

RECEIVED

Jan 17 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLISTON L. OWENS,

APPELLANT

APPELLATE CASE NO. 2023-000593

RECORD ON APPEAL

JESSICA M. SAXON
Appellate Defender

ALAN WILSON
Attorney General

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

JOSHUA A. EDWARDS
Assistant Attorney General
Rembert Dennis Building
1000 Assembly Street, Room 519
Columbia, SC 29201
(803)734-4117

ATTORNEY FOR APPELLANT

ATTORNEYS FOR RESPONDENT

INDEX

INDEX	i
TRIAL TRANSCRIPT DATED APRIL 3-5, 2023	1
OPENING REMARKS BY THE COURT	3
PRE-TRIAL MOTION REGARDING JAIL CALLS.....	7
TESTIMONY (IN-CAMERA HEARING)	
JEFFREY MAXWELL	
Direct Examination by Ms. Gibbs.....	8
Cross-Examination by Mr. Evans	17
Re-Direct Examination by Ms. Gibbs	19
ARGUMENTS ON MOTION REGARDING JAIL CALLS	21
RULING BY THE COURT.....	22
COLLOQUY REGARDING HEARSAY AND REDACTIONS ON JAIL CALLS	23
RULING BY THE COURT.....	28
OPENING STATEMENT BY MR. EVANS	35
OPENING STATEMENT BY MS. GIBBES.....	41
TESTIMONY	
DESMOND WILLIAMS	
Direct Examination by Mr. Evans	45
TOM SUMMERLIN	
Direct Examination by Mr. Evans	50
Cross-Examination by Ms. Gibbs	71
RICKY FISK	
Direct Examination by Mr. Evans	77
Cross-Examination by Ms. Gibbs	86
JACOB SULLIVAN	
Direct Examination by Mr. Evans	88
Cross-Examination by Ms. Gibbs	97

JENNIFER HUNTON	
Direct Examination by Mr. Evans	101
Cross-Examination by Ms. Gibbs	130
BRAD DRAWDY	
Direct Examination by Mr. Evans	138
Cross-Examination by Ms. Gibbs	145
RODRELL DOCTOR	
Direct Examination by Mr. Evans	146
JEANTAVIENE DOBSON	
Direct Examination by Mr. Evans	154
Cross-Examination by Ms. Gibbs	167
Re-Direct Examination by Mr. Evans.....	168
TREYVON WILLIAMS	
Direct Examination by Mr. Evans	169
Cross-Examination by Ms. Gibbs	186
Re-Direct Examination by Mr. Evans.....	189
MATTER OF LAW ON POLICE INVESTGATIVE TECHNIQUES.....	191
RULING BY THE COURT.....	204
TESTIMONY	
QUTIQUE MANOR	
Direct Examination by Mr. Evans	208
Cross-Examination by Ms. Gibbs	224
Re-Direct Examination by Mr. Evans.....	232
Re-Cross Examination by Ms. Gibbs.....	235
STIPULATION.....	237
OBJECTION REGARDING SECOND JAIL CALL.....	246
RULING BY THE COURT.....	248
TESTIMONY	
REIVYN DELESLINE	
Direct Examination by Mr. Evans	250
Cross-Examination by Ms. Gibbs	275
Re-Direct Examination by Mr. Evans.....	286
Re-Cross Examination by Ms. Gibbs.....	287

ELLEN RIEMER	
Direct Examination by Mr. Evans	288
Cross-Examination by Ms. Gibbes	308
CHAD SMITH	
Direct Examination by Mr. Evans	309
Cross-Examination by Ms. Gibbes	332
Re-Direct Examination by Mr. Evans.....	337
READING OF TESTIMONY FROM ELIAS GREEN (PREVIOUSLY RECORDED) INTO EVIDENCE	341
JEFFREY MAXWELL	
Direct Examination by Mr. Evans	353
STATE RESTS	358
MOTIONS FOR DIRECTED VERDICTS	358
RENEWAL OF ALL MOTIONS	363
RULING BY THE COURT.....	363
READING OF STIPULATIONS BY THE COURT	365
DEFENSE RESTS	369
CLOSING ARGUMENT BY MR. EVANS	370
CLOSING ARGUMENT BY MS. GIBBES	376
JURY CHARGE ON THE LAW	382
VERDICTS	385
RENEWAL OF ALL MOTIONS	387
MOTION FOR A NEW TRIAL	387
RULING BY THE COURT.....	388
SENTENCING	393
INDICTMENTS	395

SENTENCE SHEETS	405
VERDICT FORM.....	415
CERTIFICATE OF COUNSEL	417

THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:

STATE’S EXHIBIT NO. 47 (SKETCH)
STATE’S EXHIBIT NO. 49 (DVD OF INTERVIEW)
STATE’S EXHIBIT NO. 52 (DISK OF JAIL CALLS)

STATE OF SOUTH CAROLINA	IN GENERAL SESSIONS COURT
	FOR THE 14 TH JUDICIAL CIRCUIT
	2019-GS-25-00045
	2019-GS-25-00059 - 62
COUNTY OF HAMPTON	
-----)	
State of South Carolina)	
)	
)	
Plaintiff,)	
vs.)	TRANSCRIPT OF JURY TRIAL
)	VOLUME I
Williston L. Owens,)	PAGES 1 TO 140
)	
Defendant.)	

April 3, 2023
Hampton, South Carolina

B E F O R E:

The Honorable Robert Bonds, Judge Presiding

Kymberlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
Post Office Box 8091
Beaufort, South Carolina 29903

A P P E A R A N C E S

Appearing for the State of South Carolina

Reed Evans, Esquire
Assistant Solicitor
Fourteenth Circuit Solicitor's Office
P.O. Box 546
Hampton, South Carolina 29924

Appearing for the Defendant

Courtney Gibbes, Esquire
Deputy Public Defender
Fourteenth Circuit Public Defender's Office
P.O. Box 545
Beaufort, South Carolina 29901

1 PROCEEDINGS

2 ***

3 MONDAY, APRIL 3, 2023

4 HAMPTON, SOUTH CAROLINA

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

7 ***

8 JURY SELECTION

9 THE COURT: Ladies and gentlemen, we are
10 about to begin the trial of the case of the State of
11 South Carolina v. Williston Lemone Owens. And,
12 ladies and gentlemen, before we select the jury,
13 there are going to be several questions that I'm
14 going to ask you.15 I want to first remind you, ladies and
16 gentlemen, that you are still under oath, as it
17 relates to your responding and giving truthful
18 answers to the questions that I will be asking you
19 this morning.20 Now, folks, what I want to do right now is, I'm
21 going to read to you the indictments in this matter.
22 I'm going to say this now, and I'm gonna say it
23 again when I finish, these indictments are nothing
24 more than pieces of paper, they are not evidence in
25 this matter. They are merely the charging documents

1 that bring this case into Court. Again, these
2 indictments, folks, are not evidence, okay? All
3 right, ladies and gentlemen, Indictment Number 2019-
4 GS-25-00061, alleges that in Hampton County, South
5 Carolina, on or about January 8th, 2019, that the
6 Defendant, Willison Lemone Owens did discharge or
7 cause to be discharged a firearm at, or into a
8 dwelling house, other building structure, or an
9 enclosure regularly occupied by persons to wit [REDACTED]
10 Lightsey Street in Hampton, South Carolina, all in
11 violation of South Carolina Code of Laws.

12 Indictment number 2019-GS-25-00060, ladies and
13 gentlemen, alleges that in Hampton County, South
14 Carolina, on or about January 8th, 2019, the
15 Defendant, Williston Lemone Owens did discharge, or
16 cause to be discharged a firearm into a dwelling
17 house or other building structure or enclosure
18 regularly occupied by persons to wit [REDACTED] Lightsey
19 Street, in Hampton, South Carolina, again, all in
20 violation of the South Carolina Code of Laws.

21 Ladies and gentlemen,

22 Indictment Number 2019-GS-25-00059, alleges that
23 in Hampton County, South Carolina, on or about
24 January 8th, 2019, the Defendant, Williston Lemone
25 Owens, did with intent to kill and malice

1 aforethought, attempt to willfully kill Donovan
2 Riley, all in violation of the South Carolina Code
3 of Laws.

4 Ladies and gentlemen, Indictment Number 2019-GS-
5 25-00045, alleges, ladies and gentlemen, that in
6 Hampton County, South Carolina, on or about January
7 8th, 2019, the Defendant, Williston Lemone Owens,
8 did with malice aforethought kill Greg -- excuse me,
9 kill Mack Green, and Mack Green did die as a
10 proximate result of Williston Lemone Owens' actions,
11 again, in violation of South Carolina Code of Laws.
12 And, ladies and gentlemen, Indictment, 2019-GS-25-
13 00062 alleges that in Hampton County, on or about
14 January 8th, 2019, the Defendant, Williston Lemone
15 Owens did possess a firearm, visibly displayed what
16 appeared to be a firearm, or visibly displayed a
17 knife during the alleged commission of a violent
18 crime, and all, again, ladies and gentlemen, in
19 violation of South Carolina Code of Laws.

20 Again, the indictments are mere pieces of paper,
21 not evidence in this case, merely the documents that
22 bring this matter into Court.

23 The Defendant has pled not guilty and has
24 requested a jury trial.

25 Now, in this case, ladies and gentlemen,

1 MR. EVANS: Please present the juror.

2 CLERK: What says the defense?

3 MS. GIBBES: Please excuse this juror.

4 CLERK: Number 122. What says the State?

5 MR. EVANS: Please present the juror.

6 CLERK: What says the defense?

7 MS. GIBBES: Please set this juror.

8 THE COURT: All right, Madam Clerk, thank
9 you very much. All right, at this time, let me ask,
10 are there any matters, motions that need to be
11 brought up before the Court's attention concerning
12 jury qualification, jury selection from the State?

13 MR. EVANS: Not from the State, Your Honor.

14 THE COURT: From the defense?

15 MS. GIBBES: No, Your Honor.

16 THE COURT: All right. Ladies and
17 gentlemen, what I'm going to do is, I'm gonna tell
18 you a couple things, and then I'm gonna have you
19 leave, Mr. Coach, they're gonna show you where
20 you're going to report back to tomorrow morning.
21 I've got several matters of law that I have to take
22 up outside of your presence, that will take the
23 balance of the afternoon.

24 So rather than have you waiting around, I'm
25 gonna send you home, so, hopefully, we can start

1 we're abiding by Judge Benjamin's rulings on this
2 issue, and, of course, you're under no obligation to
3 do that, but I thought there certainly would be a
4 compromise, wherein, if Blake Stokes -- not Blake
5 Stokes, if Donovan Riley does indeed testify, and
6 does indeed have knowledge of the difficulties
7 between him and Mr. Owens that we're alleging, that
8 he just be allowed to testify, as to what he know,
9 but I'll be happy to not make any effort to put that
10 in as an exhibit, per se.

11 MS. GIBBES: And I think that we would
12 agree that, you know, obviously, Mr. Riley's able to
13 testify, Your Honor.

14 THE COURT: All right, so it seems like --
15 you'all have got an agreement there, as it relates
16 to that?

17 MR. EVANS: Yes, sir.

18 MS. GIBBES: Yes.

19 THE COURT: Ms. Gibbes, is that correct?

20 MS. GIBBES: Yes, sir.

21 THE COURT: All right, that'll be fine.
22 What else?

23 MS. GIBBES: Our next motion would be -- I
24 do believe Your Honor heard two jail calls that the
25 State intends to introduce into evidence.

1 THE COURT: I've only heard one jail call.

2 MS. GIBBES: Okay.

3 THE COURT: The only jail call I've heard
4 is what I would call the jail call involving the,
5 "We didn't mean to shoot one fella, we meant to
6 shoot another fella," or something like that. I
7 understand there was two. One contained that
8 information. I didn't hear whatever the other one
9 was.

10 MR. EVANS: That's correct, Your Honor, and
11 we do have Jeffrey Maxwell, who would be the
12 corroborating witness.

13 THE COURT: All right, can we do that?

14 MR. EVANS: He's coming in right now.

15 THE COURT: Great, thank you.

16 * * *

17 JEFFREY MAXWELL

18 * * *

19 being first duly sworn, testified as
20 follows:

21 THE COURT: Hey, sir, good afternoon.

22 WITNESS: Good afternoon.

23 THE COURT: All right, your witness, yes,
24 ma'am.

25 **

DIRECT EXAMINATION

BY MS. GIBBES:

Q. Good afternoon, Corporal Maxwell.

So I'm gonna ask you about two jail calls. Are you familiar with what jail calls we're referring to?

A. Yes, ma'am.

Q. Okay. Well, first tell us what you do at the Detention Center.

A. I am the Intelligence Officer, so I take care of the phone system, and also do the video visitation.

Q. Okay, and do you have occasion to listen in on certain phone calls that are being made by inmates at the Detention Center?

A. Yes, ma'am.

Q. Okay. Is that what you did in this case?

A. Yes, ma'am.

Q. So there's two phone calls, one's from January 14th, could you tell us how that call got from the Detention Center to the Solicitor's Office?

A. We had received Mr. Owens at Beaufort County on an in-state hold, so I was reviewing his phone calls.

1 And upon reviewing that, I noted that half
2 the County investigators had no access, and there
3 was some safety and security concerns. So I
4 contacted the Sheriff's Office, and Quitique Manor
5 was the person that I was put in contact with.

6 Q. Okay. So what is your purpose of --
7 when you listen in on the calls, what is -- what's
8 the reasoning behind that?

9 A. For safety and security of the inmates,
10 the staff and the public.

11 Q. Okay. And the manner in which that
12 first call that we're talking about right now --

13 A. Uh-huh.

14 Q. -- was given in the manner. Is that
15 the same thing that happened in the second call on
16 January 19th? How was that provided to the
17 Solicitor's Office?

18 A. It's the same. I was still listening
19 to the calls and heard some other stuff that were
20 possible security issues, so I also contacted Manor,
21 and then he brought a subpoena, and he got the phone
22 calls.

23 Q. So both calls were the result of you
24 having heard the call as it was happening, or after?

25 A. After.

1 Q. After? And you turned those over to
2 the Solicitor, or to Investigator Manor?

3 A. Yes.

4 Q. So they - at no point did they subpoena
5 you for any calls?

6 A. After I notified them of our procedures
7 to have to happen to obtain the phone calls, I got
8 subpoenas for those calls.

9 MS. GIBBES: Beg the Court's indulgence.

10 THE COURT: Yes, ma'am.

11 THE COURT: Do you want to play them?

12 MS. GIBBES: We'll play them, sir, yes.

13 THE COURT: All right, sure.

14 BY THE COURT:

15 Q. Is it a disk? Have you seen it? Did
16 you mark a disk, sir?

17 A. Yes.

18 MR. EVANS: We've got a digital copy --

19 THE COURT: Okay.

20 MR. EVANS: -- right now, Judge. We have a
21 disk and we're prepared to enter, you know, when he
22 testifies in the trial.

23 THE COURT: Okay.

24 MR. EVANS: But Mr. Lowery has, you know,
25 the same files stored on his computer, if that's

1 okay with defense counsel.

2 MS. GIBBES: That's fine.

3 THE COURT: All right, so you can go ahead
4 and play it, and then if you can listen and just
5 confirm that that's the call, okay?

6 WITNESS: Okay.

7 (Audio being played for the Court.)

8 MS. GIBBES: I just have a few follow-up
9 questions for the witness.

10 THE COURT: Yes, ma'am.

11 BY MS. GIBBES:

12 Q. If you could tell us, what recording
13 system does the Jail use --

14 A. We use the ICS Solutions.

15 Q. All right.

16 A. That's the system that the Jail's had
17 since 2014.

18 Q. Okay. And how are these calls stored,
19 or saved when they're made?

20 A. Yeah, they are --

21 Q. Okay.

22 A. -- stored, and I can pull them up on
23 the -- I have access to the program. I can listen
24 to talks live, or any calls that go back to 2014.

25 Q. Okay. And then how do you -- how are

1 you able to determine the identity of the inmate
2 making the call?

3 A. When they first come in and booked in
4 the facility, they are assigned an inmate number on
5 the phone system, to the commissary system, through
6 medical, it's their ID number at the facility. Then
7 they'll register their voice by saying their name,
8 and also United States in the system, and then from
9 there they register in the phone system, to where
10 each time they get on the phone they put in their
11 inmate number, plus a four-digit PIN number that
12 they're assigned by the system, and then they've got
13 to do a voice identification to get onto the phone
14 system.

15 Q. And what -- how do you determine which
16 calls to listen to? Like random, or -

17 A. It's -- for the most part it's random,
18 but when I go to work every morning, I'll pull up to
19 see who all came to jail that night, and I'll look
20 at the charges, and it's pretty much by severity is
21 the ones I'll listen to, to see if there's possible
22 suicide talk, or anything like that for safety of
23 the people there.

24 Q. And this call happened January 14th, do
25 you recall what date you listened to that call?

1 A. No, I do not.

2 Q. Okay. What about the January 19th
3 call?

4 A. Probably a day or so after it maybe.

5 Q. Okay.

6 A. If not the same date. I'm not sure of
7 the date.

8 Q. And then when -- subsequent to hearing
9 the call, when would you have contacted anyone?

10 A. The date after I heard the information,
11 I would have --

12 Q. Okay.

13 A. -- informed my supervisor, and then I'd
14 call Hampton County.

15 Q. Hampton County?

16 A. Yes.

17 Q. Hampton County Sheriff?

18 A. Yes.

19 Q. Okay, do you recall when that was?

20 A. I do not, but I'll have a data logbook
21 at the facility, but they're dated the 16th of 2019
22 of January --

23 Q. Okay.

24 A. -- the subpoenas on the date.

25 Q. The subpoena was dated January 16th?

1 A. Yeah, for the calls for - for all calls
2 on the 15th and 16th.

3 Q. So only on those dates?

4 A. Yeah, and then the other subpoena was
5 calls from the 17th through the 24th.

6 Q. So that January 19th call would have
7 been included in the subpoena?

8 A. The subpoena -- the second subpoena
9 here is for the dates of the 17th through the 24th.

10 Q. And what date - when did they get the
11 subpoena, I'm sorry?

12 A. Do what? I'm sorry.

13 Q. What date did they get that subpoena?

14 A. I'll have to look at my records at the
15 facility.

16 Q. Okay, so it's possible that they served
17 the subpoena for that call prior to you -- prior to
18 that call ever taking place?

19 A. No.

20 Q. Or not -- prior to you listening to the
21 call?

22 A. No, I told them the information, then
23 they brought the subpoenas, they covered the
24 dates --

25 Q. Okay.

1 A. -- for the call.

2 Q. The subpoena was in response to you --

3 A. It was for them to get --

4 Q. -- listening to those calls?

5 A. Yeah, but to give them the records.

6 I've got to have paperwork of some sort, whether it
7 be a subpoena or a search warrant.

8 Q. And then does the Solicitor's Office or
9 I guess any law enforcement agency have access to
10 the IC Solutions, where they would be able to listen
11 to the calls without a subpoena?

12 A. Yes.

13 Q. Okay.

14 A. That's in our policy and procedure.

15 Q. Are you able to tell if this was
16 submitted to law enforcement access to those calls?

17 A. Yes, I can tell. It will tell me when
18 somebody entered the system and listened to the
19 call.

20 Q. Okay. Do you know if that occurred in
21 this case?

22 A. I would have to look, I don't know.
23 Right now I do not know.

24 MS. GIBBES: I think those are all the
25 questions I have, Your Honor.

1 THE COURT: All right.

2 MR. EVANS: May I proceed?

3 THE COURT: Your witness, yes, sir.

4 **

5 **CROSS-EXAMINATION**

6 BY MR. EVANS:

7 Q. When folks come into the jail, they're
8 instructed about how to use this program to make
9 phone calls, right?

10 A. Yes.

11 Q. And they're issued that PIN number?

12 A. Yes.

13 Q. That's for billing as well as for
14 identification?

15 A. Yeah, everything goes through the PIN
16 number, then the -- there's a program inside the IC
17 Solutions, that if somebody tries to use somebody
18 else's PIN number, it'll throw up the who -- what
19 name, what voice was recognized on that person's PIN
20 number.

21 Q. Really? So if John Smith gets
22 Williston Owens PIN number and tries to make a call,
23 and says, "Williston Owens," the system will catch
24 that?

25 A. Yes.

1 Q. Oh, wow. And these phone calls they're
2 recorded automatically?

3 A. Yes.

4 Q. And the introduction, where it tells
5 them that it's being recorded and subject to
6 monitoring, that plays every time?

7 A. That's a standard, yes, sir.

8 Q. And they're told --

9 A. Yes, sir.

10 Q. -- when they're taught about the system
11 that they --

12 A. They're -

13 Q. -- it all gonna be recorded?

14 A. Yeah, they are told, and it's also in
15 the inmate's handbook that they received.

16 Q. And this is kind of your department at
17 the jail, right?

18 A. Yes, sir.

19 Q. It was back in 2019, and --

20 A. Yes.

21 Q. -- it still is today? And you spend a
22 substantial amount of your time listening to these
23 calls; is that correct?

24 A. Two to three hours a day probably.

25 Q. All right.

1 MR. EVANS: that's all the questions I've
2 got?

3 THE COURT: Anything else?

4 MS. GIBBES: A very, very brief redirect.

5 **

6 **REDIRECT EXAMINATION**

7 BY MS. GIBBES:

8 Q. What -- is there a policy or a specific
9 type of notice that an inmate would receive of them
10 coming into the jail, that their calls are being
11 recorded, and could potentially be used against them
12 for prosecution purposes.

13 A. That they are told, and then when they
14 enroll in the system, they are told.

15 Q. So it's not --

16 A. Through their --

17 Q. Is it the verbal notice, or --

18 A. Yeah, it's a verbal.

19 Q. Do they have to sign anything?

20 A. No.

21 MS. GIBBES: That's all, Your Honor.

22 THE COURT: All right, thank you. Thank
23 you, sir, you can step down.

24 WITNESS: Yes, sir, thank you.

25 THE COURT: All right, yes, ma'am?

1 MS. GIBBES: Judge, we would -- there are
2 two parts to our motion, so, obviously, we would
3 move to exclude constitutional issues, of the South
4 Carolina Constitution, Article 1, Section 10, and
5 then the 14th Amendment of the federal Constitution.
6 That, obviously, when a person is being detained,
7 doesn't completely disrobe them of all their
8 constitutional rights.

9 Mr. Williston still had a constitutional
10 right to privacy in his phone calls. And that's
11 kind of -- Corporal Maxwell got up there and
12 testified that he did listen to the calls, as part
13 of his duties for security of the jail, as opposed
14 to, you know, the Solicitor's Office just listening,
15 and then getting the calls for purposes of
16 prosecution.

17 THE COURT: Right.

18 MS. GIBBES: So I really don't have any
19 argument on that basis, but -- so we would just make
20 a general motion to exclude them on Article 1,
21 Section 10 of the South Carolina Constitution, and
22 then his 14th Amendment rights, to be free from
23 unreasonable searches and seizures.

24 Separate from that, we do have some issues
25 with, I guess, how much of the call the State is

1 wanting to introduce. I think it was about, you
2 know, 30 seconds in each call that was actually
3 heard.

4 THE COURT: Well, there's a lot of
5 impermissible hearsay -

6 MS. GIBBES: Right.

7 THE COURT: All right.

8 MS. GIBBES: We also take issue with just -
9 - I think there's like the first two minutes of each
10 call is, you know, him typing in his PIN and saying
11 it's at the Detention Center. So I mean I don't
12 know if there's a need for that, but I also --

13 THE COURT: All right. Let me first hear
14 from you on the constitutional issues that she has
15 brought up, because I want to hear on that, and
16 depending on what I do there, then certainly, Mr.
17 Evans, when you listen to this, there's a whole
18 bunch of hearsay that if a person took the stand,
19 they weren't going to be able to testify to that,
20 and so I don't think that that comes in, just
21 because there's a recording. Let's talk about the
22 constitutional issues first.

23 MR. EVANS: Judge, the constitutional
24 argument is not new, neither is this technology. I
25 mean it's new in the grand scheme of things, but

1 these recordings have been let in South Carolina
2 State Courts as well as, I would assume, every other
3 state and federal court in the country about this
4 time. So I'm happy for her to put that on the
5 record and submit it to the Court of Appeals for
6 more review, but he has much less of a reasonable
7 expectation of privacy in jail than out of jail.
8 The federal law concerning wiretapping has a
9 specific law enforcement exception, as well as a
10 consent exception.

11 I realize that's a federal statute, not a
12 constitutional rule of law, but it is federal, and
13 it is, you know, does govern everything. I'm
14 arguing besides the fact that he has less reasonable
15 expectation of privacy in jail than out of jail,
16 they also consent. He consented every time he put
17 that PIN in.

18 THE COURT: All right. Ms. Gibbes, I
19 appreciate the argument you make; however, I'll
20 respectfully disagree. I believe that the admission
21 of the calls don't get down to specific content, but
22 I think the calls are admissible. I don't know that
23 they violate his constitutional rights under the
24 United States Constitution, or the State
25 Constitution.

1 And as indicated, this was -- these were
2 statements that were obtained or reviewed initially
3 by a law enforcement officer, detention officer, law
4 enforcement officer, not a Solicitor or prosecutor,
5 number one. Number two, I believe that the officer
6 indicated that there was a verbal instruction.

7 I thought he said it was contained in the
8 handbook that was given at one point to every
9 inmate, but then it seemed maybe he backed off of
10 that, and he indicated that they were told orally;
11 but, of course, also I think your client certainly
12 had the ability to listen to each call, and each
13 call indicated clearly that it would be monitored
14 and subject to be recorded, and being monitored.

15 So I just don't think that his
16 constitutional rights have been violated, and I note
17 your argument for the record. Now, I do have a lot
18 of concern about the contents, because I just
19 started making notes, and I ran out. There's just
20 lots of hearsay, getting into what a lawyer was
21 going to charge. I don't even think that's
22 relevant.

23 Who's going to Walterboro, who's going to
24 Jasper, I don't see how that's relevant in this
25 matter. She said -- the mom in the first call she

1 said, "That's what someone else is saying." She
2 started talking about what other people were saying.
3 A Mr. Manor or Mayor, what he said was contained in
4 there. What people had told her they're saying.
5 What about that, Mr. Evans?

6 What about the hearsay that's contained
7 throughout the first statement?

8 MR. EVANS: Yes, sir, Your Honor, we didn't
9 -- as I recall, we didn't get quite this far in our
10 first trial. We were, you know -

11 THE COURT: All right.

12 MR. EVANS: -- for whatever reason. So --
13 but I -- so that's why we haven't, you know --

14 THE COURT: All right.

15 MR. EVANS: -- gotten into redactions
16 previously --

17 THE COURT: So --

18 MR. EVANS: -- If I may?

19 THE COURT: -- I don't think the hearsay -
20 well, if you may, I didn't mean to cut you off, go
21 ahead.

22 MR. EVANS: So my first argument is that
23 nothing that his mother says his mother is hearsay,
24 if it's not being offered for proof of the matter
25 asserted, it's just -- it's a conversation, and it's

1 hard to understand the conversation, if you don't
2 hear both sides of the conversation. But having
3 said that, I am happy to get into further
4 redactions, as far as the argument about the first
5 two minutes.

6 I think that's essential, because the
7 jury's entitled to evaluate whether, you know, he
8 knew what he was getting into when the statements
9 were recorded, even though -- well, think about it
10 in the context of an interview, Judge, they're
11 entitled to assess whether a statement was freely
12 and voluntarily given.

13 I think they're entitled to hear the
14 preamble, if you will, on each call, so that they
15 understand that Mr. Owens knows what he's getting
16 into when he's making these calls. So I would ask
17 strongly that the first two minutes --

18 THE COURT: So what you're saying -

19 MR. EVANS: -- they'll be the automatic
20 pre-recorded, you know, computer voices that would
21 be included.

22 THE COURT: So what you're saying is, you
23 want to allow in the -- basically, the whole thing
24 saying that this call is coming from him in jail?

25 MR. EVANS: Yes, sir.

1 THE COURT: And what's the reason for that?
2 Because if we just pick it up with him having a
3 conversation, or basically ends up saying some
4 things about -- I forgot what the damaging parts of
5 it were, what's -- I'm not following. Why is it?
6 Because they're being made from jail?

7 MR. EVANS: If you're a lay person coming
8 in off the street and serving on a jury in this
9 courtroom, I think it's fair to assume that most
10 people don't expect all of our telephonic
11 communications to be recorded, and they may wonder
12 why on earth are we hearing this recorded phone
13 call? They're gonna know he's in jail.

14 THE COURT: Well --

15 MR. EVANS: There's a witness that's gonna
16 say that he works at the Detention Center.
17 Certainly, we're not gonna give him any indication
18 he's in jail today. We've, you know, taken great
19 pains to avoid that, but I'm just - if you're gonna
20 keep it limited to that, I can live with it. I'm
21 just asking --

22 THE COURT: Well, I'm gonna keep that out.

23 MR. EVANS: The first part of it?

24 THE COURT: Yeah, all the automatic stuff.
25 I mean what I will allow you to do is this, I mean

1 you can --

2 MR. EVANS: We'll just --

3 THE COURT: Right, but you can get in - I
4 think that you can find a way to let the jury know
5 that this is a phone call, and sort of the phone
6 conversation that he had, you know, I think that you
7 can do that. I mean there's -- I mean the tape's
8 coming in. The issue, I think, is whether or not to
9 let them know from jail. How would you propose to
10 do that?

11 Because I'm gonna let the tape in, but --
12 or at least certain portions of it, and what he
13 wanted in was, of course, the entire, "We didn't
14 mean to kill Vaness." That's the crux -- I'm
15 assuming that's the crux of the --

16 MR. EVANS: That's the crux of the first
17 call.

18 THE COURT: And the crux of the first
19 call's coming in.

20 MS. GIBBES: Right.

21 THE COURT: Now, all the stuff, and you'all
22 are smart enough to be able to edit this in such a
23 way, that you could -- it may be chopped up, but
24 they could realize it's a conversation, he said,
25 "Hey, mom, we meant to do this, and we did that,"

1 but I think -

2 MR. EVANS: Is still stipulates all the
3 foundation, Judge, we can just play the crux without
4 the witness.

5 THE COURT: That's fine. Well, whatever
6 they --

7 MR. EVANS: If they wanted -- if they're
8 that concerned about any reference to him being in
9 jail, we can get there, but it's gonna take --

10 THE COURT: Well you'all --

11 MR. EVANS: -- a stipulation about that.

12 THE COURT: You'all can work it out, and if
13 you can't, then I'm gonna make a ruling --

14 MR. EVANS: Yes, sir.

15 THE COURT: -- as it relates to the
16 content, but I think the - what you want in --

17 MR. EVANS: The crux is in.

18 THE COURT: -- that's coming in because I
19 think that, you know, I just don't think it's a
20 constitutional right, sir. Again, I think it's kind
21 of like I always like to talk about A to B, that's
22 where we're going, but we just don't need to get
23 into all that, because it just doesn't - it just
24 distracts, it just can confuse. And so do you
25 understand my ruling, Mr. Evans?

1 MR. EVANS: I do, Judge. I think when I
2 have an opportunity to sit down with the defense
3 after we're done here today, and sort of has through
4 what these redactions --

5 THE COURT: All right.

6 MR. EVANS: -- have been, I may need to -
7 this won't come into the case, you know, for some
8 time, so I may need to come back to you, as far as
9 the issue about his mother's statements, if I can't
10 find a way to --

11 THE COURT: Fine.

12 MR. EVANS: -- edit it without them; does
13 that make sense?

14 THE COURT: Yes, sir.

15 MR. EVANS: But I do -- I understand your
16 ruling for the time being, and I certainly will
17 abide by it.

18 THE COURT: All right.

19 MR. EVANS: We will get there, yes, sir.

20 THE COURT: And I'm happy to, it's just
21 right now I don't know that it's for me to mediate,
22 because I'd have to literally go back and listen to
23 every -- and try to then piece something together.
24 You'all know this case better than I do, and so I
25 think it would be --

1 MR. EVANS: Yes, sir.

2 THE COURT: -- beneficial for you'all to
3 try to do that. If you can't get or won't get it
4 done, then let me know, and I'll be glad to give my
5 input, okay?

6 MR. EVANS: Yes, sir.

7 THE COURT: Ms. Gibbes, do you follow me on
8 that?

9 MS. GIBBES: Yes.

10 THE COURT: Is that satisfactory, ma'am?

11 MS. GIBBES: Yes.

12 THE COURT: I mean I know you don't agree
13 with my ruling, but --

14 MS. GIBBES: Yes.

15 THE COURT: -- but what I'm asking is, do
16 you understand my ruling, ma'am?

17 MS. GIBBES: Yes, Your Honor.

18 THE COURT: All right, so you'all gonna
19 work on that? What other -- oh, the second tape,
20 what is the crux there? I couldn't really -

21 MR. EVANS: So, Judge, if I may --

22 THE COURT: Yes, sir.

23 MR. EVANS: -- just give you my
24 interpretation of it, and you can take it for
25 whatever that's worth. His mother is talking to him

1 about, you know, about the evidence that's against
2 him, and it comes up that, you know, they're
3 discussing the fact that Regan, Torey, Dileslin
4 (phonetic), who was arrested in this case, but his
5 case has since been dismissed by our office, but he
6 would also -- he'll be testifying, but at that time
7 he was a co-defendant. And what Mr. Owens is
8 telling his mother is, essentially, don't worry,
9 because the gun that's in your name that I, you
10 know, carry on occasion, he's saying that that's not
11 the gun that was - or rather, sorry, he's saying
12 that Torey, , his co-defendant, used his mother's
13 gun to fire on Mr. Riley, missing, you know, killing
14 Mack Green, but she doesn't need to worry, because
15 that gun is now seven feet underground.

16 And he's telling her that he had someone
17 else's gun during all this, someone by the name of
18 Chuck. And so she doesn't need to, essentially,
19 worry, because he wasn't carrying the murder weapon.
20 And even if he, I guess, he's not saying this, but
21 she also doesn't need to worry that it's in her
22 name, because it's now buried six to seven feet
23 underground. And I think that that's -- Judge,
24 it's, obviously, not quite as powerful and
25 provocative statement as the crux of the first call,

1 but I do think it is powerful and provocative and
2 evidence of his state-of-mind, evidence of his
3 consciousness of guilt.

4 THE COURT: All right.

5 MR. EVANS: I think it's highly relative.

6 THE COURT: Ms. Gibbes?

7 MS. GIBBES: In regard to that call, I
8 think that, you know, our main focus is statements
9 that his mother made. She made some statements
10 about -- and I can't recall if it was -- that was
11 redacted out of that one or not, but, you know, oh
12 good, there's no murder weapon.

13 THE COURT: Yeah.

14 MS. GIBBES: That would reflect poorly
15 unless you're Owens, and we certainly would want
16 that redacted out.

17 THE COURT: All right, you've got a mom
18 celebrating that she knows about the murder weapon,
19 but -- well, there was a case just recently that
20 came out about somebody got the gun when it got
21 shot, and got in a wreck, and - all right, what I'm
22 gonna do is this, the same thing, you'all work that
23 out, see if you can work it out. I think the crux
24 is what comes in.

25 I think statements to mom made -- that

1 could be misinterpreted, that, basically, opens up a
2 whole new rabbit hole that jurors could look at and
3 go into, that has nothing to do with this gentleman.
4 You'all see about working that out, and we'll take
5 that up at the appropriate time.

6 MR. EVANS: We'll find a way.

7 THE COURT: Is that okay?

8 MR. EVANS: Yes, sir, we'll find a way.

9 THE COURT: And, again, I'm not trying to
10 bail, it's just you know more about it than I do,
11 and you'all have a greater chance of piecing
12 something together; and if you can't, then bring it
13 to me, I'll look at it, and we'll get that done,
14 okay?

15 MR. EVANS: Yes, sir.

16 THE COURT: All right, what else?

17 MS. GIBBES: Well, maybe speaking of
18 redaction statements, there's a Jackson v. Denno.
19 Mr. Owens made a statement about he was under
20 arrest. I -- the first statement he was not under
21 arrest for the questioning. He was free to go. I
22 think at the last hearing I did I would stipulate
23 that that was a ruling that he was free to leave, he
24 signed a Miranda form.

25 I believe we would have some redactions

1 THE COURT: What day and time was that?

2 BY MR. EVANS:

3 Q. Do you recall, Detective? Was that
4 January the 9th of 2019?

5 A. Yes, that's correct, January the 9th,
6 of 2019.

7 Q. At 2:10 p.m.?

8 A. At 2:10 p.m.

9 Q. And you've got on the year here,
10 January the 9th of 2018, was that a mistake, because
11 it was -

12 A. - a new year.

13 Q. Correct.

14 A. Yes, sir.

15 Q. I do it all the time too. That Miranda
16 was not on the video of that interview; is that
17 correct?

18 A. That's correct.

19 Q. All right, now you did not arrest him
20 after that first interview?

21 A. No, we did not.

22 Q. When was he arrested?

23 A. I think the following day.

24 Q. All right, January the 10th of 2019?

25 A. That's correct.

1 rights, I want to give the parties an opportunity.
2 Is there any objections as to anything I have
3 informed the jury of from the State?

4 MR. EVANS: Not from the State, Your Honor.

5 THE COURT: Anything from the defense?

6 MS. GIBBES: No, Your Honor.

7 THE COURT: All right, thank you very much.

8 Ladies and gentlemen, we're now gonna begin the
9 trial. Solicitor?

10 MR. EVANS: Thank you, Your Honor, may it
11 please the Court?

12 THE COURT: Yes, sir.

13 **

14 **OPENING STATEMENT BY MR. EVANS**

15 MR. EVANS: Ms. Gibbes, ladies and
16 gentlemen of the jury, this is a case about revenge.
17 Now, the books we read and the movies we watch are
18 full, chock full of stories in which revenge is
19 celebrated.

20 Hamlin, Prince of Denmark spends four hours
21 plotting his uncle's murder, because his uncle
22 murdered his father. Count of Monte Cristo, the guy
23 gets sent off to prison, spends ten years plotting
24 revenge against the three guys who put him there,
25 heck, even Batman.

1 And the people in these stories, these
2 fictional stories, the people who create them put us
3 on one person's side. They get us to root for that
4 person, lead us to believe that revenge is good,
5 it's justice, but there's one problem, the stories
6 aren't real. In the real world in Hampton County in
7 2019 and in 2023 revenge is immoral, it's unlawful,
8 and when Williston Owens shot Mack Green in the back
9 on January 8th, 2019, in the City of Hampton,
10 Hampton County, South Carolina, it wasn't just
11 revenge, it was murder.

12 Now, I said January 8th, 2019, but this
13 story actually starts a little bit before that.
14 Because you see here's something that you might not
15 here, if you ever come back and see another case in
16 this courtroom, is that the Defendant on January
17 6th, 2019, started out as a victim.

18 On January 6th Williston Owens was minding
19 his own business, hanging out with a friend, Ricky
20 Fisk, in front of one of Williston's family homes,
21 [REDACTED] Alabama Street here in Hampton, Hampton County,
22 South Carolina, when all of a sudden, they were
23 attacked, they were made victims, somebody shot a
24 gun at them.

25 And what did the Defendant do at that time?

1 He did what the law intends for us to do, he fought
2 back, he returned fire, nobody was hit, nobody was
3 arrested that night. Police were called out, they
4 processed the scene, they did what they're supposed
5 to do, gathered evidence, and they had a name, and
6 they were gonna look into that name, that name is
7 Blake Stokes.

8 Mr. Owens had started as a victim on
9 January 6th. Two days later, fast forward, Mr.
10 Owens is, again, hanging out with some friends, and
11 different friends this time, who you'll hear about
12 named Tori Delesline, Jeantaviene or Chabbi Dobson
13 and Treyvon Williams.

14 They're doing what young men do, they're
15 riding through town looking for something to do,
16 when all of a sudden, they pass by [REDACTED] Lightsey
17 Street, also in Hampton, Hampton County. [REDACTED]
18 Lightsey Street, that's the home of Mack Green, and
19 Mack Green is standing outside his home minding his
20 own business, having a cigarette with Donovan Riley,
21 the brother of Blake Stokes.

22 So the car being driven by Treyvon Williams
23 stops at a stop sign right next to that building
24 with the Coca-Cola logo on it. Williston Owens gets
25 out of the car, and this is January, it's after

1 dark, he gets out of the car and starts walking down
2 Lightsey Street the other way that they'd just come,
3 right up to [REDACTED] Lightsey Street. This is a trailer
4 park, so there's a number of homes there. It's also
5 the home of Rodrell Doctor, and you're gonna hear
6 from him, [REDACTED] Lightsey Street, but what does he see?
7 What does the Defendant see when he gets to [REDACTED]?

8 He sees Donovan Riley, the brother of Blake
9 Stokes, the suspect from two days earlier. At that
10 point, Williston Owens pulls out a gun and starts
11 firing, one, two, three, four, five, six times. He
12 hits [REDACTED] Lightsey Street, the building, and he hits
13 [REDACTED] Lightsey Street, the next trailer up, the home
14 of Mack Green, and he misses Donovan Riley, but he
15 hits Mack Green, who makes it up the stairs into his
16 home and dies right in front of his son on the
17 floor.

18 That's what we believe the evidence is
19 going to show. You're going to hear over the course
20 of the next few days, today, tomorrow, maybe
21 Thursday, from a number of witnesses, you're gonna
22 hear from police officers who investigated January
23 6th and January 8th. They're gonna talk about the
24 evidence they collected. They're gonna talk about
25 the people that they talked to.

1 You're gonna hear from some of those people
2 that they talked to, people who saw some of these
3 things, heard some of these things with their own
4 eyes and ears.

5 You're gonna hear from two expert
6 witnesses, one a pathologist from MUSC, Dr. Ellen
7 Riemer. She's gonna tell you about how Mack Green
8 died. You'll hear Chad Smith, the forensic expert
9 from SLED, who's gonna present physical, scientific
10 evidence that connects Defendant, Williston Owens,
11 with the January 6th scene and January 8th murder
12 scene.

13 There is physical evidence that is gonna
14 put him there. And you're gonna hear the
15 recordings, words from the Defendant himself. We
16 believe this is what the evidence is going to show
17 you.

18 Ms. Gibbs is going to stand up in a moment
19 and tell you that her client is entitled to a fair
20 trial, that he's entitled to you, waiting until
21 you've heard all the evidence before you make a
22 decision. Here's another thing you might not be
23 expecting to hear, I'm gonna agree with her, she is
24 absolutely right, her client deserves a fair trial
25 from a jury of his peers, that's you. Her client

1 deserves you to be patient.

2 As the Judge has indicated, this trial's
3 not gonna be like TV. It's gonna be slow at times,
4 deliberate at times. Every single question from
5 this podium, every single answer from that witness
6 stand has a purpose.

7 I'm gonna ask you to wait until all the
8 puzzle pieces come together, because it's not just
9 Willison Owens who's entitled to a fair trial in
10 this work this week, the State of South Carolina is
11 entitled to a fair trial, Mack Green is entitled to
12 a fair trial, I'm gonna ask that you give it to
13 everybody. Be patient, listen carefully, it won't
14 be easy the whole time, it won't be riveting the
15 whole time, everything has a purpose, and when it's
16 through, when we're done, I'm gonna come back to you
17 and I'm gonna ask you to take that evidence, and
18 tell us what the truth is.

19 That's your job as a jury to deliberate
20 verdict, that's Latin for truth speak, and I'll ask
21 you to speak the truth and find him guilty.

22 MS. GIBBES: Thank you, may it please the
23 Court?

24 THE COURT: Ms. Gibbs, yes, ma'am.
25

1

2

OPENING STATEMENT BY MS. GIBBES

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

MS. GIBBES: Thank you, Mr. Evans. Good morning, my name is Courtney Gibbes, as I told you, and I'm gonna step over here, because it's a little bit awkward, forgive me if I move around a little bit, but my name is Courtney Gibbes, I represent Williston Owens, along with my colleague Taylor Diggs from the Public Defender's Office.

I first want to thank you for being here. I know you don't have a choice in the process, but we appreciate you being here and being part of this process, because I do agree with the Solicitor, this is an extremely important process, and I can promise you nobody wants to be in this courtroom today. I know the family of Mack Green doesn't want to be here. Williston Owens doesn't want to be here.

This is a tragic situation, it really is, but this is very important. Because one, my client is presumed innocent. Right now he has a shroud of innocence over him, and the State has to prove beyond a reasonable doubt, which is an extremely high burden, it's the State's burden, they've brought this charge in front of you today, the charge of murder, the most serious charge you can

1 face, murder.

2 And what I want to say is, whatever I say
3 in this courtroom when I'm cross-examining the
4 witnesses, or speaking to you, I promise I don't
5 mean any disrespect to the family of Mack Green.
6 They are grieving, and it is very sad and it's very
7 tragic, so forgive me, I promise I don't mean any
8 disrespect; but this is very important to Williston
9 Owens, who I represent, he has a family.

10 He is facing right now the entire State of
11 South Carolina, with all of their prosecution
12 powers, all their money, all the law enforcement,
13 SLED, the Solicitor's Office, the Hampton Police
14 Department, all of the law enforcement agencies
15 coming down on Williston Owens right now.

16 And we're asking you today to listen to the
17 evidence, and he's right, the Solicitor's right,
18 this is not a story, this is not a movie, this is
19 not gonna be wrapped up in a pretty little package,
20 where there's an ending and a beginning and at the
21 end of story, this about real life. And he says
22 it's about the truth, for you to find the truth.

23 What I can tell you is that their case, the
24 entire case, all the witnesses that came to try and
25 talk with police, or not talk to the police, they

1 all lied.

2 Every single one of the witnesses who were
3 involved in this case, and I'm not talking about law
4 enforcement, I'm talking about people who were with
5 Williston that night, supposedly, who were there at
6 the scene. They didn't cooperate with the police.
7 They told different stories, they lied, there's no
8 truth involved.

9 And the State must prove beyond a
10 reasonable doubt that Williston Owens committed this
11 crime, but reasonable doubt lies within the lies.
12 You're gonna hear -- they're gonna get on this
13 witness stand and swear on the Bible, and you're
14 gonna hear how many different stories they told.
15 They all lied, they all protected themselves.

16 They all needed a scapegoat, because this
17 group of young men who were in the car together,
18 supposedly, they all knew each other, they group up
19 with each other, some were family. Williston --
20 they needed somebody to be the scapegoat and it was
21 Williston. And you're gonna see they all had time
22 before they spoke to police to talk to each other
23 before and after, some of them live together.

24 And you're gonna see the lies that come out
25 over and over and over again, and that's reasonable

1 doubt. And this is important, this is so important,
2 because right now Williston asks for you to look for
3 the truth, and if you can't find it, if you listen
4 to the people who put their hand on the Bible, when
5 they get on that stand, and try and tell you and
6 sell a story to what happened, and you don't think
7 they're telling the truth, or they didn't tell the
8 truth?

9 Because once you lie one time, who knows
10 when you're gonna lie, you lie once, you could be
11 lying again, that's reasonable doubt. And I'm gonna
12 ask you at the end of all of this to listen to the
13 witnesses, think about reasonable doubt, and
14 remember that reasonable doubt lies within the lies.
15 And I'm gonna ask you to find Williston Owens not
16 guilty, he is not guilty. And right now, as I said,
17 he has a shroud of innocence, and the State must
18 meet their burden of proof, and I'm going to tell
19 you they are not going to be able to meet it.

20 Thank you, and I appreciate your attention
21 and time.

22 THE COUERT: All right, thank you, Ms.
23 Gibbes.

24 Solicitor, are you ready to call your first
25 witness?

1 MR. EVANS: Yes, thank you, Your Honor, the
2 State calls Desmond Williams.

3

4

DESMOND WILLIAMS

5

* * *

6

being first duly sworn, testified as

7

follows:

8

DIRECT EXAMINATION

9

BY MR. EVANS:

10

Q. Good morning.

11

A. Good morning.

12

Q. Would you please identify yourself, and

13

spell your last name for our Court Reporter?

14

A. Desmond Williams, last name W-I-L-L-I-

15

A-M-S, and do you need my job title too?

16

Q. Well, that's my next question, sir.

17

Go ahead, tell us where you work.

18

A. I work over at Hampton County 911.

19

Q. All right, and what do you do there?

20

A. I am a 911 Dispatcher.

21

Q. All right. Can you tell us a little

22

bit about what that involves?

23

A. So we answer -- we receive 911 calls,

24

emergent, as well as non-emergent, and we dispatch

25

appropriate agency, whether it be law enforcement,

1 Fire and/or EMS.

2 Q. And is that for the whole county?

3 A. For the whole county of Hampton County.

4 Q. We've got a lot of different law
5 enforcement agencies here, don't we?

6 A. Correct.

7 Q. Okay, so you send them to the, you
8 know, figure out which one is the appropriate
9 one --

10 A. Yes, sir.

11 Q. -- and tell that one. How long have
12 you been doing this?

13 A. Nine years.

14 Q. And do you'all make recordings of -- of
15 these calls; is that a normal thing?

16 A. Yes, sir.

17 Q. How does that work?

18 A. So recordings can be made any time, and
19 they're kept up to I think about five years, but any
20 time there is a matter, where an officer may need --
21 may need the recordings, the supervisor can go in
22 and make a recording of that call and have them come
23 in and pick up a copy and sign-off that they
24 received it.

25 Q. When a call comes in, do you have to

1 actually actively start a recording, or is it
2 automatically recorded?

3 A. No, sir, it's automatically recorded.

4 Q. Okay, but I guess preserving them later
5 has to be through a request?

6 A. Yes, sir.

7 Q. All right. And were you working in
8 this capacity on January 8th, 2019?

9 A. Yes, sir.

10 Q. Did you happen to take a call that
11 evening?

12 A. I did, yes, sir.

13 Q. Tell us about that briefly.

14 A. I received a call where a juvenile was
15 saying that his father was shot.

16 Q. All right, and did you dispatch law
17 enforcement agencies to the location they were --

18 A. Yes, sir.

19 Q. -- calling from?

20 A. Law enforcement, EMS and Fire.

21 Q. Was there a recording made of that
22 call?

23 A. Yes, sir, it was.

24 MR. EVANS: May I approach the witness,
25 Your Honor?

1 THE COURT: Yes.

2 BY MR. EVANS:

3 Q. Mr. Williams, I'm gonna pass you
4 something, and ask if you can identify that, please,
5 sir?

6 A. Yes, sir, this is a recording of the
7 call from that night.

8 Q. And how can you tell that?

9 A. I reviewed it earlier and signed and
10 dated it.

11 Q. Okay. So you can tell from listening
12 to that disk, that that's the same call you took?

13 A. Yes, sir.

14 Q. All right.

15 MR. EVANS: Your Honor, the State would
16 move the disk and its contents into evidence as
17 State's Exhibit 1.

18 MS. GIBBES: Without objection.

19 THE COURT: All right, counsel approach.

20 (Bench conference.)

21 (State's Exhibit Number 1, Disk of 911
22 Call, was admitted into evidence.)

23 THE COURT: Yes, sir, Solicitor, we're
24 going to enter that as -- did you tell me State's 1?

25 MR. EVANS: Yes, sir.

1 THE COURT: And --

2 MR. EVANS: And it's been marked --

3 THE COURT: -- you can publish it.

4 MR. EVANS: -- as such. Thank you, Your
5 Honor. Beg the Court's indulgence.

6 (Audio being played for the jury.)

7 MR. EVANS: Your Honor, those are all the
8 questions I have.

9 BY MR. EVANS:

10 Q. Mr. Williams, please answer any
11 questions the defense may have.

12 THE COURT: All right, cross-examine?

13 MS. GIBBES: I have no questions for this
14 witness.

15 THE COURT: All right, Mr. Williams, thank
16 you so much, sir.

17 MR. EVANS: I ask that he be excused.

18 THE COURT: All right, any objection to him
19 being excused?

20 MS. GIBBES: No, Your Honor.

21 THE COURT: All right, have a great day,
22 Mr. Williams. Yes, sir, your next witness?

23 MR. EVANS: The State calls Tom Summerlin.

24

25

* * * * *

Tom Summerlin

**Having been duly sworn,
testifies as follows:**

* * * * *

being first duly sworn, testified as
follows:

MR. EVANS: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. EVANS:

Q. Please introduce yourself and spell
your last name for our Court Reporter.

A. Yes, my name is Tom Summerlin, S-U-M-M-
E-R-L-I-N.

Q. All right, and where do you work?

THE COURT: Can everybody hear him?

BY MR. EVANS:

Q. I was gonna say, Mr. Summerlin, you've
got, you know, that impressive voice, but I'm gonna
ask you to speak up, and use the microphone, if you
can, especially for our Court Reporter's sake.

A. Okay.

Q. Where do you work, sir?

A. I work at Hampton Police Department.

Q. How long have you been at HPD?

1 A. Since 2015, so eight years.

2 Q. And what's your rank there?

3 A. I'm a Corporal.

4 Q. Corporal? Corporal, do you have any
5 prior law enforcement experience before you got to
6 the Hampton Police Department?

7 A. No. Before the Hampton Police
8 Department, I was in the United States Marine Corps.

9 Q. Okay. Were you on duty at HPD on
10 January 6th of 2019?

11 A. I was.

12 Q. Can you tell us about the events of
13 that evening?

14 A. Yes, on that evening, January 6th, I
15 received a call of shots fired at [REDACTED] Alabama
16 Street.

17 Q. And is that in the Town of Hampton?

18 A. Yes, it is, and it's located right
19 behind the Hardee's restaurant.

20 Q. And is the Town of Hampton in the
21 County of Hampton?

22 A. Yes.

23 Q. All right. So did you go there then?

24 A. Yes, I did respond to the shooting.

25 Q. What did you find when you got to [REDACTED]

1 Alabama Street?

2 A. Well, I found several people located at
3 the residence, stating that a car had driven by
4 their residence, dropped off a gunman who opened
5 fire from the tree line across the road.

6 Q. Did you find any physical evidence of
7 those events?

8 A. We found shell casings that Mr. Owens
9 had told us that he had fired in self-defense at the
10 gunman. I searched the tree line and the ditch,
11 where the gunman was supposedly standing at, and was
12 unable to locate any shell casings there.

13 Q. Now, let me ask you, was anybody hurt?

14 A. No, nobody was hit during the shooting.

15 Q. Okay. Without saying what, you know,
16 folks said, who did you speak to out there?

17 A. I spoke with the -- Mr. Williston
18 Owens.

19 Q. All right, is he in the courtroom
20 today?

21 A. He is.

22 Q. Can you identify him, please, sir, by
23 where he's sitting and something he's wearing?

24 A. He's at the defense table, wearing a
25 gray suit, wire-rimmed glasses.

1 MR. EVANS: Your Honor, may the record
2 reflect he's identified the Defendant?

3 THE COURT: It has been noted.

4 MR. EVANS: Yes, Your Honor.

5 BY MR. EVANS:

6 Q. So you actually spoke to him?

7 A. Yes.

8 Q. What did he tell you about those
9 events?

10 A. During our conversation during that
11 night, he told me that he was having beef with a
12 Donovan Riley, and that he believed the gunman was
13 Blake Stokes taking up for his brother.

14 Q. He described being fired upon?

15 A. Yes.

16 Q. Okay. Was anybody else there that
17 described being fired upon?

18 A. Yes, there were several individuals.
19 There's a Mr. Fisk --

20 Q. Okay. We'll get to him later, but,
21 basically, you spoke to Mr. Fisk, as well?

22 A. Not as much as the defendant. Mainly
23 my conversations with him are, "Hey, are you okay?
24 What happened? What did you see?

25 Q. From your conversation with Mr. Owens,

1 what did you understand [REDACTED] Alabama Street to be?

2 A. His mother's house.

3 Q. I see. And was he inside the house, or
4 outside the house when he was fired upon?

5 A. From my conversation, my understanding,
6 he was outside the residence.

7 Q. All right. And you said he described
8 returning fire?

9 A. Yes.

10 Q. Did you document this in any way?

11 A. Yes, I documented in the report in
12 front of him.

13 Q.

14 And were you wearing a body camera that
15 night?

16 A. Yes, my body camera was active during
17 this call.

18 Q. And that was creating a recording as
19 you went on --

20 A. Yes.

21 Q. -- about your business?

22 A. All my actions that night were
23 recorded.

24 MR. EVANS: May I approach the witness,
25 Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q. Corporal, I'm gonna pass you something,
4 and ask if you can identify that?

5 A. Yes, I can, this is the body-cam
6 footage of that night.

7 Q. All right, it's --

8 A. My body camera footage.

9 Q. It's a selection of it; is that right?

10 A. Yes, it is a cut-down version.

11 Q. Okay, because you were out there for
12 some time?

13 A. Approximately -- roughly, two hours.

14 Q. All right.

15 (Court Reporter marks State's Exhibit
16 Number 2, Body Camera Video, as attached hereto.)

17 MR. EVANS: Your Honor, the State would
18 move into evidence the clip of Corporal Summerlin's
19 body-cam that's been marked as State's Exhibit 2 and
20 shown to defense.

21 MS. GIBBES: No objection.

22 THE COURT: All right, I'm admitting it
23 subject to the pretrial agreements.

24 MR. EVANS: And we'll publish, subject to
25 your earlier ruling.

1 THE COURT: Yes, sir.

2 (State's Exhibit 2 was admitted into
3 evidence.)

4 MR. EVANS: Thank you. Beg the Court's
5 indulgence.

6 THE COURT: Okay.

7 MR. EVANS: Judge, if I can get your Clerk
8 to help me with the audio/visual, I'll move on to
9 some other subjects, and we'll take up publishing
10 later, if that's okay with the Court?

11 THE COURT: Yes, sir. Yes, sir.

12 BY MR. EVANS:

13 Q. All right, did you document in any
14 other way? Oh, never mind, here we go, all right.
15 I apologize. Let's dim the lights.

16 THE COURT: That's okay.

17 (Video being played for the jury.)

18 BY MR. EVANS:

19 Q. And that was you speaking with the
20 Defendant?

21 A. Yes, that was me.

22 Q. And it was a little bit hard to hear,
23 because we have this beautiful natural light -- or
24 hard to see rather, because of the natural light in
25 this courtroom, but can you describe for the jury

1 what are you'all doing physically during that last
2 clip?

3 A. Physically, we were standing at the
4 edge of Alabama Street looking for the .40 caliber
5 shell casings that Mr. Owens had told me that he had
6 shot in self-defense. During the gathering and
7 locating both those shell casings, trying to get a
8 rough trajectory of where he was shooting, and where
9 the gunman was, to hopefully try to pull some
10 security camera footage from the surrounding
11 businesses.

12 Q. Okay. Did you find any shell casings?

13 A. The ones that Mr. Owens shot, yes, we
14 found a couple of those. In the ditch and the wood
15 line from where the supposed Mr. Blake Stokes was
16 shooting, no.

17 Q. Okay.

18 MR. EVANS: Beg the Court's indulgence?

19 THE COURT: Yes, sir.

20 BY MR. EVANS:

21 Q. Did you take any photographs while you
22 were out there?

23 A. Several.

24 MR. EVANS: May I approach the witness,
25 Your Honor?

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q. I'm gonna pass you some pieces of
4 paper. I wonder if you could identify those for me?
5 They should be marked on the back, so if you can use
6 the number when you're referring to them?

7 A. Okay. All right, Number 5, appears to
8 be a .40 caliber --

9 THE COURT: Hold on.

10 MS. GIBBES: No, sorry.

11 THE COURT: Go ahead. Go right ahead, sir.

12 WITNESS: Yes, sir

13 BY WITNESS:

14 A. I want to say Number 5 appears to be a
15 .40 caliber shell casing laying on the ground next
16 to a tire by a white vehicle.

17 Q. And is that one of the photographs you
18 took that night?

19 A. Yes.

20 Q. Okay. Let's keep going, and I'll ask
21 the same question.

22 A. Number 4, again, appears to be a .40
23 caliber shell casing laying on the ground next to a
24 black vehicle. I took that photograph that night.

25 Q. All right, is that another photo you

1 took that night?

2 A. Yes.

3 Q. Okay.

4 A. Number 7 is a picture of a shattered
5 window on a car, the driver door window shattered,
6 after being struck by a projectile from a firearm,
7 and I took that photograph that --

8 Q. Okay.

9 A. -- night.

10 Q. You guessed my question.

11 A. Number 8 is a closer picture of that
12 same window of the projectile itself, that we were
13 later able to extract from the doorframe, I took
14 that picture as well. Number 9 is a .40 caliber
15 shell casing laying -- it appears the edge of the
16 roadway, or in the roadway. It's laying next to a
17 white-striped paint on the asphalt, and I took that
18 photo as well that night.

19 Q. Do all these photos fairly and
20 accurately depict the scene the way it appeared on
21 January 6th, 2019?

22 A. Yes, it does.

23 (Court Reporter marks State's Exhibit
24 Number 4, Photograph, as attached hereto.)

25 (Court Reporter marks State's Exhibit

1 Number 5, Photograph, as attached hereto.)

2 (Court Reporter marks State's Exhibit

3 Number 7, Photograph, as attached hereto.)

4 (Court Reporter marks State's Exhibit

5 Number 8, Photograph, as attached hereto.)

6 (Court Reporter marks State's Exhibit

7 Number 9, Photograph, as attached hereto.)

8 MR. EVANS: Your Honor, the State would
9 move these photographs into evidence at this time.

10 THE COURT: Any objection?

11 MS. GIBBES: No objection.

12 THE COURT: All right.

13 MR. EVANS: May we publish, Judge?

14 THE COURT: Yes, ma'am, so -- yes, sir, so
15 4, 5, 7 -- was there a 6?

16 MR. EVANS: No, sir.

17 THE COURT: All right, so 4, 5, 7 --

18 MR. EVANS: 4, 5, 7, 8 and 9.

19 THE COURT: 4, 5, 7, 8 and 9?

20 MR. EVANS: Yes, sir.

21 THE COURT: All right, admitted without
22 objection.

23 (State's Exhibits 4-5 and 7 - 9 were
24 admitted into evidence.)

25 MR. EVANS: Thank you, Your Honor.

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q. Corporal, I'm gonna put these on the
4 screen for our jury here, and we'll just walk back
5 through them again --

6 A. All right.

7 Q. -- quickly.

8 MR. EVANS: I'm gonna adjust this screen
9 too so the Corporal can see it.

10 BY MR. EVANS:

11 Q. Okay, Corporal, this is State's Exhibit
12 4 --

13 A. Right.

14 Q. -- what you just testified about. What
15 is this again?

16 A. That is the .40 caliber shell casing on
17 the ground next to a black car.

18 Q. This being the car where I'm pointing
19 here?

20 A. Yes, that is the vehicle.

21 Q. And that's the shell right there?

22 A. Yes.

23 Q. Okay, did you collect that shell?

24 A. It was, yes.

25 Q. Okay.

1 A. It was collected.

2 Q. We're at State's Number 5.

3 What do we have there?

4 A. A .40 caliber shell casing laying on
5 the ground next to the tire of a white vehicle.

6 Q. Okay. Shell casing is right there
7 where I'm pointing?

8 A. Yes.

9 Q. Okay. Did you collect that one?

10 A. Yes, it was collected.

11 Q. This is Number 7. What's that?

12 A. That is the shattered window from a
13 vehicle that was struck by the projectile.

14 Q. Which projectile as you were able to
15 assess the scene?

16 A. From this scene the way we were able to
17 assess it, that is the projectile fired from the
18 gunman in the tree line.

19 Q. That's a round that Mr. Owens took, and
20 I don't mean to suggest that he was hit, but he was
21 fired upon, and that's the result?

22 A. Yes. This round here was fired at [REDACTED]
23 Alabama Street.

24 Q. All right, and those shells we've just
25 seen, those were his shots?

1 A. Yes, those were fired returned from [REDACTED]
2 Alabama Street.

3 Q. Number 8?

4 A. That is the closeup picture of that
5 same window. That is the projectile fired at [REDACTED]
6 Alabama Street. We were able to extract that from
7 that doorframe, and, you know, mangled as it was, we
8 did extract it and submitted it.

9 Q. And Number 9, the last photo we've got
10 here. Is this another one of the Defendant's
11 casings?

12 A. Yes, that is a .40 caliber shell casing
13 fired from [REDACTED] Alabama Street at the gunman in the
14 wood line.

15 Q. All right. You collected those shell
16 casings and the projectiles?

17 A. Yes.

18 Q. Okay.

19 MR. EVANS: May I approach the witness,
20 Your Honor?

21 THE COURT: Yes, sir.

22 BY MR. EVANS:

23 Q. Corporal, I'm gonna pass you a bag, and
24 ask if you can identify what's in there.

25 A. Yes, I can identify this.

1 Q. What is that?

2 A. This is a .40 caliber casing that was
3 collected from Mr. Williston Owens that night. This
4 was located on Alabama Street. These shell casings
5 were there.

6 Q. Okay, so there's a number of items in
7 there?

8 A. Yes.

9 Q. Okay, there's one bag containing
10 several shell casings?

11 A. Yes.

12 Q. And those are the ones that Mr. Owens
13 helped you find?

14 A. Yes, these were the ones that were
15 located.

16 Q. How can you tell that, sir, if you
17 don't mind me asking? Is it marked with this case?

18 A. Yes, it has my name on it, and I
19 collected it on 1/6/2019 that I turned into
20 evidence. It has a case number on it, and I
21 think --

22 (Court Reporter marks State's Exhibit 10,
23 as attached hereto.

24 MR. EVANS: Your Honor, the State would
25 move the bag and its contents into evidence. It's

1 been pre-marked as State's Exhibit 10, and I suppose
2 I'll give each shell inside the larger bag of 10,
3 you know, a decimal number once it's opened.

4 THE COURT: Any objection?

5 MS. GIBBES: No objection.

6 THE COURT: All right, State's 10 is
7 admitted without objection.

8 MR. EVANS: Thank you, Your Honor.

9 (State's Exhibit 10 was admitted into
10 evidence.)

11 BY MR. EVANS:

12 Q. Are these in any way to, you know,
13 assess which one was which, as you were collecting
14 them?

15 A. No.

16 Q. All right, they were all put into kind
17 of a bag; isn't that right?

18 A. Yes.

19 Q. And I think I misspoke, we actually
20 have seven here, so I'm marking them as 10.1 through
21 10.7, just in no particular order, since you just
22 testified you can't tell which one was which, is
23 that --

24 MR. EVANS: May I approach with these, Your
25 Honor.

1 THE COURT: Yes, sir.

2 MR. EVANS: All right.

3 BY MR. EVANS:

4 Q. All the same caliber?

5 A. Yes.

6 Q. You can tell that by your training and
7 experience?

8 A. Yes.

9 Q. All right. This one here, what's that?

10 A. That is one that we probably ran over
11 responding to the signal.

12 Q. Okay, it was found in the roadway?

13 A. Yes.

14 Q. So you say we, was it near one of your
15 vehicles?

16 A. Yes

17 Q. That's casings, did you find any
18 projectiles? I think you already spoke a little bit
19 about that.

20 A. Well, at [REDACTED] Alabama Street it was
21 located in a doorframe.

22 Q. In that photograph that we just looked
23 at?

24 A. Yes.

25 Q. All right, how about any shell casings

1 that looked like they could have been from Mr.
2 Owens, not shell casings, projectiles?

3 A. Say that again?

4 Q. Did you find any projectiles that could
5 have come from these shell casings, as opposed to in
6 Mr. Owens' direction?

7 A. Yes. During the course of that night's
8 investigation, when I was trying to guess of the
9 trajectory of where the shots were fired at from [REDACTED]
10 Alabama Street, I was able to locate a tree that was
11 struck, that tree being on the ditch on the other
12 side of [REDACTED] Alabama Street.

13 Q. Like those?

14 A. The projectiles were removed from the
15 ground.

16 Q. As well as from the car?

17 A. Yes.

18 MR. EVANS: May I approach the witness,
19 Your Honor?

20 THE COURT: Yes, sir.

21 (Court Reporter marks State's Exhibit
22 Number 11, as attached hereto.)

23 (Court Reporter marks State's Exhibit
24 Number 12, as attached hereto.)

25 (Court Reporter marks State's Exhibit

1 Number 13, as attached hereto.)

2 BY MR. EVANS:

3 Q. I'll pass you what's been previously
4 marked State's Exhibit Number 12 and 13. Can you
5 identify this for us?

6 A. That Number 11 is the projectile
7 removed from the driver door of the silver Taurus on
8 January 6th, 2019.

9 Q. The same as depicted in State's Exhibit
10 8?

11 A. Yes.

12 Q. Okay.

13 A. It has the picture there. All right,
14 Number 12 is a projectile that was located in near
15 the building. I believe this was fired from Mr.
16 Owens'. And Number 13, is a projectile. Number 12
17 is the projectile two located in the door. Number
18 13 is projectile one located in front of the
19 building.

20 Q. Your name is on all these? They're
21 obviously in bags?

22 A. Yes, my name is on all the chain-of-
23 custody.

24 Q. Okay.

25 MR. EVANS: Your Honor, the State would

1 move these projectiles into evidence as 11 --

2 THE COURT: That's 11, 12 and 13?

3 MS. GIBBES: Without objection.

4 THE COURT: All right, moved without
5 objection.

6 (State's Exhibits 11 - 13 were admitted
7 into evidence.)

8 MR. EVANS: May I approach, Your Honor?

9 THE COURT: Yes, sir.

10 BY MR. EVANS:

11 Q. Turning your attention, Corporal, this
12 is Number 11. So that's the same one that you
13 pulled from the car that's in State's Exhibit 8?

14 A. Yes, that is the projectile from the
15 doorframe believed to be fired from the gunman at
16 ■ Alabama Street.

17 Q. Okay, and turning back to 8; is that
18 the same projectile?

19 A. That's the projectile from the
20 doorframe.

21 Q. Okay. And 13 is what? That's Number
22 12?

23 A. Yes.

24 Q. Had you collected that on January 12th?

25 A. Yes.

1 Q. Why'd you'all go back to the scene six
2 days later?

3 A. Due diligence. We had stripe marks --

4 Q. That's 13, this is another projectile
5 you found?

6 A. Yes, that was another projectile. When
7 we went back on the 12th, because we went back on
8 the 12th in the daylight hours, we found the second
9 striped mark, which we believed to be fired from [REDACTED]
10 Alabama Street.

11 MR. EVANS: Beg the Court's indulgence.

12 THE COURT: Yes, sir.

13 BY MR. EVANS:

14 Q. And who did Mr. Owens say he believed
15 to be responsible?

16 A. The night of January 6th he told me
17 about Blake Stokes.

18 Q. And who did he believe Blake Stokes to
19 be?

20 A. The brother of Donovan Riley.

21 Q. Okay.

22 MR. EVANS: That's all the questions I
23 have, Your Honor.

24 BY MR. EVANS:

25 Q. Please answer any questions --

1 A. Okay.

2 THE COURT: Cross-examine?

3 MS. GIBBES: May it please the Court?

4 THE COURT: Yes, ma'am.

5

6

CROSS-EXAMINATION

7 BY MS. GIBBES:

8 Q. Good morning, Corporal Summerlin.

9 A. Good morning.

10 Q. How are you?

11 A. Good.

12 Q. So when you arrived the night of
13 January 6th, do you remember -- it was around 1:00
14 a.m., right?

15 A. Hold on one second. Yeah.

16 Q. I think it was dark outside?

17 A. Yes.

18 Q. When you spoke with Ricky Fisk and Mr.
19 Owens, neither of them were able to describe any
20 physical attributes of the unknown gunman, right?

21 A. I was told they were wearing all black.

22 Q. Wearing all black, but they couldn't
23 define any facial features, or anything like that,
24 right?

25 A. No.

1 Q. Okay.

2 A. No facial features.

3 Q. But they were able to describe some
4 physical attributes of the vehicle that they saw
5 associated with the unknown gunman?

6 A. Yes. A gray car. Like a Toyota or a
7 Nissan.

8 Q. And you kind of looked into that
9 vehicle to see if you were able to link it in any
10 way to -- Mr. Owens said he believed might have been
11 in there?

12 A. I believe myself and the other
13 responding officers cleared from the scene. We did
14 patrol the town and ran several gray Nissans.

15 Q. And you had mentioned potentially going
16 to look for surveillance footage from businesses
17 nearby. Were you ever able to collect any
18 surveillance footage that would have shown --

19 A. None --

20 Q. -- the vehicle?

21 A. None was collected that I know of.

22 Q. Were you ever able to link the vehicle
23 to anyone in particular, right?

24 A. No.

25 Q. You collected a lot of those .40

1 caliber shell casings. You weren't able to collect
2 any that would have been fired by the unknown
3 gunman, right?

4 A. Yes.

5 Q. And you weren't able to determine at
6 all what kind of gun was used by this shooter?

7 A. Me that night, no.

8 Q. Okay. And whoever that night may have
9 been -- I mean both Mr. Fisk and Mr. Owens told you
10 that they had returned fire. Were you ever able --
11 did you ever examine either of their guns that they
12 had used?

13 A. By only asking questions, what type, I
14 was told a .40, which is a .40 caliber handgun. I
15 asked --

16 Q. So based on Mr. Fisk -- neither Mr.
17 Fisk nor Mr. Owens were able to actually see the
18 gunman, to where they'd be able to, you know, see
19 exactly who it was? Owens was -- when he says,
20 "Blake Stokes," that was just what he -- who he
21 believed it to be, he couldn't really think of
22 anyone else, right?

23 A. He did -- the only person he had beef
24 with during that time was Donovan Riley, and he
25 believed that Blake was -- or Mr. Blake Stokes was

1 --

2 Q. Based on what you had gathered that
3 night, all that information you collected, you made
4 the determination that both Mr. Owens and Mr. Fisk
5 were returning fire in a lawful act of self-defense,
6 right?

7 A. Yes.

8 Q. And as far as the unknown gunman goes
9 that was shooting at them, no arrests have ever been
10 made from that incident, correct?

11 A. None that I'm aware of.

12 Q. Okay. You were never able to
13 identify --

14 A. No.

15 Q. -- the suspect?

16 MS. GIBBES: I beg the Court's indulgence.

17 THE COURT: Yes, ma'am, take your time.

18 BY MS. GIBBES:

19 Q. Based on the information that you
20 gathered from Mr. Owens, and his belief that it
21 could have been Blake Stokes, did you ever speak to
22 Mr. Stokes or Mr. Riley regarding that incident?

23 A. No. I remember it was either this
24 night or the next, I was off for a couple days,
25 which was my time to be off.

1 Usually, when those things happen, you come
2 back and pick up our investigation. There was
3 another situation that had been investigated.

4 Q. So in relation to the January 6th
5 incident, the shooting against Mr. Owens, no
6 suspects were ever interviewed or talked to?

7 A. Not that I'm aware of.

8 Q. Okay.

9 MS. GIBBES: I believe those are all the
10 questions we have, Your Honor.

11 THE COURT: All right, thank you, redirect?

12 MR. EVANS: No, Your Honor.

13 THE COURT: All right, great, thank you
14 very much. All right, ladies and gentlemen, what
15 we're gonna do now is, we're gonna take a mid-
16 morning break here, and I'm gonna send you back to
17 the jury room. I would ask that you please do not
18 discuss the case amongst yourselves. Talk about
19 whatever you want, just not this case. Anything
20 before I release the jury to the jury room from the
21 State?

22 MR. EVANS: No, sir.

23 THE COURT: Ms. Gibbes?

24 MS. GIBBES: No, Your Honor.

25 THE COURT: All right, thank you'all.

1 (Jury exits the courtroom.)

2 THE COURT: All right, anything from the
3 State before we take a break for about 15 minutes?

4 MR. EVANS: No, sir, Your Honor.

5 THE COURT: Anything from the defense?

6 MS. GIBBES: No, Your Honor.

7 THE COURT: All right, great, we'll be at
8 ease. Mr. Barnes, let me see you back in my
9 Chambers, please.

10 MR. EVANS: You said 15, Your Honor?

11 THE COURT: Yes, sir.

12 MR. EVANS: Thank you.

13 (Recess.)

14 **

15 **PROCEEDINGS CONTINUED**

16 BAILIFF: All rise.

17 THE COURT: All right, is there anything
18 from the State before we bring the jury in?

19 MR. EVANS: I don't think so.

20 THE COURT: Anything from the defense?

21 MS. GIBBES: Just briefly, I think about
22 the habit of my client carrying a gun. And we
23 discussed yesterday about the habit of carrying a
24 gun, and I know Mr. Evans says for at least this
25 witness he was not gonna ask about my client's

1 habit.

2 MR. EVANS: I won't ask that.

3 MS. GIBBES: Okay, thank you.

4 THE COURT: Thank you. That's fine, thank
5 you for bringing that up and reminding me.

6 All right, in that case, we can get the
7 jury.

8 (Jury enters the courtroom.)

9 THE COURT: All right, Madam Forelady,
10 ladies and gentlemen of the jury, we're ready to
11 proceed with the trial. Solicitor, you can call
12 your next witness, sir.

13 MR. EVANS: Thank you, Your Honor. The
14 State calls Ricky Fisk.

15 * * *

16 **RICKY FISK**

17 * * *

18 being first duly sworn, testified as
19 follows:

20 THE COURT: All right, your witness, yes,
21 sir.

22 MR. EVANS: Thank you, Your Honor.

23 **DIRECT EXAMINATION**

24 BY MR. EVANS:

25 Q. Would you please identify yourself, and

1 spell your last name for the Court Reporter?

2 A. Ricky Fisk, F-I-S-K.

3 Q. And, Mr. Fisk, where do you live, sir?

4 A. I live at [REDACTED] Eldridge Lane, Islandton,
5 South Carolina.

6 Q. That's in Colleton County?

7 A. Yes, sir.

8 Q. All right. Do you know Williston
9 Owens?

10 A. Yes, sir.

11 Q. How do you know him?

12 A. School.

13 Q. Okay, did you go to school in Hampton?

14 A. Yes, sir.

15 Q. All righty. Did you live in Islandton
16 at that time?

17 A. No, sir, I was staying with my
18 grandparents then.

19 Q. All right, cool. And are you'all about
20 the same age?

21 A. Yes, sir.

22 Q. How long have you known each other?

23 A. About ten years now.

24 Q. Okay. Would you -- are you all good
25 friends --

1 A. Yes, sir.

2 Q. -- so-so friends? Okay. Going back
3 ten years, so that's, you know, roughly, 2013ish?

4 A. Uh-huh.

5 Q. Okay. How often would you'all spend
6 time together over the years?

7 A. Like almost every other day, or every
8 weekend.

9 Q. Okay. In Hampton, in Islandton?

10 A. Hampton, we'd just drive around, hang
11 out and go different places.

12 Q. Were you'all hanging out on January
13 6th, 2019?

14 A. Yeah, I think so.

15 Q. Well, do you remember being shot at?

16 A. Yes, sir.

17 Q. Okay. Do you remember the --

18 A. Yes, sir.

19 Q. -- approximate --

20 A. Yes, sir.

21 Q. Was that January --

22 A. Yes, sir.

23 Q. -- roughly, 2019? Okay, can you tell
24 us about the events of that evening?

25 A. Well, we were hanging out in the car,

1 it was late at night, probably --

2 Q. Where were you'all?

3 A. At his house.

4 Q. Okay, is that on [REDACTED] Alabama Street?

5 A. I think so, yes, sir.

6 Q. Okay.

7 A. We was hanging out in the car and
8 everything, talking, smoked a cigarette, and we were
9 just chilling, and we happened to notice this car
10 rode by several times, kind of acting suspicious.
11 They'd slow down when they'd go past the house and
12 everything.

13 Well, we went to go get out of the car and
14 go in the house, and as we were going in the house -

15 Q. You found that suspicious?

16 A. Yes, sir.

17 Q. Okay, were you carrying a gun?

18 A. Yes, sir, I did have a gun.

19 Q. Okay. Was Mr. Owens carrying a gun?

20 A. Yes, sir, we both had guns.

21 Q. All right, what happened when it -- I
22 think you said it's the third time?

23 A. Yes, sir, after the third time.

24 Q. Tell me what happened next.

25 A. We got in the car and sat there and

1 watched, and we watched it go out, took a left and
2 went to the light and took another left. Then you
3 see slow down, brakes, and you see somebody get out.
4 Well, I watched them run through, they come by the -
5 -I mean storage containers by El Cheapo, I watched
6 them stand, they went to the ditch bank, stood, and
7 he drew a weapon, fired, and we fired back.

8 Q. And could you see who that was?

9 A. No.

10 Q. All right. You said, "We fired back?"

11 A. Yes, sir, I shot first, and then Will
12 shot at him.

13 Q. Okay. Where were you'all positioned
14 when this was going on?

15 A. Near the passenger door of the car, and
16 he's near the driver door of the car.

17 Q. Okay. I'm gonna show you what's been
18 previously entered as State's Exhibit 7. I'm gonna
19 put it up on this screen, if you can see on the
20 Judge's monitor. Does that look familiar?

21 A. Not really, no, sir.

22 Q. But you were standing near a car when
23 you'all were shot at?

24 A. Yes, sir, his car that he was driving
25 at the time.

1 Q. Okay. And you returned fire?

2 A. Yes, sir.

3 Q. What kind of gun did you have?

4 A. A 5.9.

5 Q. Okay, describe that a little bit more
6 for us.

7 A. It's a magazine-fed pistol.

8 Q. Okay. And had you had that gun for
9 some time?

10 A. Yes, sir.

11 Q. It's a .9 millimeter you said?

12 A. Yes, sir.

13 Q. All right, is that different from a
14 .40?

15 A. Yes, sir.

16 Q. What kind of gun did Wilson have that
17 night?

18 A. I believe a .40. I am not sure.

19 Q. Did you'all ever trade guns during
20 this, or at any other time?

21 A. No, sir.

22 Q. So you had yours and he had his?

23 A. Yes, sir.

24 Q. About how many times did you fire back?

25 A. I threw out the whole clip.

1 Q. How many times did he fire?

2 A. I can't recall.

3 Q. About how many times were you'all fired
4 upon before you started firing back?

5 A. Once.

6 Q. Once that you recall?

7 A. Yes, sir.

8 Q. What happened when you'all started
9 firing back? Did you'all hit anybody?

10 A. No, sir. All I had seen was that fella
11 Ron or whoever it was, ran, and that was the last
12 I'd seen him.

13 Q. Okay. Where were you on January 8th,
14 2019, two days after this?

15 A. I was sitting at my sister's house with
16 my nephews.

17 Q. Okay, where is that?

18 A. That's in Islandton too, at [REDACTED] Ashton
19 Road.

20 Q. You didn't come to Hampton on that day?

21 A. No, sir.

22 COURT REPROTER: I'm sorry, tell the
23 address again?

24 BY WITNESS:

25 A. It's [REDACTED] Ashton Road.

1 MR. EVANS: Did you hear him, Madam Court
2 Reporter?

3 COURT REPORTER: Yes.

4 MR. EVANS: Okay.

5 BY MR. EVANS:

6 Q. All right, and you didn't come to
7 Hampton on that day?

8 A. No, sir.

9 Q. Do you have any knowledge about what
10 happened here on that day?

11 A. No, sir.

12 Q. Okay. Did you speak to the Hampton
13 Police Department about the January 6th incident?

14 A. Yes, sir.

15 Q. About getting shot at?

16 A. They came to my mom's house.

17 Q. Did you still have the gun at that
18 time?

19 A. Yes, sir, I did.

20 Q. The .9 millimeter?

21 A. Yes, sir.

22 Q. Did you offer it to them if they wanted
23 it?

24 A. Who's that?

25 Q. The Police Department.

1 A. Yes, sir.

2 Q. I asked you this earlier, is Williston
3 Owens in Court today?

4 A. Yes, sir.

5 Q. Your friend of ten years?

6 A. Yes, sir.

7 Q. Could you identify him by something
8 he's wearing and where he's sitting?

9 A. Yes, sir, in the brown jacket.

10 Q. All right, sitting at the defense
11 table?

12 A. Yes, sir.

13 MR. EVANS: Your Honor, may the record
14 reflect he's identified the Defendant.

15 THE COURT: All right, so reflected.

16 BY MR. EVANS:

17 Q. That's all the questions I have, Mr.
18 Fisk. Please answer any questions the defense may
19 have.

20 g

21 MS. GIBBES: May it please the Court?

22 THE COURT: Yes, ma'am.

23 **

24 **CROSS-EXAMINATION**

25 BY MS. GIBBES:

1 Q. Good morning, Mr. Fisk.

2 A. Good morning.

3 Q. How you doing?

4 A. Pretty good, how about you?

5 Q. So I believe you said it was really
6 dark that night, right?

7 A. Yes, ma'am.

8 Q. So you weren't able to see the
9 shooter's face, or --

10 A. No.

11 Q. -- in any way identify them --

12 A. No, ma'am.

13 Q. -- or her?

14 A. No, ma'am.

15 Q. You also fired back at --

16 A. Yes, ma'am.

17 Q. -- the person that was shooting at
18 you'all?

19 THE COURT: Hold on one second.

20 Mr. Fisk, what I need you to do, let her
21 ask a question, finish asking it, let her finish,
22 okay? And then when she finishes, so you understand
23 the question, you can answer that question any way
24 you want, but what happens is -- slow down a little
25 bit, let her finish the question, okay?

1 WITNESS: Yes, sir.

2 THE COURT: Yes, sir, go right ahead.

3 MS. GIBBES: Okay.

4 BY MS. GIBBES:

5 Q. All right, so that night, in an act of
6 self-defense, you returned fire at the unknown
7 gunman, right?

8 A. Yes, ma'am.

9 Q. Okay. And I believe you said --

10 A. Yes, ma'am.

11 Q. Okay. And law enforcement -- I know
12 you offered it to them, if they wanted to examine
13 it, but they never actually took you up on that, and
14 physically examined the gun, right?

15 A. They did take the number of the gun.

16 Q. They took the serial number?

17 A. Yes, ma'am.

18 Q. Okay. You can't say with 100 percent
19 certainty who was shooting at you'all that night,
20 right?

21 A. No.

22 Q. Okay, and to your knowledge has anyone
23 ever been arrested or apprehended?

24 A. No.

25 MS. GIBBES: That's all the questions we

1 have, Your Honor.

2 THE COURT: All right. Anything else,
3 Solicitor?

4 MR. EVANS: No redirect.

5 THE COURT: All right, thank you, Mr. Fisk,
6 if you're here -- he can be excused?

7 MR. EVANS: Yes, please, sir.

8 THE COURT: All right, you can be excused,
9 sir. Have a great day.

10 WITNESS: Yes, sir. You too.

11 THE COURT: All right, you can call your
12 next witness.

13 MR. EVANS: The State calls Jake Sullivan.

14 THE COURT: All right.

15 * * *

16 JACOB SULLIVAN

17 * * *

18 being first duly sworn, testified as
19 follows:

20 DIRECT EXAMINATION

21 BY MR. EVANS:

22 Q. Please Identify yourself and spell your
23 last name for our Court Reporter.

24 A. Jacob Sullivan, most people know me as
25 Jake, S-U-L-L-I-V-A-N.

1 Q. And, Mr. Sullivan, what do you do, sir?

2 A. Now I'm in real estate.

3 Q. All right. What were you doing a
4 couple years ago?

5 A. I was an Assistant Chief of Police in
6 the Town of Hampton.

7 Q. How long were you in law enforcement?

8 A. Right at 20 years.

9 Q. All at Hampton PD, or anywhere else?

10 A. No, sir, I started my career with South
11 Carolina Highway Patrol, where I worked for five
12 years. Then I moved to the Hampton Police
13 Department, moved up the ranks throughout my career,
14 and retired as the Assistant Chief.

15 Q. All right, moved onto better things, I
16 guess?

17 A. Just retirement.

18 Q. Okay, so what rank were you in January
19 of 2019?

20 A. I was the Major, which is known -- the
21 rank Assistant Chief, so I was second in command.

22 Q. Major Assistant Chief, basically, is
23 the same?

24 A. Yes.

25 Q. Okay. So what were your duties as the

1 Major, the Assistant Chief on a day-to-day basis,
2 and then what happened on, you know, this particular
3 night?

4 A. I assisted the Chief of Police in
5 running the department. I supervised all personnel
6 below me, and I was always notified of any major
7 incident that occurred within the Town of Hampton.

8 Q. Okay, so this is more than a 9:00 to
9 5:00 thing?

10 A. Correct.

11 Q. When a major incident occurred, what
12 would you do, generally?

13 A. Generally, I will appoint personnel to
14 investigate cases. I will actually go to the scene
15 and coordinate things with my Command Staff.

16 Q. Okay. And were you serving as Major on
17 January the 8th, 2019?

18 A. I was.

19 Q. What did you do that evening?

20 A. I was notified by Dispatch of a
21 shooting incident that occurred in the town. I
22 responded to the scene. The scene was secured by my
23 officers on-scene already, at which time I notified
24 Dispatch to dispatch the SLED agents to the -- our
25 scene, in order to perform the crime scene analysis.

1 Q. Okay. I'm gonna break that down a
2 little bit, step-by-step.

3 A. Yes, sir.

4 Q. What was the scene?

5 A. It was a shooting incident.

6 Q. How about the address, do you recall
7 that?

8 A. It was at [REDACTED] Lightsey Street in
9 Hampton, which is the mobile home park behind the
10 Gate Shell Station.

11 Q. Okay, so there are a number of homes
12 around that address?

13 A. Yes, I think there's five or six mobile
14 homes in that park.

15 Q. And each have a distinct street number,
16 even though it's a circle into one spot?

17 A. That's correct.

18 Q. All right. And you were notified about
19 that by Dispatch?

20 A. Yes.

21 Q. And you went there?

22 A. Yes.

23 Q. Okay. Around about what time was this?

24 A. It would have been somewhere around
25 midnight, 11:30 at night, somewhere along there.

1 Q. Okay, and I think you said that you
2 found that your -- you know, you're number two, so
3 the officers below you were already there?

4 A. Yes, my Captain Troy Long, who's third
5 in command, was already on-the-scene.

6 Q. Okay. Anybody else already there
7 before you?

8 A. Yes, Lieutenant Clay Johnson (phonetic)
9 from Hardeeville, Corporal Simmons from our
10 department. I think there were other Fire and EMS
11 personnel there as well.

12 Q. Is that common for Varnville or the
13 Sheriff's Office, or other folks to come and help
14 you all?

15 A. That is very common, especially with
16 the Town of Hampton and Varnville in close
17 proximity, and especially at night. There's fewer
18 officers out, so they actively assist each other
19 without being requested.

20 Q. Oh, and they help you?

21 A. That's correct.

22 Q. All right. Now, you said earlier one
23 of your duties as Major was to assign cases?

24 A. That is correct.

25 Q. When do you do that and how?

1 A. Usually, at the time it occurs, we have
2 officers who are specially trained in
3 investigations, and those are the ones that I
4 appoint to handle major cases.

5 Q. When you got to these scene, did you
6 know it was a homicide yet?

7 A. I did not know when I got there.

8 Q. But you knew it was a shooting?

9 A. I did.

10 Q. All right.

11 A. I knew it was a shooting, and someone
12 had been hit.

13 Q. Okay. How did you assign the case?

14 A. At the time we had two investigators
15 who were trained to do investigations, and that was
16 the two officers I had to choose from.

17 Q. Okay, and who are those?

18 A. At the time, Robbie Ginn and Quitique
19 Manor.

20 Q. This gentleman right here?

21 A. Yes, sir.

22 Q. Okay. And who did you assign the case
23 to?

24 A. Originally, I assigned it to Robbie
25 Ginn, but later on I assigned it to Mr. Manor.

1 Q. And why was that?

2 A. He actually -- Officer Ginn actually
3 suffered an injury that night, so I reassigned the
4 case.

5 Q. Okay, so in the process of doing his
6 job that evening?

7 A. That is correct.

8 Q. Do you recall what the injury was?

9 A. Pulled -- tore his knee, or something.
10 It was a leg injury.

11 Q. All right. So going back -- and,
12 sorry, you reassigned the case to Detective Manor
13 the next day?

14 A. That is correct.

15 Q. He wasn't involved that night?

16 A. That is right.

17 Q. All right, but you were out there that
18 night?

19 A. I was.

20 Q. Okay. Did anything -- you said the
21 scene was already secured. Describe what secured
22 means for us.

23 A. Securing the scene we usually use
24 personnel and use equipment, along with police tape.
25 They get everyone out of the general area, where the

1 crime took place, and they secure it with vehicles,
2 with tape, and then they actually have personnel on-
3 the-scene to monitor, to make sure nobody enters or
4 exits without approval.

5 Q. And what's the purpose --

6 A. It's to secure the evidence that's on-
7 the-scene.

8 Q. Is it for safety as well?

9 A. Also, yes, sir.

10 Q. Okay. Did EMS come out there?

11 A. They did.

12 Q. You said that you called SLED. Why did
13 you --

14 A. That's correct.

15 Q. Why did you do that?

16 A. With our more complicated cases,
17 especially shooting incidences, we don't have the
18 personnel or training to do a more in-depth
19 investigations, so we always refer that to SLED's
20 crime scene. They have personnel who are trained,
21 and that's what they do on a daily basis.

22 Q. This is something that you do in most
23 shootings, all shootings, most serious cases, or
24 it's just case-by-case?

25 A. It's case-by-case, but during my time

1 in the Command Staff, if there was a shooting
2 incident and someone was struck, we always contacted
3 SLED.

4 Q. Okay, and how do you go about doing
5 that?

6 A. I can simply call Dispatch and have
7 them notify SLED, and they will typically have an
8 agent contact me, or a supervisor from SLED contact
9 me.

10 Q. Okay. And they come from Charleston,
11 Beaufort?

12 A. They come from all over the state, but,
13 typically, they come out of Columbia.

14 Q. Okay, so it takes a while for them to
15 get here?

16 A. Yes, typically, two to -- a minimum's
17 usually two hours.

18 Q. And did you stay at [REDACTED] Lightsey Street
19 while they were on their way?

20 A. I did. I stayed throughout the whole
21 incident.

22 Q. Was the scene compromised before they
23 got there in any way that you could see?

24 A. Not at all.

25 Q. Okay.

1 MR. EVANS: That's all the questions I have
2 for Mr. Sullivan.

3 BY MR. EVANS:

4 Q. Please answer any questions defense may
5 have.

6 THE COURT: Cross-examine?

7 MS. GIBBES: Just very briefly.

8 THE COURT: Yes, ma'am.

9 **

10 **CROSS-EXAMINATION**

11 BY MS. GIBBES:

12 Q. Major, Corporal?

13 A. Major.

14 Q. Major, or are we good?

15 A. We're good.

16 Q. Okay, so just briefly, it sounds like
17 you were kind of the director in charge. You
18 respond to the scene first, basically.

19 Were you the first responder, or were there
20 other people there when you got there?

21 A. No, I'm not the first responder.

22 Q. Okay.

23 A. I'm the supervisor that's called, that
24 comes later.

25 Q. Okay, so they call you in when it's

1 like a homicide?

2 A. Yes.

3 Q. A complicated case they call you, and
4 then kind of direct everybody and all that?

5 A. Correct.

6 Q. Okay. And so as part of that, as
7 you've testified, you -- well, you responded there I
8 think about 11:05 p.m., around that time?

9 A. Yeah.

10 Q. Do you remember?

11 A. I know it was sometime, 11:00, 12 --

12 Q. Okay.

13 A. -- o'clock timeframe.

14 Q. And actually you didn't do any sort of
15 report for this case, did you?

16 A. That is correct.

17 Q. Okay. And so when you got to the
18 scene, when do you -- you decide immediately that
19 SLED needs to be called in?

20 Depending on the case, do you assess the
21 situation and then decide?

22 A. I get a briefing of what's going on,
23 and then I look at the evidence that we have, the
24 scene that we have, and then I make that
25 determination.

1 Q. Okay, and it looks like SLED, Agent
2 Jennifer Miller, she responded it looks like -- and
3 he did say it takes a little bit of time for him to
4 get there, but they didn't -- she didn't get there
5 until about 1:01 a.m.; does that sound about right?

6 A. It was in the middle of the night, yes,
7 ma'am.

8 Q. Okay. And during that time I know
9 you're discussing securing the scene. When the
10 first responders and you arrive, there were
11 witnesses around, and other residents and neighbors;
12 is that correct?

13 A. I think that was what they described
14 when they got there. Most of the people had been
15 cleared out when I got there.

16 Q. And when you say cleared out, did they
17 -- I believe this draws a crowd when something like
18 this happens, and so I know you want to try and
19 protect the crime scene, but did you tell them to go
20 back into their homes?

21 Do you tell them to go to another place to
22 be interviewed?

23 A. In this case I'm sure most of you are
24 familiar with it, we have a mobile home park, and
25 most of this occurred between mobile homes that are

1 facing Mulberry Street, and then you have more
2 mobile homes that kind of face the rear roads, and
3 there's an open area there, where vehicles go in and
4 out, and most of this occurred there, so we secured
5 that area, and moved all personnel -- witnesses
6 bystanders away from there.

7 Q. Okay. And you didn't interview any
8 witnesses?

9 A. Not at that time, no, ma'am.

10 Q. Okay, and I see you've kind of
11 directed, as far as maybe collecting some
12 evidence --

13 MS. GIBBES: I beg the Court's indulgence.

14 BY MS. GIBBES:

15 Q. SLED brings the crime scene techs,
16 right? They collect it, you don't do that?

17 A. Yeah, in this type of situation we do
18 not collect, they do.

19 Q. Okay. And so once SLED came in, you
20 left --

21 A. Yeah.

22 Q. -- and you stayed there the whole
23 night?

24 A. I stayed for the entire night.

25 Q. Okay. And did you -- what else did you

1 do besides -- I mean, obviously, you did a lot,
2 you're directing, but I mean did you collect any
3 evidence during the interviews?

4 A. That night, no, ma'am.

5 Q. Nothing? Okay. All right, I have no
6 further questions, thank you.

7 THE COURT: Any redirect?

8 MR. EVANS: No, sir, Your Honor.

9 THE COURT: All right, thank you so much,
10 sir.

11 WITNESS: Thank you, Your Honor.

12 THE COURT: Can he be excused?

13 MR. EVANS: Yes, sir.

14 THE COURT: All right, thank you, sir, have
15 a great day. Yes, sir?

16 MR. EVANS: The State calls Jennifer
17 Hunton.

18 THE COURT: All right.

19 * * *

20 JENNIFER HUNTON

21 * * *

22 being first duly sworn, testified as
23 follows:

24 DIRECT EXAMINATION

25 BY MR. EVANS:

1 Q. Would you please introduce yourself,
2 and spell your last name for our Court Reporter?

3 A. Jennifer Hunton, H-U-N-T-O-N.

4 Q. And, Ms. Hunton, were you ever Jennifer
5 Miller?

6 A. Yes.

7 Q. That's your name on January the 8th,
8 2019?

9 A. Yes.

10 Q. Okay. And where do you work, Ms.
11 Hunton?

12 A. I work at the South Carolina Law
13 Enforcement Division, also known as SLED. I'm a
14 Special Agent assigned to the Crime Scene Unit.

15 Q. Okay, and tell us a bit about what that
16 entails, please.

17 A. So we're an assisting agency, so any
18 law enforcement agency in the State of South
19 Carolina may request us for crime scenes.

20 Q. It just depends on where you get called
21 from on a particular day or night? You don't have -
22 - you don't break up by region, or anything like
23 that?

24 A. No, we cover the whole state.

25 Q. Okay. And what do you do when you get

1 to a crime scene, generally?

2 A. After whoever the lead investigator is
3 on-scene, they kind of give us a rundown of what
4 took place, and we will walk through this document,
5 the entire crime scene. Obviously, identify pieces
6 of evidence that we would have collected, and
7 transport it back to the lab for testing.

8 Q. Okay. Were you in the Crime Scene Unit
9 on January 8th, 2019?

10 A. Yes.

11 Q. Okay. Did you have occasion to come
12 down to Hampton on that day, or the early morning
13 hours of the next day?

14 A. Yes, sir.

15 Q. Can you tell us about that, please?

16 A. May I refer to my report?

17 THE COURT: Of course.

18 BY MR. EVANS:

19 Q. Of course.

20 A. At approximately 11:05 p.m. the Hampton
21 Police Department requested us for a homicide.

22 Q. Okay, so you're up at home in Columbia
23 -- I'm gonna ask you actually before we keep going
24 to sit back just a touch from the microphone and
25 speak up, because it's giving a little bit of noise

1 on this end. But you're at home in Columbia and you
2 get a call, is that basically how it works?

3 A. Yes.

4 Q. Okay, and you just jumped in the car
5 and take off to wherever you need to go?

6 A. Yes.

7 Q. And where did they send you
8 specifically in Hampton?

9 A. We were sent to [REDACTED] Lightsey Street in
10 Hampton.

11 Q. All right, in the Town of Hampton in
12 Hampton County?

13 A. Yes, sir.

14 Q. What did you find when you got there?
15 Well, when did you get there?

16 A. We arrived on-scene at approximately 1
17 o'clock in the morning.

18 Q. Okay, and my next question, what did
19 you find when you got there?

20 A. That they put some numbered placards,
21 the yellow numbers used to mark evidence, one
22 through three, prior to our arrival on-scene.

23 MR. EVANS: May I approach the witness,
24 Your Honor?

25 THE COURT: Yes, sir.

1 BY MR. EVANS:

2 Q. Ms. Hunton, I'm gonna hand you a
3 number of photographs marked as State's Exhibit 14
4 through -- I'm sorry, 42. I believe those are that.
5 Are those some of the photographs you took that
6 night?

7 A. Yes, they are.

8 (Court Reporter marks State's Exhibit
9 Number 14, Photograph, as attached hereto.)

10 (Court Reporter marks State's Exhibit
11 Number 15, Photograph, as attached hereto.)

12 (Court Reporter marks State's Exhibit
13 Number 16, Photograph, as attached hereto.)

14 (Court Reporter marks State's Exhibit
15 Number 17, Photograph, as attached hereto.)

16 (Court Reporter marks State's Exhibit
17 Number 18, Photograph, as attached hereto.)

18 (Court Reporter marks State's Exhibit
19 Number 19, Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit
21 Number 20, Photograph, as attached hereto.)

22 (Court Reporter marks State's Exhibit
23 Number 21, Photograph, as attached hereto.)

24 (Court Reporter marks State's Exhibit
25 Number 22, Photograph, as attached hereto.)

1 (Court Reporter marks State's Exhibit
2 Number 23, Photograph, as attached hereto.)
3 (Court Reporter marks State's Exhibit
4 Number 24, Photograph, as attached hereto.)
5 (Court Reporter marks State's Exhibit
6 Number 25, Photograph, as attached hereto.)
7 (Court Reporter marks State's Exhibit
8 Number 26, Photograph, as attached hereto.)
9 (Court Reporter marks State's Exhibit
10 Number 27, Photograph, as attached hereto.)
11 (Court Reporter marks State's Exhibit
12 Number 28, Photograph, as attached hereto.)
13 (Court Reporter marks State's Exhibit
14 Number 29, Photograph, as attached hereto.)
15 (Court Reporter marks State's Exhibit
16 Number 30, Photograph, as attached hereto.)
17 (Court Reporter marks State's Exhibit
18 Number 31, Photograph, as attached hereto.)
19 (Court Reporter marks State's Exhibit
20 Number 32, Photograph, as attached hereto.)
21 (Court Reporter marks State's Exhibit
22 Number 33, Photograph, as attached hereto.)
23 (Court Reporter marks State's Exhibit
24 Number 34, Photograph, as attached hereto.)
25 (Court Reporter marks State's Exhibit

1 Number 35, Photograph, as attached hereto.)

2 (Court Reporter marks State's Exhibit

3 Number 36, Photograph, as attached hereto.)

4 (Court Reporter marks State's Exhibit

5 Number 37, Photograph, as attached hereto.)

6 (Court Reporter marks State's Exhibit

7 Number 38, Photograph, as attached hereto.)

8 (Court Reporter marks State's Exhibit

9 Number 39, Photograph, as attached hereto.)

10 (Court Reporter marks State's Exhibit

11 Number 40, Photograph, as attached hereto.)

12 (Court Reporter marks State's Exhibit

13 Number 41, Photograph, as attached hereto.)

14 (Court Reporter marks State's Exhibit

15 Number 42, Photograph, as attached hereto.)

16 MR. EVANS: The State would move these into
17 evidence as 14 through 42.

18 MS. GIBBES: No objection.

19 THE COURT: All right, 14 through 42
20 admitted without objection.

21 (State's Exhibits 14 - 42 admitted into
22 evidence.)

23 MR. EVANS: Thank you, Your Honor, may I
24 publish those?

25 THE COURT: Yes, ma'am -- yes, sir.

1 MR. EVANS: All right.

2 BY MR. EVANS:

3 Q. Now, Ms. Hutton, I'm gonna put these up
4 on the ELMO. I think that's an easier way to walk
5 through what you found. These are photos you took
6 to document what you saw, observed, and collected
7 that day, correct?

8 A. Yes, sir.

9 Q. All right. What do we have in State's
10 Exhibit 14?

11 A. This is a view back towards Lightsey
12 Street. I'm not sure which -- it's either [REDACTED]
13 through [REDACTED], or [REDACTED].

14 Q. Okay.

15 A. I don't --

16 Q. Back towards Lightsey Street?

17 A. Yes.

18 Q. And we're inside some crime scene tape
19 here?

20 A. Yes.

21 Q. All right, how about Number 15?

22 A. That first mobile home is going to be
23 [REDACTED], followed by [REDACTED] and --

24 Q. Right here where I'm pointing?

25 A. Yes.

1 Q. And that's [REDACTED]?

2 A. Yes.

3 Q. Right back there. Are we inside or
4 outside the crime scene tape at this point?

5 A. We are outside the crime scene tape.

6 Q. Number 16, is that just a closer --

7 A. That's the front of [REDACTED].

8 Q. All right, which house did you go in?

9 A. [REDACTED] Lightsey Street.

10 THE COURT: Go right ahead.

11 BY WITNESS:

12 A. We began documenting [REDACTED] Lightsey
13 Street first.

14 Q. Was there a particular reason why you
15 went to [REDACTED] before any of the others?

16 A. We were notified that it had struck it.
17 They had residents in the home at the time, and they
18 cleared them out of their residence, and wanted us
19 to document that first, so that they could go back
20 in.

21 Q. Nobody was injured in that one, as far
22 as you were aware of that night?

23 A. Yes, not that I'm aware.

24 Q. So what do we have in State's 17?

25 A. This is a bedroom inside [REDACTED] Lightsey

1 Street. It's facing out towards the hallway in the
2 residence. That hallway entered that bedroom.

3 Q. Okay, so when I zoom in here, what is
4 this?

5 A. That is a piece of scale tape that we
6 use to document a bullet, or a suspected bullet
7 hole.

8 Q. That's a suspected bullet hole?

9 A. Yes.

10 Q. Okay. In the wall that's [REDACTED] Lightsey
11 Street?

12 A. Correct.

13 Q. How about State's Exhibit 8?

14 A. This is a view from the opposite
15 direction, like if you were shooting this picture
16 from the hallway into the bedroom, and that's a
17 closet --

18 Q. Under a suspected hole at that point?

19 A. Yes, in the closet door and in the wall
20 behind the closet door.

21 Q. Did that appear to be -- based on the
22 path of those defects, does that appear to be from
23 the same shot?

24 A. It appears to be from the same shot,
25 yes.

1 Q. Exhibit 9?

2 A. By that same bedroom.

3 Q. The same bedroom that 17 and 18 were
4 showing, it happened to?

5 A. Yes. In the very top corner you can
6 see the closet.

7 Q. That's what that picture's from?

8 A. Yes.

9 Q. Okay. How about State's Exhibit 20?

10 A. That same bedroom on the floor next to
11 the bed, and there is a projectile on the floor,
12 projectiles referred to as the fired bullets.

13 Q. Okay, and that is a projectile?

14 A. Yes.

15 Q. All right, is that the gist of what
16 you'all found inside [REDACTED] Lightsey Street?

17 A. Yes, sir.

18 Q. Okay, just that one projectile, one
19 series of defects?

20 A. Yes, sir.

21 Q. Okay. What did you do after you
22 finished with [REDACTED]?

23 A. Documenting Lightsey Street and the
24 other residences, which would be [REDACTED] Lightsey Street
25 and [REDACTED] Lightsey Street.

1 Q. All right. What is State's Exhibit 21?

2 A. That is a picture of Lightsey Street

3 and --

4 Q. Collected --

5 A. Items of evidentiary value.

6 Q. Yeah, did you'all put those up, or I
7 think you said a moment ago that they were there.

8 A. One, two, three were placed by the
9 Hampton Police Department.

10 Q. Is that something you find often that
11 sort of start documenting things before you all get
12 there?

13 A. Sometimes.

14 Q. But not always?

15 A. Not always.

16 Q. Okay. And what were these particular
17 items of evidentiary value?

18 A. They were cartridge cases.

19 Q. Okay, what is a cartridge case?

20 A. Shell casings. Once a gun is fired
21 it's going to be ejected from the chamber.

22 Q. All right, and that's something that
23 you'all document and collect often in this shooting
24 incident?

25 A. That is a photograph on Lightsey

1 Street, it will be marker one, and there's another
2 marker further down.

3 Q. Further on down?

4 A. Yes.

5 Q. Okay. Is marker one a shell casing?

6 A. Yes, sir.

7 Q. How about State's 23?

8 A. That is a picture shot on the opposite
9 side of the road there at marker three.

10 Q. Okay, is that another shell casing?

11 A. Yes, sir.

12 Q. State's 24, a number of the markers?

13 A. Yes.

14 Q. Okay.

15 A. I know markers one through three were
16 placed by Hampton Police Department, and we located
17 two additional shell casings, which are markers four
18 and five.

19 Q. Okay, four here, and five there --

20 A. Yes.

21 Q. -- is that right? Okay. And -- all
22 right, State's 20 -- that was 25, this is 26. Is
23 this from that same scene, or what does this show?

24 A. That is marker one.

25 Q. Is this one of the shell casings that

1 you eventually collected?

2 A. Yes.

3 Q. All right, and you said one, two and
4 three were already marked by Hampton PD when you got
5 there?

6 A. Correct.

7 Q. Okay. That's a zoomed in view,
8 correct?

9 A. Yes.

10 Q. This is 26, is that a little bit closer
11 on -- this is 27 rather, a little bit closer of
12 number two?

13 A. Yes, sir.

14 Q. Okay. You collected marker two as
15 well?

16 A. Yes, sir.

17 Q. All right. 29?

18 A. That is marker three.

19 Q. Okay. And, again, these were the ones
20 that were already marked before you got there?

21 A. Yes, sir.

22 Q. How about 30?

23 A. Of the --

24 Q. Now, we're in the series.

25 A. A closeup photograph of marker number

1 four.

2 Q. And this is where you'all start finding
3 -- how do you find the shell casings?

4 A. We searched the roadway.

5 Q. Just a visual?

6 A. Yes, and --

7 Q. Did you'all find any other shells?

8 A. I don't think we found any additional
9 ones.

10 Q. You got them all with your eyes, and I
11 assume flashlights?

12 A. Yes, sir.

13 Q. Okay. So you did use a metal detector
14 and found these?

15 A. Yes, sir.

16 Q. All right, and onto 31. Is that a
17 closeup of Number 5?

18 A. Correct.

19 Q. Okay. I don't know -- is the marker
20 sitting on -- oh, no, it is, is that right, right in
21 front?

22 A. Yes, sir.

23 Q. 32, I think this is the last one. Is
24 this marker number six?

25 A. Correct.

1 Q. What can you tell us about --

2 A. Down the road I believe near [REDACTED]
3 Lightsey Street.

4 Q. Okay.

5 A. So it wasn't in that initial area,
6 where --

7 Q. I know you'all didn't -- I should ask
8 you, did you measure how far away it was from the
9 rest of them?

10 A. No.

11 Q. But it was -- can you just describe it
12 just briefly?

13 A. I know we had to walk down the road a
14 little bit before we got to that point.

15 Q. Was it that street where there's a stop
16 sign, or that way?

17 A. I don't remember.

18 Q. Okay. All right, now having documented
19 those shell casings outside, did you ever go inside
20 [REDACTED] Lightsey?

21 A. Yes.

22 MR. EVANS: I beg the Court's indulgence.

23 THE COURT: Yes, sir.

24 BY MR. EVANS:

25 Q. Before I start publishing, what did you

1 find when you got inside?

2 A. The victim was lying on the floor just
3 inside the residence.

4 Q. And did --

5 THE COURT: Can I see those photographs,
6 Mr. Evans?

7 MR. EVANS: Yes, sir.

8 THE COURT: Thank you.

9 BY MR. EVANS:

10 Q. Did you document that with photos as
11 well?

12 A. Yes.

13 Q. All right. This will be State's
14 Exhibit 33.

15 A. Yes, sir.

16 Q. All right, and this is inside [REDACTED]
17 Lightsey Street?

18 A. Correct.

19 Q. That's the condition you found him in?

20 A. Yes, sir.

21 THE COURT: Hold on one second.

22 MR. EVANS: Yes, sir.

23 THE COURT: All right, Mr. Bailiff, we're
24 gonna need people to stay in or stay out, okay? If
25 you want to leave, I understand, it's just that we

1 can't have people coming back in while we're going
2 through this, and so whatever you want to do, ma'am.

3 MR. EVANS: And we'll be through with this
4 subject quickly, Judge, and I'm going to --

5 THE COURT: All right.

6 MR. EVANS: -- publish these next two
7 without the ELMO.

8 THE COURT: All right, thank you.

9 BY MR. EVANS:

10 Q. Ms. Hunton, this is State's Exhibit 34,
11 is this another photo of the decedent? This is
12 Exhibit 35, can you describe that for me, please?

13 A. This is when the victim was being
14 placed in a body bag, so you're seeing the front
15 side of him.

16 Q. Oh, as his remains were collected?

17 A. Yes, sir.

18 Q. And this one, 36?

19 A. Up inside the front doorway of [REDACTED]
20 Lightsey Street, where the victim was found. This
21 was after he's been removed from the scene.

22 Q. I see. So you took another photograph
23 after he was taken out?

24 A. Yes, sir.

25 Q. Okay. This is State's 37, and what do

1 we have here?

2 A. I believe these are the bullets on the
3 outside front of the residence of [REDACTED] Lightsey
4 Street.

5 Q. Okay, and you documented these with,
6 the same thing you did on five on State's Exhibit
7 37. Coming back inside on State's 38, what do we
8 have here?

9 A. Bathroom in [REDACTED] Lightsey Street. It's
10 a continuation of the suspecting bullet defects
11 visual of the mobile home into the bathroom. It's
12 just --

13 Q. The opposite side of 37?

14 A. Yes.

15 Q. 37's outside, 38 is inside?

16 A. Yes.

17 Q. All right. Moving onto 39.

18 A. Was like the other -- the opposite
19 wall, so the toilet's in between two walls and
20 coming through.

21 Q. So this defect and this one here it's
22 coming off of this one, right?

23 A. Yes, it was difficult to get it to
24 stick to the wall.

25 Q. But these are, again, the same path?

1 A. Yes.

2 Q. Okay. And State's 40, same path on the
3 other side of that wall?

4 A. Yes, that's the opposite side of the
5 wall.

6 Q. That's the one we just saw as
7 background?

8 A. Correct.

9 Q. Okay. State's 41?

10 A. The wall you just saw where --

11 Q. Where are you taking this photo from?

12 A. Yes, so this is -- shows the bathtub,
13 and you can see the scale tape at the bottom, and in
14 the -- inside the corner of --

15 Q. Same defects?

16 A. -- one of the defects, yes.

17 Q. This is -- the one we see in the tub
18 and the wall behind that, that's the same path --

19 A. Yes.

20 Q. All right. And then -- actually, still
21 on 41, so those defects they went all the way
22 through the home, essentially? Did you find them on
23 the outside?

24 A. Yes.

25 Q. Did you document this scene with

1 anything else, other than photographs?

2 A. We drew a diagram.

3 Q. Okay.

4 MR. EVANS: May I approach, please, Your
5 Honor.

6 THE COURT: Yes, sir.

7 BY MR. EVANS:

8 Q. I'm gonna pass you what's been marked
9 as State's Exhibit 43, is that one of those
10 diagrams?

11 A. Yes, sir.

12 Q. What does that diagram show us?

13 A. This is the inside of [REDACTED] Lightsey
14 Street. You can see the -- where the victim --
15 those two defects were given an indicator. Any
16 bullet hole we scale with the tape that you saw in
17 those photographs, and those are the ones that you
18 see from in front of the residence, continuing
19 through the bathroom of the residence, and the exit
20 in back of the residence.

21 Q. How do you make this diagram? What do
22 you use?

23 A. We have a program called Vizio, it's
24 through Microsoft.

25 Q. Okay.

1 MR. EVANS: Your Honor, the State would move

2 --

3 BY MR. EVANS:

4 Q. Well, I should say, did you make this
5 document?

6 A. I created that, which would be
7 everything I collected. I make my adjustments.

8 Q. Okay. Because you'all work in team
9 always?

10 A. Correct.

11 Q. All right, but you were involved with
12 what they were doing the whole way?

13 A. Yes, sir.

14 Q. Okay. Does it fairly and accurately,
15 not to scale I understand, but otherwise fairly and
16 accurately depict the scene?

17 A. Yes, this is just a rough diagram to
18 kind of visualize --

19 Q. Yeah, okay.

20 A. -- in addition to our photographs.

21 (Court Reporter marks State's Exhibit
22 Number 43, Diagram, as attached hereto.)

23 MR. EVANS: Your Honor, the State would
24 move this diagram into evidence as State's Exhibit
25 43.

1 THE COURT: Any objection.

2 MS. GIBBES: No objection.

3 THE COURT: All right, 43 is admitted
4 without objection.

5 MR. EVANS: Thank you.

6 (State's Exhibit 43 admitted into
7 evidence.)

8 BY MR. EVANS:

9 Q. You'all didn't find any defects, you
10 know, that are to the top side of this; is that
11 correct?

12 A. No, sir.

13 Q. All right, but what is this shell
14 casing?

15 A. The front door up towards the top
16 there, yes.

17 Q. Okay, this is the position of him in
18 those photos that we saw?

19 A. Yes, sir.

20 Q. All right. Are there any other
21 diagrams --

22 A. Yes.

23 Q. -- in this case?

24 A Yes.

25 MR. EVANS: A moment, Your Honor.

1 THE COURT: Yes, sir.

2 BY MR. EVANS:

3 Q. Ms. Hunton, this is, obviously, a
4 little bit bigger, but I'm showing you what's been
5 marked as State's Exhibit 47; is this another one of
6 your diagrams?

7 A. Yes, sir.

8 Q. And what is this one show?

9 A. This one's showing an overall like
10 bird's-eye view of the scene. It shows Lightsey
11 Street, the markers one through five that were
12 marked on the side of the roadway, and it's showing
13 bullet defects that we identified on-the-scene on
14 the scale gun, and also the residences of [REDACTED], [REDACTED]
15 and [REDACTED] Lightsey Street.

16 Q. Okay, and same questions as before, not
17 to scale?

18 A. Correct.

19 Q. And you didn't create it yourself, but
20 I see these are your initials, right?

21 A. Yes.

22 Q. All right.

23 (Court Reporter marks State's Exhibit
24 Number 47, as attached hereto.)

25 MR. EVANS: Your Honor, the State would

1 move this into evidence as State's Exhibit 47.

2 THE COURT: Objection?

3 MS. GIBBES: No objection.

4 THE COURT: All right, 47's admitted
5 without objection.

6 (State's Exhibit 47 was admitted into
7 evidence.)

8 BY MR. EVANS:

9 Q. Ms. Hutton, would you step down and
10 just walk over here so the jury can just see a
11 little bit more? We've already covered a lot of
12 this, but --

13 THE COURT: Counsel, if you need to move,
14 feel free to move about the courtroom.

15 MS. GIBBES: Thank you, Judge.

16 THE COURT: Yes, ma'am.

17 BY MR. EVANS:

18 Q. Please proceed.

19 A. So this is Lightsey Street, the markers
20 one through five, those are the yellow numbered
21 placards that mark the shell casings. Obviously,
22 ■■■, ■■■ and ■■■ Lightsey Street, and these color-
23 coded circles are indicating --

24 Q. A lot more than what we see in the
25 photographs; is that correct?

1 A. Yes, sir.

2 Q. Okay. Did you document all of this?

3 A. Yes, sir.

4 Q. All right. Which one of the ones that
5 we saw in the photos here?

6 A. Also we went to collect the fired
7 bullet out of the bedroom.

8 Q. Is that this?

9 A. Yes, that is --

10 Q. Okay.

11 A. -- what we started with.

12 Q. And all these defects are suspected
13 [REDACTED] and [REDACTED] Lightsey?

14 A. Yes.

15 Q. All right, and you'all don't interview
16 witnesses when you come down to a scene, right?

17 A. No, we do not.

18 Q. Okay. So you're documenting your
19 opinions. So how about these yellow markers here,
20 we have one, two, three, four and five? Can you
21 describe here on the alleged diagram? And those are
22 all the shell casings that we saw in the
23 photographs?

24 A. Yes. Marker six is not pictured in
25 this one, but it was near the [REDACTED] Lightsey Street,

1 it's further down.

2 Q. Right, indicating here that that one
3 is --

4 A. Yes.

5 Q. -- out of -- it's not photo'd in that
6 frame I guess you'd say?

7 A. Yes.

8 Q. Okay. Thank you. So we talked about
9 the actual physical shell casings, or I think you
10 said you collected those?

11 A. Yes, sir.

12 Q. All right. What did you do with them
13 once you collected them?

14 A. Packaged them, and then they get
15 transported back to the SLED Forensic Services
16 Laboratory.

17 Q. Okay.

18 A. We don't do the examination; it gets
19 sent to our Firearms.

20 Q. When you collect them and take them up
21 to SLED in Columbia, how do you do that? What's the
22 procedure?

23 A. I mean --

24 Q. I guess do you seal them up?

25 A. Oh, yes, sir.

1 Q. Okay. You make sure that they can't be
2 tampered with?

3 A. Correct.

4 Q. All right, and did you do that in this
5 case?

6 A. Yes, sir.

7 Q. How about for the projectile that you
8 found in [REDACTED]?

9 A. Same thing, they will get put --

10 Q. Okay.

11 A. -- into those little envelopes that you
12 see there, sealed up and transported back to --

13 Q. Okay.

14 A. -- the laboratory.

15 MR. EVANS: Your Honor, may I approach the
16 witness?

17 THE COURT: Yes, sir.

18 BY MR. EVANS:

19 Q. I'm gonna pass you two of these bags
20 that have been marked as State's 44 and State's 45,
21 can you tell us what these are?

22 A. Shell casings.

23 Q. The same ones that you collected and
24 that we saw in the photographs?

25 A. Yes, sir.

1 Q. How can you tell that?

2 A. Because of my lab number, the item
3 description, date and my initials on the bag.

4 Q. Here?

5 A. Yes.

6 Q. All right.

7 (Court Reporter marks State's Exhibit
8 Number 44, as attached hereto.)

9 MR. EVANS: All right, Your Honor, the
10 State would move this outer bag and its contents
11 into evidence as State's Exhibit 44.

12 THE COURT: Any objection?

13 MR. GIBBES: No objection.

14 THE COURT: All right, 44 admitted without
15 objection.

16 (State's Exhibit 44 admitted into
17 evidence.)

18 MR. EVANS: And I'll do the same, and I'll
19 mark as decimals.

20 BY MR. EVANS:

21 Q. How about State's 45, can you tell what
22 that is?

23 A. This is the projectile that was
24 collected.

25 Q. All right, and the same as what we saw

1 in State's Exhibit -- well, there it is, 20, it's
2 the same one from that bedroom?

3 A. Yes, [REDACTED] Lightsey Street.

4 Q. And same question, how can you tell?
5 Is it indicated with your name and the case number?

6 A. Yes.

7 Q. All right.

8 (Court Reporter marks State's Exhibit
9 Number 45, as attached hereto.)

10 MR. EVANS: Your Honor, the State would
11 move this bag and its contents as State's Exhibit
12 45.

13 THE COURT: All right, moved in without
14 objection.

15 (State's Exhibit 45 admitted into
16 evidence.)

17 MR. EVANS: Beg the Court's indulgence.

18 THE COURT: Yes, sir.

19 MR. EVANS: Nothing further.

20 THE COURT: All right, cross-examination?

21 MS. GIBBES: Thank you, Your Honor.

22 THE COURT: Yes, ma'am.

23 **CROSS-EXAMINATION**

24 BY MS. GIBBES:

25 Q. Good morning, Agent Hunton.

1 A. Good morning.

2 Q. Okay, so basically on January 8th you
3 got a call from Officer Sullivan about this case in
4 Hampton, or did you call him?

5 A. Yeah, they notify our Dispatch, our
6 Dispatch notifies us, and then they give the
7 appointed contact to contact when we get there.

8 Q. About 11 o'clock, it takes you about -
9 so two hours if you're coming from Columbia to get
10 there?

11 A. Yes, ma'am.

12 Q. Okay, so you arrived I have it about
13 1:01 a.m.; does that sound about right?

14 A. Yes, ma'am, it does.

15 Q. Okay. And when you got there -- I mean
16 obviously this was at 1 o'clock in the morning, it
17 was dark out, right?

18 A. Yes, ma'am.

19 Q. And as far as the lighting, I mean from
20 looking at the video it looks like, you know, the --
21 you were using flashlights and there were lights set
22 up. Did you'all set up lighting around the area, or
23 use flashlights, or did Hampton do that?

24 A. I know we used flashlights. I'm not
25 sure if specific lighting was set up or not.

1 Q. Okay. And I know a lot of discussion
2 about so when you get there, there were markers
3 already marked of the shell casings on Lightsey
4 Street, right?

5 A. Yes. Yes.

6 Q. Okay. And, obviously, those are
7 marked, because that's where supposedly the shooting
8 took place. Whoever was shooting, that's where they
9 would fall around that area, right?

10 A. Generally.

11 Q. Generally? Okay. And do you know -- I
12 mean I see this on the diagrams, the distance from
13 where the shooter to Mr. Green, where he fell, the
14 distance.

15 A. So it would be --

16 Q. It's like one, three, four, maybe
17 around that, just those casings on that roadway?

18 A. Yeah, so you'll see with my
19 measurements too, we refer everything to a reference
20 point.

21 Q. And I'm sorry to interrupt you, I
22 noticed reference point two with the telephone pole
23 on Lightsey Street, and then reference point one of
24 the telephone poles near kind of the trailers.

25 A. Yes.

1 Q. Would that be about the approximate --

2 A. Yes.

3 Q. -- distance apart?

4 A. That first reference point with that
5 telephone pole, it was 56.08 feet.

6 Q. Okay, so 56.08 feet. And [REDACTED] it
7 actually looks like -- because that pole is at [REDACTED],
8 it looks like [REDACTED] where Mack Green was found a
9 little farther back, so it might be an estimate of
10 60 feet or so from the roadway?

11 A. Estimated, yeah. Kind of the distance
12 between [REDACTED] and [REDACTED] was 38.43 feet between those two
13 trailers, so that's just the general distance of how
14 far apart the --

15 Q. From looking at the estimate,
16 obviously, these are approximate and not to scale as
17 you know. The shooter could be estimated over 56
18 feet away from [REDACTED] Lightsey Street?

19 A. It could be in any -- that general area
20 with the cartridge casings.

21 Q. And as you noted, number six, farther
22 away, right?

23 A. Yes.

24 Q. Farther down the road?

25 A. Yes, ma'am.

1 Q. Okay. And when you look at these
2 casings, you can't tell exactly when they were fired
3 just by looking at them?

4 A. No, ma'am.

5 Q. Okay. And, obviously, you come to the
6 scene, you're the lead crime scene agent, right?

7 A. Yes.

8 Q. Okay. So you come there to collect the
9 evidence and take pictures, right?

10 A. Yes.

11 Q. Okay, and so you don't interview
12 witnesses, right?

13 A. No.

14 Q. Okay. And with the evidence you
15 collected I know that -- I mean I know you testified
16 that you basically bag them and send it to the SLED
17 crime scene lab?

18 A. Yes.

19 Q. Okay, so you didn't do any actually
20 swabbing or testing for DNA, or fingerprints?

21 A. No, ma'am, they did.

22 Q. Okay.

23 A. But on that assignment, I sent them to
24 the laboratory.

25 Q. You noted that you want to collect all

1 the shell casings, and you mark them to be swabbed
2 and tested for DNA and fingerprints by the lab?

3 A. Yes, they got sent for DNA, like prints
4 and firearms examination.

5 Q. Okay, and you're in charge, so do you
6 know the results of that? Do you follow-up with the
7 investigation?

8 A. I do not.

9 Q. Okay. And there's an Apple iPhone that
10 was collected that owned by Mr. Green; did you
11 collect that?

12 A. Yes, ma'am, that was found near the
13 corner of the front door at [REDACTED] Lightsey Street.

14 Q. Okay. Did that phone get any testing,
15 or did it just get --

16 A. That was collected by the Hampton
17 Police Department.

18 Q. Okay.

19 A. Typically cell phones.

20 Q. Okay, so mostly SLED deals with
21 forensics and photographs?

22 A. Yes.

23 Q. Okay. And you also, I note in your
24 report, I mean you were there all night, and you
25 actually went to the morgue to collect evidence from

1 the body of Mr. Green?

2 A. Yes, ma'am.

3 Q. Okay. And you noted that you did a
4 buccal swab for DNA?

5 A. Yes, ma'am.

6 Q. And fingernail scrapings, right?

7 A. Yes.

8 Q. And you took a print?

9 A. Correct.

10 Q. And you didn't swab his hands for
11 gunshot residue, right?

12 A. No.

13 Q. Okay. And did you -- there were no
14 firearms collected from the scene at all?

15 A. No, ma'am.

16 Q. Okay. And did you'all do a search on
17 the house, or do you just note the scene?

18 A. Yes, we searched the area.

19 Q. You searched the house? Okay. Did you
20 have any more involvement in this case after you
21 left this crime scene?

22 A. No, ma'am.

23 Q. All right, thank you.

24 MS. GIBBES: I have no further questions.

25 THE COURT: Any redirect? Hold on one

1 second.

2 MR. EVANS: Yes, sir.

3 THE COURT: You've got to go to the
4 restroom, sir?

5 THE FOREPERSON: He's got an emergency.

6 THE COURT: All right.

7 MR. EVANS: I have no redirect if that
8 helps.

9 THE COURT: All right. You can stand down;
10 he's got no direct.

11 And so I think we'll just take -- we'll go
12 ahead and take lunch now, all right? So ladies and
13 gentlemen, let's plan to be back at about 1:30.
14 Please don't talk about this case, and we'll
15 continue with testimony at 1:30, okay?

16 (Jury exits the courtroom.)

17 THE COURT: All right, thank you so much.
18 May she be excused?

19 MR. EVANS: Yes, please, sir.

20 THE COURT: Any objection?

21 MS. GIBBES: No objection.

22 THE COURT: All right, great, have a great
23 day, okay?

24 WITNESS: Thank you.

25 THE COURT: Yes, ma'am. All right,

1 ready to call their next witness. Solicitor?

2 MR. EVANS: Than you, Your Honor, the State
3 calls Brad Drawdy.

4

5

6

BRAD DRAWDY

7

*** * ***

8

being first duly sworn, testified as

9

follows:

10

THE COURT: Proceed, Solicitor.

11

MR. EVANS: Thank you, Your Honor.

12

13

DIRECT EXAMINATION

14

BY MR. EVANS:

15

Q. Would you please introduce yourself,

16

and spell your last name for the Court Reporter?

17

A. I'm Bradley Drawdy, I go by Brad, and

18

it's D-R-A-W-D-Y.

19

Q. Where do you work, Mr. Drawdy?

20

A. Hampton Police Department.

21

Q. What's your rant there?

22

A. Lieutenant.

23

Q. And how long have you been at Hampton

24

Police Department?

25

A. Going on -- I believe next week will be

1 16 years.

2 Q. Okay. Did you work in law enforcement
3 before that, or has it all been HP?

4 A. Worked with Orangeburg County, I
5 started 20 years ago, 2003.

6 Q. And that's your hometown, Orangeburg?

7 A. Yes, sir.

8 Q. What do you do as Lieutenant at Hampton
9 PD, what are your general duties?

10 A. So I'm an Administrative Lieutenant. I
11 typically handle the day-to-day operations of the
12 physical office itself, which includes uploading in
13 evidence into evidence.com, you know, financial
14 stuff, ordering stuff for the PD; but also, I handle
15 -- I keep stuff in the Department, so typically I
16 get called out to hand any of the digital evidence,
17 which would be surveillance videos, body-cams,
18 anything like that.

19 Q. And were you working in that capacity
20 on January 9th, 2019?

21 A. Yes, sir, I was.

22 Q. All right, is that -- did you become
23 involved in this case the night before?

24 A. No, I didn't --

25 Q. How did --

1 A. I didn't get involved until the next
2 day after Sergeant Manor at the time took over, and
3 he requested that I collect some video evidence.

4 Q. Okay, what sort of video evidence?

5 A. So where this incident took place, it
6 actually has several stores around there and
7 restaurants, so I actually went to several different
8 ones, in an attempt to see any video of it
9 happening, and I was able to get one video in
10 particular from a restaurant.

11 Q. Okay.

12 A. A camera that faces the back side,
13 faces south, to face Mulberry Street and Lightsey
14 Street.

15 Q. Is that something you do regularly for
16 a shooting, or any kind of incident?

17 A. I do it pretty regularly. I actually
18 know most stores or businesses in the town, they
19 know me, and they know what I'm there for, and they
20 give me, you know, the access to just about every
21 camera system, because I do it pretty frequently.

22 Q. Okay, so you don't even need an
23 employee of the store to help you, you just sort of
24 get the wave in, and go ahead and get those videos?

25 A. Yes, sir.

1 Q. Is that what happened on this occasion?

2 A. So on this being in the restaurant I
3 contacted Miss Cindy, which is the manager of the
4 restaurant, and her system is actually secured by
5 lock and key, so she took me in there and unlocked
6 it, and gave me, you know, gave me the passcode, and
7 I actually am the one that, you know, manipulated
8 the system, and found the video and downloaded it.

9 Q. Okay, you downloaded it, and you
10 eventually provided it to our office?

11 A. Yes, sir.

12 Q. Okay.

13 MR. EVANS: Beg the Court's indulgence.

14 BY MR. EVANS:

15 Q. Lieutenant, I'm gonna ask you to step
16 down real quick before we get to that video.

17 MR. EVANS: I've got a demonstrative
18 exhibit here, I believe with no objection, Judge; is
19 that correct?

20 MS. GIBBES: Yes, no objection, I do not.

21 THE COURT: No objection? Okay.

22 BY MR. EVANS:

23 Q. Lieutenant, what is this?

24 A. Well, this seems to be an ariel view of
25 the incident location and the businesses and the

1 restaurant of the shooting incident that took place.

2 Q. Okay, and what else is marked on here?

3 A. Seems to be the Shell Station, Hampton
4 Restaurant, the Oops Package shop, the Defendant's
5 house or mom's house, and where the actual shooting
6 took place.

7 Q. Okay, and so are these some of the
8 places that you went and looked for videos:

9 A. It sure is.

10 Q. Anywhere else on here that we didn't
11 mark?

12 A. Not that I would have gotten video
13 from, no, sir.

14 Q. Okay. So this Shell Station here
15 that's one of them?

16 A. Yes, sir.

17 Q. And this is Hampton Restaurant you just
18 were talking --

19 A. Yes, sir.

20 Q. -- about already? Okay. All righty.
21 You can take the stand again.

22 MR. EVANS: May I approach, Your Honor?

23 THE COURT: Yes, sir.

24 BY MR. EVANS:

25 Q. Lieutenant, I'm gonna show you a disk,

1 and ask if you can identify that? It's been marked
2 as State's Exhibit 46.

3 A. Yes, sir.

4 Q. Yes, sir?

5 A. This is a disk made by you'all
6 Department -- well, this one actually -- yes, this
7 is one that I downloaded, and you'all I believe
8 edited down, and that I reviewed.

9 Q. Okay, that's the same video you've been
10 talking about?

11 A. Yes, absolutely, yes.

12 Q. From Hampton Restaurant?

13 A. Yes.

14 Q. And you initialed this?

15 A. Yeah, I did.

16 Q. And dated it? And so it's the same one
17 you downloaded in 2019?

18 A. Yes, sir.

19 (Court Reporter marks State's Exhibit
20 Number 46 as attached hereto.)

21 MR. EVANS: Your Honor, the State would
22 move State's 46 at this time.

23 MS. GIBBES: Without objection.

24 THE COURT: All right, State's 46 is
25 admitted without objection.

1 (State's Exhibit 46 admitted into
2 evidence.)

3 MR. EVANS: May I publish that, Your Honor?

4 THE COURT: Yes, sir, you can.

5 MR. EVANS: Thank you.

6 (Video being played for the jury.)

7 BY MR. EVANS:

8 Q. What's that street that shows where the
9 car was turning in at the beginning?

10 A. Where the car turned in? That's
11 Lightsey Street.

12 Q. That's Lightsey Street --

13 A. Yes, sir.

14 Q. -- where the shooting happened?

15 A. Yes, sir.

16 Q. Okay. And did you observe -- how many
17 cars total on that video?

18 A. One, well, and then the police car.

19 Q. Just one normal car and then the police
20 car?

21 A. Yes, sir.

22 Q. Did you see anything else?

23 A. Right around the time that the
24 incident, you know, took place, based off our
25 investigation, we do see a white dot here, and what

1 I believe that to be just based off my experience
2 with cameras and stuff is, those cameras operate off
3 of infrared, and so I believe that to be a muzzle
4 flash with it lighting up in that circle right
5 around that muzzle flash.

6 Q. Okay, and the police car, is that
7 Hampton Police Department arriving on-scene?

8 A. I actually believe that might be
9 Varnville.

10 Q. Okay.

11 A. Because I believe C. J. Clayton got
12 there first, I believe.

13 Q. That's all the questions I have.
14 Please answer any questions the defense might have.

15 THE COURT: All right, cross-examination?

16 MS. GIBBES: Just briefly.

17 THE COURT: Yes, ma'am.

18 **

19 **CROSS-EXAMINATION**

20 BY MR. GIBBES:

21 Q. Lieutenant Drawdy, out of all the
22 videos you downloaded and looked at for this
23 investigation, none of them had Williston Owens on
24 there, correct?

25 A. No, ma'am.

1 Q. Thank you.

2 THE COURT: All right, anything else?

3 MR. EVANS: No, sir, not for this witness.

4 THE COURT: Thank you so much, sir.

5 Call your next witness, sir.

6 MR. EVANS: The State calls Rodrell Doctor.

7 * * *

8 **RODRELL DOCTOR**

9 * * *

10 **being first duly sworn, testified as**
11 **follows:**

12 **DIRECT EXAMINATION**

13 BY MR. EVANS:

14 Q. Would you please identify yourself, and
15 spell your last name?

16 A. Rodrell Malik Doctor, D-O-C-T-O-R.

17 Q. All right. Mr. Doctor, where do you
18 live, sir?

19 A. Right now I live at [REDACTED] Jackson Avenue,
20 West in Hampton County.

21 Q. Where did you live back in 2019?

22 A. A trailer park behind Lightsey Street.

23 Q. Okay, I'm gonna ask you to back up just
24 a little bit, because that microphone is picking up
25 your breathing, and I'm gonna just ask you to scoot

1 back just a touch.

2 A. Okay.

3 Q. And if you could speak nice and loud
4 for me, okay? Can you do that?

5 A. Uh-huh.

6 Q. And I'm also gonna ask you instead of
7 nodding or shaking your head for answers, if you can
8 give a verbal answer, because this nice lady in
9 front of me she's writing down everything you say;
10 is that okay?

11 A. Yes, sir.

12 Q. All right.

13 Mr. Doctor, you lived in 2019 at the
14 trailer park on Lightsey Street?

15 A. Yes, sir.

16 Q. At which address, which number?

17 A. [REDACTED].

18 Q. [REDACTED] or [REDACTED]?

19 A. [REDACTED], I can't remember.

20 Q. Okay.

21 A. It's been a while.

22 Q. Is it the third one back?

23 A. Yeah.

24 Q. All right. Do you know -- did you know
25 Mack Green?

1 A. He was my cousin.

2 Q. He was your cousin? How about Donovan
3 Riley?

4 A. He's my cousin too.

5 Q. Also a cousin? Okay.

6 Do you remember January 8th, 2019?

7 A. Yes, sir.

8 Q. Can you tell us about that night?

9 A. When they first fired a shot?

10 Q. Yes, sir, the night --

11 A. I got to my door --

12 Q. Let's slow down, let's slow down.

13 Where were you on January the 8th, 2019?

14 A. I was in my bed asleep.

15 Q. In your bed asleep at [REDACTED] Lightsey
16 Street?

17 A. Yes, sir.

18 Q. Who else was there?

19 A. My kids.

20 Q. What are their names and ages back
21 then?

22 A. My oldest child is Shania James, my
23 little one, Javante James, the other one is James,
24 and --

25 Q. Okay, is your baby -- was she born

1 since 2019, or was she --

2 A. She was six-years-old when it happened.

3 Q. I see, okay. And how about the other
4 ages?

5 A. They were six and nine.

6 Q. Okay, so the five of you'all were all
7 in the house?

8 A. Yes, sir.

9 Q. And you were asleep, do you know if
10 they were asleep or not?

11 A. They were asleep.

12 Q. They were all asleep? What about time
13 -- I mean you already said you heard shots; what
14 time was that?

15 A. Around about 10:30.

16 Q. 10:30 in the evening?

17 A. Yes.

18 Q. And you started to hear those shots
19 yourself?

20 A. Yes, sir.

21 Q. Could you tell where they were coming
22 from, or where they were going?

23 A. No, sir.

24 Q. Did any of them hit the house?

25 A. One of them did.

1 Q. How do you know that?

2 A. Because one came and went to my son's
3 room.

4 Q. Okay, did you actually check that out
5 and see it with your own eyes?

6 A. Yes, sir.

7 MR. EVANS: May I approach the witness,
8 your Honor?

9 THE COURT: Yes, sir.

10 BY MR. EBANS:

11 Q. Mr. Doctor, I'm gonna ask you what has
12 been previously entered into evidence as State's
13 Exhibit 19 and 20, those are your son's room?

14 A. Yes, sir.

15 Q. In both of these photos?

16 A. Yes, sir.

17 Q. Okay. Is that the bullet that you saw?

18 A. Yes, sir.

19 Q. What'd you do after you heard all this
20 shooting?

21 A. By the time I got to my front door - my
22 little cousin was just now telling me that he got
23 shot.

24 Q. Who is -- Eliza's your little cousin?

25 A. Yes, sir.

1 Q. Okay. How is he related to everybody
2 else that we've talked about?

3 A. Mack Green's son.

4 Q. So he's Mack Green's son?

5 A. Yes, sir.

6 Q. Where did Mack live?

7 A. In front of me.

8 Q. Would that be [REDACTED] Lightsey?

9 A. Yes, sir.

10 Q. Okay. And you learned that he had been
11 shot?

12 A. Yes, sir.

13 Q. Did you go and look at that? Check
14 that out with your own eyes?

15 A. I did.

16 Q. Did you see him?

17 A. Yes, sir. When I got in the house, he
18 was on the floor laying facedown.

19 Q. Could you tell if he was still alive?

20 A. No, sir.

21 Q. Without telling me the specific things
22 they said, how were your kids reacting to all this?

23 A. Traumatized.

24 Q. They were scared?

25 A. Yes, sir.

1 Q. Were you scared?

2 A. No, sir.

3 Q. Okay, do you know about how long?

4 A. Probably about ten, 15 minutes.

5 Q. Okay. Have you ever heard gunfire in
6 that area before?

7 A. No, sir.

8 Q. This was the first time you'd
9 experienced it at that home?

10 A. Yes, sir.

11 Q. Do you know who's responsible for this?

12 A. No, sir.

13 Q. And you never saw anybody firing?

14 A. No, sir.

15 Q. You were in your room the whole time?

16 A. Yes, sir.

17 Q. At least until, you know, you came out
18 and started to assess what happened; is that fair to
19 say?

20 A. Yes, sir.

21 MR. EVANS: Court's indulgence.

22 THE COURT: All right.

23 BY MR. EVANS:

24 Q. Answer any questions the defense may
25 have.

1 THE COURT: Cross-examine?

2 MS. GIBBES: No questions for this witness.

3 THE COURT: All right.

4 MR. EVANS: Thank you, Mr. Doctor.

5 THE COURT: Thank you, sir.

6 Is he here pursuant to a subpoena?

7 MR. EVANS: Yes, sir, but he's --

8 THE COURT: Can he be released?

9 MR. EVANS: -- released as far as I'm
10 concerned, yes.

11 THE COURT: All right, you can be released,
12 sir. Have a great day, sir, okay?

13 MR. EVANS: He's a victim, so he can --

14 THE COURT: Oh, and if you want to stay
15 here --

16 MR. EVANS: -- stay, if he likes.

17 THE COURT: -- whatever you want to do.
18 You can stay here or go, whatever you want to do,
19 Mr. Doctor. Thank you, sir.

20 WITNESS: All right.

21 MR. EVANS: Jeantaviene Dobson.

22 * * *

23 JEANTAVIENE DOBSON

24 * * *

25 being first duly sworn, testified as

286

1 A. Yes, sir.

2 Q. Okay. When did you move to Columbia?

3 A. Two years ago.

4 Q. And what do you do up there?

5 A. Wash cars, move, work --

6 Q. Odd jobs?

7 A. - yes.

8 Q. Odd jobs here and there?

9 A. Yeah.

10 Q. Okay. Were you living in Hampton in

11 2019?

12 A. Yes, sir.

13 Q. Okay, is this your hometown?

14 A. Brunson is.

15 Q. Brunson, Hampton County?

16 A. Yes, sir.

17 Q. Okay. Do you know Williston Owens?

18 A. Yes, sir.

19 Q. Is he in the courtroom today?

20 A. Yes, sir.

21 Q. Can you identify him by something he's

22 wearing?

23 A. Green hair.

24 Q. Okay.

25 MR. EVANS: May the record reflect he's

1 identified the Defendant, Judge?

2 THE COURT: All right, so reflected.

3 BY MR. EVANS:

4 Q. How long have you known Williston?

5 A. All my life.

6 Q. All your life, and how old are you,

7 if --

8 A. 26.

9 Q. -- you don't mind -- you're 26 now?

10 Let me cut to the chase a little bit, do you know
11 who shot Mack Green?

12 A. No, sir.

13 Q. You've no direct knowledge of --

14 A. No, sir.

15 Q. Okay. But did you see Williston Owens
16 on the night of January 8th, 2019?

17 A. Yes, sir.

18 Q. Okay, we're gonna talk about that; is
19 that all right? Remember to give a verbal answer.

20 A. Yes, sir.

21 Q. All right. I know it's tricky because
22 we nod a lot.

23 A. Yeah.

24 Q. You saw Mr. Owens, who you've known
25 your whole life?

1 A. Yes, sir.

2 Q. Can you tell us about how that evening
3 started?

4 A. I don't know. I didn't know he was at
5 the house when I went to the door.

6 Q. Okay, when you say the house, what do
7 you mean?

8 A. My sister's house.

9 Q. Your sister's house, where is that?

10 A. Hampton.

11 Q. Okay, Hampton in Hampton County. And
12 you saw him there?

13 Were you hanging out there and he arrived,
14 or how did that work?

15 A. No, Will was already there.

16 Q. Will was already there? Okay, and when
17 you arrived?

18 A. Yes, sir.

19 Q. All right, and what did you'all do?

20 A. We were just chillin'.

21 Q. Chillin'? Drinking?

22 A. No, we don't -- I don't drink.

23 Q. You don't drink ever?

24 A. No.

25 Q. All right. Anybody smoking any pot?

1 A. Yeah, I smoke weed.
2 Q. Okay, were you that evening?
3 A. What do you mean?
4 Q. Were you smoking any marijuana that
5 evening?
6 A. Yes, sir.
7 Q. Okay, did it affect your memory at all
8 about that night?
9 A. No.
10 Q. Okay. Who else was there, or who else
11 did you run into that night?
12 A. What do you mean?
13 Q. Did you see Treyvon Williams that
14 night?
15 A. Yes, sir.
16 Q. Did you see Tori Delesline that night?
17 A. Yes, sir.
18 Q. Okay. Did you'all ever leave your --
19 A. Yes, sir.
20 Q. -- sister's house?
21 A. Yes, sir.
22 Q. How did you leave and who is everybody?
23 A. We left it in the truck.
24 Q. Whose truck?
25 A. Treyvon's truck.

1 Q. Okay. And why were you'all leaving
2 your sister's house?

3 A. To go to the store.

4 Q. Okay, what do you mean by the store?
5 Where is that?

6 A. The Shell Station.

7 Q. All right, why were you going to the
8 Shell Station?

9 A. To get something to drink. All of us
10 were going there. I got a cigar.

11 Q. Okay. Were you'all heading anywhere?
12 Were you heading back to your sister's house, or to
13 Treyvon's house, or where were you going after that?

14 A. Back to my sister's house.

15 Q. That was the plan?

16 A. Yes, sir.

17 Q. Okay, who was in the car when you went
18 to the Shell Station?

19 A. Me, Treyvon and Tori.

20 Q. Anybody else?

21 A. No.

22 Q. Willis wasn't in the --

23 A. Oh, yes, sir, and Willis.

24 Q. Okay, so there's four people in the
25 truck?

1 A. Yes.

2 Q. You should describe what the vehicle
3 is, I was just guessing. What kind of car was it?

4 A. I don't know, but -- I -- I don't --
5 it's Yukon or a GMC.

6 Q. An SUV of some kind?

7 A. Yeah.

8 Q. Okay, and, again --

9 A. He don't have it no more.

10 Q. I'm sorry?

11 A. He don't have it no more. He don't
12 have it no more.

13 Q. That's fine, but it was -- it's an SUV
14 owned by Treyvon?

15 A. Yeah. Yes, sir.

16 Q. Okay, and he's your cousin?

17 A. He's my nephew.

18 Q. Nephew?

19 A. Yes, sir.

20 Q. Okay. Well you'all are about the same
21 age, right?

22 A. Marriage.

23 Q. Oh, yeah, all right. Okay, so you'all
24 were riding in Treyvon's SUV?

25 A. Yes, sir.

1 Q. Is he driving -- is Treyvon driving?

2 A. Right now?

3 Q. At that -- was Treyvon driving?

4 A. Yes, sir.

5 Q. Okay, where were you sitting?

6 A. I want to say the backseat behind the
7 driver, I don't know.

8 Q. Okay, do you remember where Mr. Owens
9 was sitting, or where Mr. Delesline was sitting?

10 A. No.

11 Q. Okay, and you went to the Shell
12 Station?

13 A. Yes, sir.

14 Q. And did you get -- I think you said you
15 got out to get a snack or something?

16 A. I got out. I want to say I got out.

17 Q. All right, and you went inside and
18 shopped, is that --

19 A. Yes, sir.

20 Q. Okay. Do you remember what you bought?

21 A. Nah, I don't remember.

22 Q. Okay. What did you do after you
23 shopped at the Shell Station?

24 A. We was going back to the house. Going
25 back to the house.

1 Q. Okay. Which route did you take if you
2 remember?

3 A. The dirt road across from the --

4 Q. Do you know the name of that street?

5 A. No.

6 Q. Okay. What does it go by?

7 A. I don't know. It's a dirt road.

8 Q. Okay, where is the dirt road at?

9 A. Right across from Scraps', I want to
10 say Scraps.

11 Q. Well, who's Scrap? A nickname, right?

12 A. Yeah. Mack.

13 Q. Mack?

14 A. Yeah, that's his name, right? Mack.

15 Q. Mack Green?

16 A. Yeah.

17 Q. Okay, so Scrap is Mack Green?

18 A. Yeah.

19 Q. Where did he live?

20 A. In the trailer park.

21 Q. Does the dirt road go by the trailer
22 park?

23 A. No.

24 Q. No?

25 A. No.

1 Q. Okay. Any landmarks at the end of the
2 dirt road?

3 A. I don't know that. What do you mean by
4 that?

5 Q. Is there a building with a Coke logo
6 anywhere in this town?

7 A. Yes, sir.

8 Q. Okay, is that where the dirt road is?

9 A. The dirt road is straight across from
10 that.

11 Q. Okay, so before you get to the dirt
12 road, which way did you leave the Shell Station?
13 Did you go down Lightsey Street past the trailer
14 park?

15 A. Yes. Yes, sir.

16 Q. Okay, and where does Lightsey Street
17 end?

18 A. Lightsey Street, where the park at?

19 Q. Well, let me ask you, did Williston
20 stay in the vehicle the whole time?

21 A. No.

22 Q. Okay. Tell us about when he got out.

23 A. He just got out and started walking. I
24 don't know when he started walking, I just know he
25 got out. I didn't pay attention to where he walked

1 at.

2 Q. Sure.

3 A. He --

4 Q. So did you --

5 A. But if I did, I don't remember it.

6 Q. Okay. Did you think anything unusual
7 was up?

8 A. Nah.

9 Q. This just seemed normal to you for him
10 to get out of the car?

11 A. Right, yes, sir.

12 Q. Okay, did Mr. Delesline get --

13 A. Well, it wasn't nighttime. It wasn't
14 nighttime.

15 Q. It wasn't nighttime?

16 A. No, sir.

17 Q. Are you sure?

18 A. Yes, sir.

19 Q. Okay. When Owens exited the car, the
20 SUV, you didn't see where he went?

21 A. Nah.

22 Q. Okay, did you hear anything?

23 A. No, sir.

24 Q. What did you and Mr. Williams do after
25 your sister's house? Without saying what anybody

1 said, what did you learn after you got back to your
2 sister's house?

3 A. I heard -- you know, we heard sirens.

4 Q. You heard sirens?

5 A. Yeah.

6 Q. Okay. Did you hear any gunshots?

7 A. No.

8 Q. How far is your sister's house from
9 Lightsey Street?

10 A. I want to say Lightsey -- where is
11 that?

12 Q. Okay, you want to take a look at this
13 map?

14 A. No.

15 Q. No? I'm gonna ask you to anyway.

16 THE COURT: Well, come on down. Have you
17 got a map?

18 MR. EVANS: Yes, sir.

19 THE COURT: Walk right around there and
20 look at the map, sir, okay?

21 WITNESS: Okay.

22 THE COURT: Thank you.

23 BY MR. EVANS:

24 Q. All right, Mr. Dobson, first of all --
25 well, no, that's okay. Do you recognize this?

1 Stand back a little bit so the jury can see. Do you
2 recognize this map?

3 A. Yes.

4 Q. So this is the route you took?

5 A. Yeah. Yeah.

6 Q. That looks familiar now?

7 A. Yeah.

8 Q. Okay. So does that help when we're
9 talking about the places you'all went? You can go
10 back to the stand.

11 A. I'm trying to see what it says.

12 Q. Well, it's not labeled, and I'm not
13 allowed to testify to, but do you recognize this
14 area as --

15 A. Yeah, I --

16 Q. -- the road you took?

17 A. Yes, sir.

18 Q. Okay. I should have asked this at the
19 beginning, do you have a nickname, sir?

20 A. Chabbi.

21 Q. Chabbi, that's what everybody calls you
22 pretty much? All right, so you heard the sirens --

23 A. Yes, sir.

24 Q. -- coming from that area where Mr.
25 Green was?

1 A. Yes, sir.

2 Q. Okay. From the trailer park?

3 A. Yeah.

4 Q. You heard the sirens coming from the
5 trailer park?

6 A. I don't know where they were coming
7 from, I just heard them.

8 Q. I believe those are all the questions I
9 have. Please answer any questions the defense may
10 have.

11 THE COURT: All right, cross-examine?

12 MS. GIBBES: Thank you, may it please the
13 Court --

14 THE COURT: Yes, ma'am.

15 MS. GIBBES: -- briefly.

16 **

17 **CROSS-EXAMINATION**

18 BY MS. GIBBES:

19 Q. How are you, Chabbie?

20 A. How you doing?

21 Q. Hey, good. Just very briefly, I know
22 you just testified you didn't hear any gunshot?

23 A. No.

24 Q. Nothing abnormal was going on while
25 you'all are in the car?

1 A. Nah.

2 Q. The one thing I didn't hear you
3 mention, which you had mentioned before in your
4 interview is, Tori actually got out of the car too,
5 right?

6 A. Yes.

7 Q. Okay, and you and Treyvon -- I know
8 you'all are family. Did you'all live together back
9 then?

10 A. Yes, ma'am.

11 Q. Okay, do you still live together?

12 A. No, ma'am.

13 Q. Oh, you don't anymore? And you don't
14 know anything about who shot Mack Green?

15 A. No.

16 Q. Thank you.

17 MS. GIBBES: I have no further questions,
18 Your Honor.

19 THE COURT: Any redirect?

20 **

21 **REDIRECT EXAMINATION**

22 BY MR. EVANS:

23 Q. Mr. Owens was in the car as you're
24 driving down the road past the trailer park; is that
25 right?

1 A. Yes, sir.

2 Q. That's before he got out?

3 A. Yes, sir.

4 Q. All right.

5 MR. EVANS: That's all I have.

6 THE COURT: Anything else, Ms. Gibbes?

7 MS. GIBBES: No, Your Honor.

8 THE COURT: All right, thank you. May he
9 be excused?

10 MR. EVANS: Yes, sir.

11 THE COURT: All right, thank you, sir.
12 Have a great day.

13 WITNESS: All right, you too, thank you.

14 THE COURT: The State calls Treyvon
15 Williams.

16 * * *

17 **TREYVON WILLIAMS**

18 * * *

19 **being first duly sworn, testified as**
20 **follows:**

21 THE COURT: Your witness, sir.

22 MR. EVANS: Thank you, Your Honor.

23 **DIRECT EXAMINATION**

24 BY MR. EVANS:

25 Q. Would you please identify yourself, and

1 spell your last name for the Court Reporter?

2 A. Treyvon Williams, W-I-L-L-I-A-M-S.

3 Q. Tell us where you live, sir.

4 A. In Hampton.

5 Q. Hampton City, Hampton County?

6 A. Uh-huh.

7 Q. Okay, you've lived here your whole
8 life?

9 A. Yeah.

10 Q. Do you know Williston Owens?

11 A. He's my cousin.

12 Q. That's your cousin? And I saw you
13 looking over there, is that --

14 A. Yeah.

15 Q. -- him at the defense table?

16 A. Yeah.

17 Q. Between the two lawyers?

18 A. Yes.

19 MR. EVANS: Your Honor, may the record
20 reflect he's identified the Defendant.

21 THE COURT: He has, yes, sir.

22 BY MR. EVANS:

23 Q. Treyvon, do you know who shot Mack
24 Green?

25 A. No.

1 Q. Okay. But do you remember the night
2 that it happened?

3 A. Yeah, I remember.

4 Q. All right, that's what we're gonna talk
5 about, okay? Do you know Jeantaviene Dobson,
6 Chabbi?

7 A. Uncle-in-law.

8 COURT: What? I'm sorry.

9 BY WITNESS:

10 A. Uncle-in-law.

11 Q. He's your uncle-in-law? All right.
12 And so you've known him your whole life?

13 A. Yeah.

14 Q. How long have you known the Defendant?

15 A. My whole life.

16 Q. Yeah.

17 A. For my whole life.

18 Q. Because you're cousins, right? Distant
19 cousins?

20 A. Yeah.

21 Q. How about Reivyn Delesline, how long
22 have you known him?

23 A. Who, Tori?

24 Q. Tori.

25 A. Cousin.

1 Q. And that's what he goes by, Tori?

2 A. Uh-huh, yes.

3 Q. All right.

4 A. Uh, yes, sir.

5 Q. Yeah, please use yes or no --

6 A. Yeah.

7 Q. -- not uh-huh or uh-uh, because --

8 A. Yeah.

9 Q. -- that's hard for her. Okay?

10 A. It got you.

11 Q. All right. Reivyn goes by Tori?

12 A. Yes.

13 Q. That's sort of like his middle name?

14 Well, let's say it's his name.

15 A. Yeah.

16 Q. All right. Did you see all three of

17 them on January 8th, 2019?

18 A. Yes, sir.

19 Q. Can you tell us about that evening?

20 A. All right. Woke up that morning, took

21 my girl to get her hair done, then I dropped off to

22 my cousin's house to get her hair done.

23 THE COURT: All right, you need to speak up

24 a little louder, and a little slower. Something

25 about -- back up right there, sir.

1 BY WITNESS:

2 A. I took my little sister to my cousin's
3 house in Beaufort to get her hair done.

4 Q. All right.

5 A. I took Chabbi to his dad's house --

6 COURT REPORTER: Say it again.

7 BY WITNESS:

8 A. I took Chabbi to his dad's house. And
9 I went to my girlfriend's house in Bluffton for her
10 birthday.

11 Q. Okay, your girlfriend lives in
12 Bluffton?

13 A. Uh-huh.

14 Q. Is she still there?

15 THE COURT: Yes?

16 BY WITNESS:

17 A. Yes, sir.

18 BY MR. EVANS:

19 Q. Remember to use yes and no, please.

20 A. Yes, sir.

21 Q. All right.

22 A. Me and my --

23 Q. Did you take your girlfriend anywhere
24 that day?

25 A. Yeah, yeah.

1 Q. Where did you take her?

2 A. Me and my girlfriend and our family
3 took a ride to Savannah, ate there, returned back to
4 my girlfriend's house in Bluffton.

5 I hung out with her and a couple of her
6 friends all that day. Left my girlfriend's house at
7 nightfall, then I went to my grandmother's house in
8 Edisto.

9 Q. Okay.

10 A. Played a game with my little brothers
11 and --

12 Q. Okay.

13 A. -- cousins for like a hour or two, and
14 then I went home.

15 Q. Okay.

16 A. I got home, Chabbi, took the people to
17 the store, and I went by my cousin, Trey's house to
18 get his phone.

19 Q. Okay, let's pause there.

20 A. Yeah.

21 Q. Chabbi is Jeantaviene Dobson?

22 A. Uh-huh.

23 Q. Your uncle-in-law?

24 A. Yes. Yes, sir. Yes, sir.

25 Q. Okay.

1 THE COURT: You're fine, go ahead.

2 BY MR. EVANS:

3 Q. Everybody does it in every trial, okay?

4 A. Yeah.

5 Q. So just try to remember yes or no.

6 Your Uncle Jeantaviene Dobson, Chabbi --

7 A. Yes, sir.

8 Q. You say he told you to take him to the
9 store?

10 A. Take him to the store and --

11 Q. What's the store?

12 A. The Shell.

13 Q. Okay. The Shell Station sort of near
14 the McDonald's and a couple other gas stations?

15 A. Yes, sir.

16 Q. All right, and that's in Hampton,
17 Hampton County?

18 A. Yeah.

19 Q. Okay. And did you take him to the
20 store?

21 A. Yes.

22 Q. Was anybody else in your vehicle at
23 that time?

24 A. Yes.

25 Q. Who else was in your -- well, first,

1 let's go back to your vehicle, what kind of car?

2 A. It's a black Jeep.

3 Q. Okay, so it's a Jeep you said?

4 A. Yes, sir.

5 Q. All right, an SUV. Who else was in the
6 vehicle?

7 A. Me, Chabbi, Tori and Trey.

8 Q. And Chabbi, again, is your uncle?

9 A. Uh-huh.

10 Q. Tori is --

11 A. Cousin.

12 Q. -- Reivyn Delesline --

13 A. Yes, sir.

14 Q. -- right? And Will is the Defendant?

15 A. Yes, sir..

16 Q. When did you encounter Tori and Willis?

17 A. They had came to my house. As soon as
18 I got out of my car they had just pulled up.

19 Q. Okay.

20 A. As we started getting in the car they
21 asked where we were going, told her was going to the
22 store, and they'd like to get a ride.

23 Q. They'd like to get a ride with you?

24 A. Yeah, I guess so.

25 Q. Okay. And did you take your uncle and

1 the Defendant and Tori to the Shell Station?

2 A. Yeah, we went to my cousin's house
3 first.

4 Q. Okay, where about is that?

5 A. By Wade Hampton.

6 Q. Okay, and then is that the last stop
7 before you went to the store?

8 A. Uh-huh. Yes, sir.

9 Q. Okay. When you got to the store, did
10 anybody get out and shop?

11 A. Yeah, Chabbi.

12 Q. Just Chabbi and your uncle?

13 A. Yeah, I think Tori did too, I think.

14 Q. How long were you there for?

15 A. I don't know.

16 Q. Not -- I mean an hour, all night, or --

17 A. For --

18 Q. -- a minute?

19 A. Where at?

20 Q. At the Shell Station.

21 A. Oh, not that long.

22 Q. Okay, just long enough to run inside
23 and buy something?

24 A. Yes, sir.

25 Q. Where did you go after that?

1 A. Well, I was on the way home. On the
2 way home Tori and Will got in the car.

3 Q. Okay. Remember last week I showed you
4 this map?

5 A. Yeah.

6 Q. Do you remember I said I was gonna ask
7 you to step down and use it? Do you mind doing that
8 now?

9 A. Sure.

10 THE COURT: Go ahead right now.

11 BY MR. EVANS:

12 Q. Right here, sir, I'm gonna pull it up.

13 THE COURT: Go around there, yes, sir,
14 thank you.

15 BY MR. EVANS:

16 Q. All right, so let's stand off to the
17 side a little bit, so the jury can see too.

18 A. Yes.

19 Q. Can you point out where you went on
20 that night in your car?

21 A. (Indicating).

22 Q. Okay. That's the route you took from
23 the Shell Station?

24 A. Yes, sir.

25 Q. Okay. Now, when you're going down this

1 street -- do you know the name of that street?

2 A. No.

3 Q. Okay, but do you know what's there?

4 A. Yes.

5 Q. What's there?

6 A. My cousin's.

7 Q. Who's your cousin?

8 A. Kenny.

9 Q. Okay.

10 COURT REPORTER: I'm sorry, say it again?

11 BY WITNESS:

12 A. Kenny.

13 Q. All right, so you're going down this
14 street, is there a trailer park there?

15 A. Yes.

16 Q. Okay, and you passed that?

17 A. Uh-huh.

18 Q. And Williston Owens was he in the car
19 or out of the car?

20 A. No, he was in the car.

21 Q. All right. What's up here?

22 A. I don't know.

23 Q. Okay. How about this, what do you'all
24 call that?

25 A. It's a Coca-Cola building.

1 Q. A Coca-Cola building? All right. When
2 you got up -- did you get up to that stop sign that
3 you just pointed out?

4 A. Yes, sir.

5 Q. Thank you. When you got there, what
6 happened?

7 A. They must have already had the doors
8 open when he got in the car.

9 Q. Say that again? Slow down a little for
10 me.

11 A. Yes.

12 Q. It's okay, it's okay, you're doing
13 good.

14 A. They must have already had the doors
15 open --

16 Q. When you say they, who do you mean?

17 A. Tori and Will.

18 Q. Tori and Will had their doors open?

19 A. Must have.

20 Q. Must have been?

21 A. Getting out of the car.

22 Q. They were already getting out by the
23 time you got to the stop sign?

24 A. Yes.

25 Q. Okay.

1 THE COURT: Yes?

2 WITNESS: Yes, sir.

3 THE COURT: All right, thank you.

4 BY MR. EVANS:

5 Q. Did you ask them where they were going?

6 A. Yes, sir.

7 Q. Did you think this was unusual?

8 A. Yes, sir.

9 Q. Was this at daytime or nighttime?

10 A. Nighttime.

11 Q. All right. So could you see where they
12 were going?

13 A. No, sir.

14 Q. All right, did you ask them where they
15 were going?

16 A. No, sir.

17 Q. Did you leave the stop sign?

18 A. Yes, sir.

19 Q. About how long after they got out did
20 you drive on?

21 A. As soon as they got out of the car I
22 drove off.

23 Q. Okay. Did you see or hear anything
24 after that?

25 A. I heard gunshots.

1 Q. Right after you crossed those tracks?

2 A. Yes.

3 Q. You can go back to the stand, thank
4 you. About how many gunshots did you hear?

5 A. I don't remember.

6 Q. Okay. Do you recall meeting with me
7 last week?

8 A. Yes.

9 Q. You told me seven or eight?

10 A. I saw that from the video you showed
11 me, yeah.

12 Q. Yeah.

13 A. But I don't remember.

14 Q. Okay, so you spoke to the police --

15 A. Yes.

16 Q. -- about this eventually, right?

17 A. Yes.

18 Q. When did you speak to the police about
19 this?

20 A. I guess two days after it happened.

21 Q. Okay. And what did you tell them?

22 A. The same thing I'm telling you guys
23 now.

24 Q. Okay. So you didn't see anybody fire
25 upon Mack Green?

1 A. No, sir.

2 Q. But you drove Williston Owens past his
3 house?

4 A. Yes, sir.

5 Q. And you heard gunshots shortly after he
6 got out?

7 A. Yes, sir.

8 Q. About how long -- are you able to
9 estimate?

10 A. I'm not sure, but I guess 20, 25
11 seconds, yes.

12 Q. Without saying anything anybody said --

13 A. Yeah.

14 Q. -- when did you learn that Mack was
15 dead?

16 A. When me and Chabbie got home my
17 stepmother she was just crying and fussing at me,
18 and she was telling me, "That somebody killed Scrap,
19 and they're saying that me and Chabbie did it."

20 Q. Scrap is Mack Green?

21 A. Yes, sir.

22 Q. Did you kill Mack Green?

23 A. No, sir.

24 Q. Did Chabbie kill Mack Green?

25 A. No, sir.

1 Q. Is he with you since that stop sign?

2 A. Yes, sir.

3 MR. EVANS: Beg the Court's indulgence.

4 BY MR. EVANS:

5 Q. Did you talk to Chabbie or Tori --

6 A. That day?

7 Q. -- or Will about what happened ever?

8 A. Nah.

9 Q. Did you get together and plan the
10 stories to the police?

11 A. No, sir.

12 Q. Did you ever tell the police that Will
13 did this?

14 A. No, sir.

15 Q. Did you plan your testimony for today
16 with any of those guys?

17 A. Can you say that again?

18 Q. Did you ever get together and plan your
19 testimony for this trial with --

20 A. No, sir.

21 Q. -- Chabbie or with Tori?

22 A. No, sir.

23 Q. Okay. Are you telling the truth here
24 today?

25 A. Yes, sir.

1 Q. When you drove by the trailer park, did
2 you notice anything unusual?

3 A. Not really.

4 Q. This is before Mr. Owens got out of the
5 truck, right?

6 A. Jeep.

7 Q. The Jeep? Okay, sorry, I phrased my
8 question badly.

9 When you and the other three guys were
10 riding past the trailer park, did you see anything
11 unusual?

12 A. I don't think I was looking for
13 anything.

14 Q. That's fair. Did you hear anything
15 unusual or scary or threatening?

16 A. No, sir.

17 Q. All right. Mr. Williams, those are all
18 the questions that I have. Please answer any
19 questions the defense may have.

20 THE COURT: All right, cross-examine?

21 MS. GIBBES: Thank you, may it please the
22 Court?

23 THE COURT: Yes, ma'am.

24 MS. GIBBES: Just briefly.

25

**

CROSS-EXAMINATION

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

BY MS. GIBBES:

Q. How are you, Treyvon?

A. Good, how you doing?

Q. Good. I'm Courtney Gibbes, I represent Williston. Just a couple questions.

So at the time this happened you and Chabbie lived together?

A. Yes, ma'am.

Q. Okay, and that day you said that -- did Will and Tori drive over to your house?

A. They got dropped off.

Q. They got dropped off? Do you know by who?

A. No, ma'am.

Q. Okay. And so you're saying -- so today you're saying that night Will and Tori got out at the stop sign?

A. Yes, ma'am.

Q. Okay, good. But prior to that there was no discussion about anything, or --

A. Not that I know of.

Q. Okay. You didn't see anybody with any guns that night?

A. No, ma'am.

1 Q. And do you remember when you first
2 talked to the police a little bit? You spoke to --

3 A. A little --

4 Q. -- Officer Manor?

5 A. A little bit.

6 Q. And you said a couple different things,
7 I just want to point out, well, first you said like
8 you heard seven gunshots, right?

9 A. I don't remember, but --

10 Q. About --

11 A. -- in the video it showed me, yeah.

12 Q. Okay, and by listening to it, you're
13 not able to tell if it's more than one gun or not --

14 A. No.

15 Q. -- you just heard the gunshots, right?

16 A. That's right.

17 Q. And when you first went to the police
18 you actually -- you didn't say anything about Will
19 and Tory; do you remember that?

20 A. Yes, ma'am.

21 Q. Okay. And then -- I mean you basically
22 said nobody was in the car with you --

23 A. Yeah.

24 Q. -- and then you finally said Will and
25 Tori was in the backseat; do you remember saying

1 that?

2 A. Yes, ma'am.

3 Q. Okay. And then for a minute you were
4 basically saying Tori never got out of the car?

5 A. Yes, ma'am.

6 Q. So you were protecting him since he was
7 your family?

8 A. Yes, ma'am.

9 Q. Okay, and you did finally tell the
10 truth that Tori did --

11 A. Yes, ma'am.

12 Q. -- get out of the car? But like you
13 said, you never saw anybody with a gun, and you
14 don't know who shot Mack Green?

15 A. Yes, ma'am.

16 Q. All right.

17 MS. GIBBES: Beg the Court's indulgence.

18 THE COURT: Sure.

19 BY MS. GIBBES:

20 Q. Do you remember, just briefly, I know
21 you said that Will and Tori got dropped off, do you
22 remember when you told police that they actually
23 pulled up in cars?

24 A. I don't remember saying that.

25 Q. You don't remember saying that?

1 A. No

2 Q. You don't remember saying that the car
3 left there when they got in the car with you?

4 A. No, ma'am.

5 Q. All right.

6 MS. GIBBES: I have no further questions.

7 THE COURT: Anything else?

8 MR. EVANS: Briefly, Your Honor.

9 **

10 **REDIRECT EXAMINATION**

11 BY MR. EVANS:

12 Q. Treyvon, when did you talk to the
13 police and tell them everything that you said here
14 today?

15 A. Can you say that again?

16 Q. She just asked you about not telling
17 the full story the first time you talked to the
18 cops, right? Yes or no?

19 A. Oh, yes, sir.

20 Q. Okay, and is that true that you weren't
21 really forthcoming the first time you talked with --

22 A. Yes, sir.

23 Q. And why was that?

24 A. On the count of nerves, I guess.

25 Q. Okay. And, again, everybody involved

1 is --

2 A. Family.

3 Q. -- family of yours?

4 A. It's on both sides.

5 MR. EVANS: That's all I have.

6 THE COUERT: Anything else, Ms. Gibbes?

7 MS. GIBBES: Beg the Court's indulgence. I
8 have no further questions for this witness.

9 THE COURT: All right, sir, thank you so
10 much, you may be excused.

11 WITNESS: All right.

12 THE COUERT: Appreciate it, have a good
13 day.

14 WITNESS: You too.

15 THE COURT: All right, Mr. Evans, call your
16 next witness?

17 MR. EVANS: Your Honor, I realize we've
18 only been going for an hour, but I think before the
19 next witness, it might be a good opportunity for a
20 break.

21 THE COURT: All right.

22 Ladies and gentlemen, we'll take a break.
23 There's probably some matters I've got to take up
24 with the lawyers, and so I'll get you back in here
25 as soon as I can. Thank you. Don't talk about the

1 case.

2 (Jury exits the courtroom.)

3 THE COURT: Solicitor, is there something
4 we need to take up, or --

5 MR. EVANS: Yes, sir. So the next witness
6 we are going to call is Reivyn Delesline. The
7 reason I need a moment before we bring him in is,
8 because he has some pending charges that are -- I
9 think -- I'm quite confident they're inadmissible in
10 this case, but in light of the fact that he is a
11 current defendant with us, we had arranged for Mr.
12 Hall, who previously represented him in this case
13 before his specific charges were dismissed, we had
14 arranged for Mr. Hall to come up and just be present
15 for his testimony. And we were moving in such a
16 fast clip this morning, Judge, that I neglected to
17 let Mr. Hall know that we will reach Mr. Delesline
18 today.

19 So I'm in a bit of a pickle because I, you
20 know, assured Mr. Delesline that his lawyer would be
21 here just to, you know, be present in the room. I
22 don't expect Ms. Gibbes to get into his current
23 case. She's probably too smart of an attorney to do
24 that.

25 THE COURT: All right, so let me ask you

1 this, so is Mr. Hall on his way, or --

2 MR. EVANS: No, sir, I'm trying to admit to
3 the Court that I kind of neglected to tell him.

4 THE COURT: Right.

5 MR. EVANS: So that's on me. I can move on
6 and do a different witness, which will be Manor, but
7 before that we do have one last legal issue with
8 regard to his interview, which we would need a
9 moment.

10 THE COURT: All right, so let's take five
11 minutes and come back in, and we'll address the
12 legal issue that needs to be addressed before you
13 put him on the stand.

14 MR. EVANS: Yes, sir.

15 THE COURT: Okay?

16 MR. EVANS: Thank you, sir.

17 THE COURT: All right, thank you.

18 (RECESS)

19 BAILIFF: All right.

20 THE COURT: All right, please be seated,
21 thank you.

22 All right, so Mr. Evans, what matter do we
23 need to take up?

24 MR. EVANS: Yes, sir. So the next witness
25 is gonna be Detective Manor. As part of his

1 testimony we'll be publishing Mr. Owens' first
2 recorded interview. That was the Miranda issue was
3 stipulated to by the defense, so we didn't need a
4 ruling from you on that, but we did agree to cut out
5 quite a bit of the statement at their request, so
6 that was part of what we were going through last
7 night, and we cut this down from, I want to say,
8 close to an hour originally, down to 27ish minutes.
9 There's only one section left that she and I
10 disagree on, and I'll describe it briefly,
11 obviously, as well.

12 Essentially, Judge, towards the end of the
13 interview, Detective Manor starts confronting Mr.
14 Owens with -- I shouldn't even say the prospect, he
15 indicates to Mr. Owens that the firearms result
16 match, which we now know they do, but they didn't
17 know that yet at the time. So that the shells from
18 January 6th match the shells from January 8th. And
19 he's -- Manor is -- I'm just gonna use the word
20 bluffing, because it's the first thing that comes to
21 mind.

22 THE COURT: Well, I thought fibbing.

23 MR. EVANS: Fibbing, and using deceptive --

24 THE COURT: Okay.

25 MR. EVANS: -- practices as an interview

1 technique, which as Ms. Gibbes and the Court knows,
2 that is permitted.

3 THE COURT: That is my understanding.

4 MR. EVANS: But we'll certainly be crossed
5 on it, I am sure. So he's indicating to Mr. Owens
6 that these gun results are gonna come back the way
7 that we now know that they did.

8 THE COURT: Right.

9 MR. EVANS: And Mr. Owens, the way he
10 reacts to this is to terminate the interview. I
11 think that that's relevance.

12 Ms. Gibbes' concern, I think, is that
13 Detective Manor is not an expert in the firearms
14 analysis, but, again, that the results aren't even
15 fact, it's --

16 THE COURT: Right.

17 MR. EVANS: -- you know, conjecture or
18 fibbing or bluffing, or whatever it's called. So
19 she's concerned about that last part of the
20 statement.

21 I have additional grounds for why it's
22 relevant, which is part of what we'll publish to
23 you, but earlier in the statement Mr. Owens
24 indicated to Manor that on January 6th he, Mr.
25 Owens, was firing a .9 millimeter, and Ricky Fisk

1 was firing a .40 caliber.

2 Then at the end of the interview in this
3 contested section that we're talking about, Mr.
4 Owens is then acknowledging firing the .40 caliber
5 weapon. And so I think that this last section that
6 Ms. Gibbes has concerns about, I think it, you know,
7 shows that he's being deceptive in his interview,
8 because he's got an inconsistent statement right
9 there about which gun he was firing on the 6th.

10 THE COURT: All right, I'm a little
11 confused.

12 MR. EVANS: Yes, sir, I understand.

13 THE COURT: Okay.

14 MR. EVANS: It will make more sense in a
15 moment.

16 THE COURT: All right, so, Solicitor, what
17 you're telling me is that there comes a point, where
18 the officer is using an investigative technique
19 concerning the matching of the shell casings, or
20 what have you --

21 MR. EVANS: Yes.

22 THE COURT: -- is that right?

23 MR. EVANS: That's correct.

24 THE COURT: And when the Defendant heard
25 that, then the Defendant, at that point, wanted to

1 terminate the interview?

2 MR. EVANS: And did.

3 THE COURT: And did.

4 MR. EVANS: Yes.

5 THE COURT: Okay. So isn't there a case
6 out there that talks about -- I mean him saying, "I
7 want to terminate the interview," is there a case
8 out there that addresses -- I thought that that was
9 not something -- what does that have to do with this
10 other information about shooting the guns? I'm not
11 following it.

12 MR. EVANS: Okay, so in their earlier
13 section, which they have no objection to --

14 THE COURT: Right.

15 MR. EVANS: -- he says, "Well, on January
16 6th when I was shot at, I returned fire. I was
17 using a .40." He refers to Ricky Fisk as, "My
18 cousin, he had a .40."

19 THE COURT: Right.

20 MR. EVANS: That's inconsistent right
21 there, so they don't have an objection to this part,
22 but it's inconsistent with what we've already
23 published through some of them, that body camera.

24 THE COURT: Right, he said that he had a
25 .40.

1 MR. EVANS: And it's inconsistent with what
2 he says at the end of this first interview, when he
3 does acknowledge, "Yes, I had a .40 two days ago."

4 THE COURT: Right.

5 MR. EVANS: Or two days earlier. So if
6 you're gonna instruct me not to argue about when he
7 chose to terminate the interview, I'm fine with
8 that, but I think they're entitled to see until the
9 end of the interview. And I think these statements
10 are highly relevant, and, you know, show us
11 additional insight.

12 THE COURT: Well, let's show it to me.

13 MR. EVANS: Yes, sir, I'm happy --

14 THE COURT: Let's show --

15 MR. EVANS: I'm just trying to give you --

16 THE COURT: Ms. Gibbes, do you want to tell
17 me anything --

18 MS. GIBBES: Well --

19 THE COURT: -- before I watch it?

20 MS. GIBBES: Yeah, well, I think my issues
21 I don't remember. I know that when we were talking
22 about redacting the statements, my concern was it
23 was becoming a commentary, you know, he was -- and
24 we did redact some where he was adamant. You know,
25 he almost sounded like a gun expert, he was putting

1 that out there. I think what I'm just -- I can't
2 remember right now what knowledge.

3 I know it terminated, but I just don't
4 remember what affirmative action --

5 THE COURT: Right.

6 MS. GIBBES: But, yeah, I need to see that
7 again.

8 THE COURT: Let's play that.

9 MR. EVAND: Yes, sir.

10 MS. GIBBES: And then if I have a problem,
11 we can address it then.

12 THE COURT: All right.

13 MR. EVANS: Do you need to see the first
14 section I was alluding to, Judge --

15 MS. GIBBES: Well --

16 MR. EVANS: -- or both, or just --

17 MS. GIBBES: Well --

18 THE COURT: Let's watch the first section
19 and go from there.

20 (Video being played for the Judge.)

21 THE COURT: So, Ms. Gibbs, let me hear
22 from you.

23 MS. GIBBES: He's not answering in the
24 affirmative, basically. My client is not
25 acknowledging that. Like he's basically repeating,

1 he said, "That's crazy, what?"

2 THE COURT: Yeah.

3 MS. GIBBES: I mean it's not an affirmative
4 response. And my issue is Detective Manor's
5 commenting on something a gun expert's gonna come
6 talk about, and --

7 THE COURT: Let me hear from you on that.

8 MR. EVANS: Judge, he's -- I mean as we've
9 gone over, it's an investigative technique, and
10 we're gonna establish that in direct. I'm going to
11 ask him point blank, "You know, was that true at
12 that time?" And he can -- he's gonna have to
13 testify no, because the results didn't come back for
14 two years.

15 MS. GIBBES: And, Judge, if I may, one more
16 thing, I would just say -- I believe the Solicitor
17 wants the jury to make an inference on him
18 exercising his constitutional right to end his
19 interview.

20 THE COURT: I'll tell you, if you go back
21 to around 1:15, 1:20 left in the interview.

22 MR. EVANS: Okay.

23 THE COURT: Maybe a little bit before that.

24 MR. EVANS: Here's --

25 THE COURT: Hold on one second. This isn't

1 the video where I excluded it because of Miranda?

2 MR. EVANS: No, sir. No, sir. I
3 understand the Court's concern. This was --

4 THE COURT: It looked alike.

5 MR. EVANS: We didn't play this for you
6 yesterday, because they had stipulated to the
7 overall.

8 THE COURT: All right, so let's back up.
9 My curiosity got peaked around 1:17, 1:15 --

10 MR. EVANS: Yes.

11 THE COURT: -- somewhere right along there.
12 He had talked to him about the -- he abused his
13 investigative techniques at that point. Get me
14 right back there, please.

15 MR. EVANS: This is 1:36, Judge.

16 THE COURT: All right.

17 MR. EVANS: Or 1:34.

18 (Video being played for the Judge.)

19 THE COURT: All right, I'm not comfortable
20 when he starts talking about a match. And I think
21 that that gets, you know, it's one thing to tell
22 them there's a match there, but I think when he
23 starts getting into --

24 MR. EVANS: The technical terms?

25 THE COURT: Yes, that is a technical term.

1 I think I know what it is, simply because I've sat
2 through enough of these cases, but that's getting
3 into it, and I think that that allows the
4 investigative technique that was used, at least as
5 it relates to the match. He talks about the match
6 earlier, correct?

7 MR. EVANS: Yes, sir, I believe so. Yeah,
8 he's saying the gun is gonna match.

9 THE COURT: Right, he's saying the
10 shells --

11 MR. EVANS: Something along --

12 THE COURT: -- match.

13 MR. EVANS: Yeah.

14 THE COURT: That's the investigative
15 technique. I don't have a problem with that. My
16 problem is when he started talking about -- getting
17 into this --

18 MR. EVANS: And how it's a fingerprint. I
19 understand, Judge, we can mute I think at that part.

20 THE COURT: All right, what about the fact
21 -- what do you not like about this, Ms. Gibbes? And
22 I want to make sure, because I want to make sure I
23 understand your argument, ma'am.

24 MS. GIBBES: I understand the investigative
25 technique.

1 THE COURT: Yes.

2 MS. GIBBES: I know they're allowed to lie
3 in interrogations. I think, again, my problem is,
4 one, there's an expert that will come testify, two,
5 the gun.

6 THE COURT: Yes.

7 MS. GIBBES: Obviously, I just think this
8 is improper bolstering a witness, whose not the --

9 THE COURT: Well, don't they --

10 MS. GIBBES: -- expert on it.

11 THE COURT: Hold on, I don't think it's
12 improper bolstering, when he's just talked about the
13 match. I think that you get into some bolstering,
14 potentially, when he's gonna start talking about
15 striations and things of that nature. I mean if he
16 fibs to him that they match, I don't see how that's
17 -- I mean that was a fib, he's gonna admit that was
18 a fib, but as it turns out it was correct, but I
19 don't really see how that's bolstering.

20 I mean now when we start talking about
21 striations, and getting into those things, that's
22 getting into the dynamics of what that witness, I'm
23 assuming, is going to be testifying to, that really
24 does, I think, start crossing into some potential
25 falsehood. I'm asking --

1 MS. GIBBES: Well, I definitely understand
2 what you are saying. Of course, I would argue any
3 of the testimony, or any comment by him in the
4 