Greenville County, on or about the 6th day of November, 2020, possess or visibly display a firearm during the commission or attempted commission of a violent crime, to wit: Murder. This is in violation of §16-23-490 of the South Carolina Code of Laws (1976) as amended.

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


 SOLICITOR

BAR # 104134

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Jasmine Liz Marie Robinson

AKA:

Race: BLACK Sex: F Age: 34DOB: [REDACTED] 1989 SS#: [REDACTED]Address: [REDACTED]City, State, Zip: Greenville, SC 29611-5595DL#: [REDACTED] SID#: [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 23 - 04474A/W#: 2020A2330210925Date of Offense: 11/6/2020S.C. Code § 16-03-0029CDR Code #: 3410

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS
TO: Murder/Attempted Murderin violation of § 16-03-0029 of the S.C. Code of Laws, bearing CDR Code # 3410☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

[Signature] 104134
Gasser, Meghan SC Bar #

Defendant

HAMILTON, ERNEST
Attorney for Defendant02625
SC Bar#WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,for a determinate term of 20 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of
probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on: ☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by
SCDOC. days/months☐ To include time spent on monitored house arrest prior to trial and sentencing.☐ The Defendant Shall be Released from County Detention Center.Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or
§ 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jasmine Liz Marie Robinson INDICTMENT/CASE#: 2021 - GS - 23 - 04474

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5 %)			\$ _____
§14-1-211(A)(1) (Conv. Surcharge)			\$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$100		\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$100		\$ _____
§56-1-286 (DUI Breath Test)	\$12		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ _____
§14-1-213 (Drug Court Surcharge)	\$25		\$ <u>25.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$150		\$ _____
§50-21-114(BUI Breath Test Fee)	\$41		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$50		\$ _____
3% to County (if paid in installments)	\$40/ea		\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	TBD		\$ <u>3.75</u>
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	\$500		\$ _____
	TBD		\$ _____
TOTAL			\$ <u>128.75</u>

Clerk of Court/ Deputy Clerk:
Court Reporter:

Paul B. Wickensme
Denkens

Presiding Judge:
Judge Code:
Sentence Date:

2263
5/12/23

7790 years -
life

STATE OF SOUTH CAROLINA

COUNTY OF Greenville

STATE

VS.

Jasmine Liz Marie Robinson

AKA:

Race: BLACK Sex: F Age: 34

DOB: 1989 SS#:

Address:

City, State, Zip: Greenville, SC 29611-5595

DL#: SID#:

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2021 - GS - 23 - 04475

A/W#: 2020A2330210835

Date of Offense: 11/6/2020

S.C. Code § 16-03-0010, 0020

CDR Code #: 0116

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

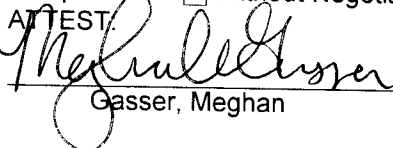
In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Murder (gs)

in violation of § 16-03-0010, 0020 of the S.C. Code of Laws, bearing CDR Code # 0116

☐ NON-VIOLENT ☒ VIOLENT ☐ SERIOUS ☒ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials)

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST:

Gasser, Meghan

104134
SC Bar #

Defendant

HAMILTON, ERNEST
Attorney for Defendant

02625
SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

for a determinate term of 45 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jasmine Liz Marie Robinson INDICTMENT/CASE#: 2021 - GS - 23 - 04475

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5 %)			\$
§14-1-211(A)(1) (Conv. Surcharge)			\$
§14-1-211(A)(2) (DUI Surcharge)		\$100	\$ 100.00
§56-5-2995 (DUI Assessment)		\$100	\$
§56-1-286 (DUI Breath Test)		\$12	\$
§14-1-212 (Law Enforce. Funding)		\$25	\$
§14-1-213 (Drug Court Surcharge)		\$25	\$ 25.00
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)		\$150	\$
§50-21-114(BUI Breath Test Fee)		\$41	\$
§56-5-2942(J) (Vehicle Assessment)		\$50	\$
3% to County (if paid in installments)		\$40/ea	\$
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.		TBD	\$ 375
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund		\$500	\$
		TBD	\$

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Paul B. Wickersham
Court Reporter: Jenkins

Presiding Judge: _____
Judge Code: 2763
Sentence Date: 5/12/23

STATE OF SOUTH CAROLINA
COUNTY OF Greenville

IN THE COURT OF GENERAL SESSIONS

STATE

VS.

INDICTMENT/CASE#: 2021 - GS - 23 - 04475

Jasmine Liz Marie Robinson

A/W#: 2020A2330210836

Date of Offense: 11/6/2020

S.C. Code § 16-23-0490

CDR Code #: 0549

AKA: _____
Race: BLACK Sex: F Age: 34
DOB: 1989 SS#: _____
Address: _____
City, State, Zip: Greenville, SC 29611-5595
DL#: _____ SID#: _____

SENTENCE SHEET

*CDL Yes ☐ No ☐ CMV Yes ☐ No ☐ Hazmat Yes ☐ No ☐

In disposition of the above indictment comes now the Defendant who was ☒ CONVICTED OF or ☐ PLEADS TO: Poss. Weapon During Violent Crime

in violation of § 16-23-0490 of the S.C. Code of Laws, bearing CDR Code # 0549

☐ NON-VIOLENT ☐ VIOLENT ☐ SERIOUS ☐ MOST SERIOUS ☐ Mandatory GPS ☐ §17-25-45
(CSC w/minor 1st or CSC w/minor 3rd)

The charge is: ☒ As Indicted, ☐ Lesser Included Offense, ☐ Defendant Waives Presentment to Grand Jury. (def.'s initials) _____

The plea is: ☐ Without Negotiations or Recommendation, ☐ Negotiated Sentence, ☐ Recommendation by the State.

ATTEST: Meghan Casser 104134
Casser, Meghan SC Bar #

Defendant

HAMILTON, ERNEST 02625
Attorney for Defendant SC Bar#

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction, ☐ County Detention Center,

for a determinate term of 5 days/months/years/Time Served ☐ Youthful Offender Act not to exceed years
and/or to pay a fine of \$; provided that upon the service of days/months/years/Time Served and or payment
of \$; plus costs and assessments as applicable*; the balance is suspended with **probation** for

months/years and subject to South Carolina Department of Probation, Parole and Pardon Services standard conditions of probation, which are incorporated by reference.

The sentence shall run

☒ CONCURRENT or ☐ CONSECUTIVE to sentence on:

☐ The Defendant is to be given credit for time served pursuant to S.C. Code §24-13-40 to be calculated and applied by SCDOC. days/months

☐ To include time spent on monitored house arrest prior to trial and sentencing.

☐ The Defendant Shall be Released from County Detention Center.

Pursuant to 18 U.S.C. § 922 and § 16-25-30 it is unlawful for a person convicted of a violation of § 16-25-20 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

STATE VS. Jasmine Liz Marie Robinson INDICTMENT/CASE#: 2021 - GS - 23 - 04475

SPECIAL CONDITIONS:

☐ **PTUP** after _____ months/years

And Other Terms Listed Below:

- ☐ Substance Abuse Counseling ☐ Completion of GED ☐ Random Drug/Alcohol Testing
- ☐ Attend Voc. Rehab. or Job Corp ☐ No Contact with Victim ☐ Domestic Violence Intervention Program
- ☐ Mental Health Counseling ☐ May serve W/E beginning: _____
- ☐ Sex Offender Registry pursuant to S.C. Code § 23-3-430 ☐ Public Service Employment _____ days/hours
- ☐ Central Registry of Child Abuse and Neglect pursuant to S.C. Code § 17-25-135.
- ☐ Other: _____

☐ **RESTITUTION:** ☐ **Deferred** ☐ **Def. Waives Hearing** ☐ **Ordered**

Total: \$ _____ plus 20% fee: \$ _____

Payment Terms: _____ ☐ Set by SCDPPPS

Recipient: _____

***Fine:**

Fine may be pd. in equal, consecutive weekly/monthly pmts. of	\$ _____	Beginning	\$ _____
§14-1-206 (Assessments 107.5 %)			\$ _____
§14-1-211(A)(1) (Conv. Surcharge)			\$ _____
§14-1-211(A)(2) (DUI Surcharge)	\$100		\$ <u>100.00</u>
§56-5-2995 (DUI Assessment)	\$100		\$ _____
§56-1-286 (DUI Breath Test)	\$12		\$ _____
§14-1-212 (Law Enforce. Funding)	\$25		\$ _____
§14-1-213 (Drug Court Surcharge)	\$25		\$ <u>25.00</u>
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$150		\$ _____
§50-21-114(BUI Breath Test Fee)	\$41		\$ _____
§56-5-2942(J) (Vehicle Assessment)	\$50		\$ _____
3% to County (if paid in installments)	\$40/ea		\$ _____
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees.	TBD		\$ <u>3.75</u>
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	\$500		\$ _____
	TBD		\$ _____

TOTAL \$ 128.75

Clerk of Court/ Deputy Clerk: Paul B. Nickens
Court Reporter: Senkins

Presiding Judge: _____
Judge Code: 2763
Sentence Date: 5/12/23

CERTIFICATE OF COUNSEL FOR APPELLANT

Counsel for Appellant certifies that this Record on Appeal contains all material proposed to be included by any of the parties and not any other material and that this Record on Appeal complies to the best of my ability with the April 15, 2014 order from the South Carolina Supreme Court entitled "Revised Order Concerning Personal Identifying Information and Other Sensitive Information in Appellate Court Filings."

Respectfully Submitted,

RECEIVED**Jan 10 2025****SC Court of Appeals**

Lara M. Caudy

Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 10th day of January, 2025.

RECEIVED

Jan 10 2025

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

CERTIFICATE OF SERVICE

Pursuant to Rule 262(a)(3) and Rule 262(c)(3), SCACR, the undersigned hereby certifies a true copy of the Record on Appeal in the above referenced case has been served upon R. Brandon Larrabee, Esquire, at his primary email address listed in the Attorney Information System (AIS), this 10th day of January, 2025.



Lara M. Caudy
Senior Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT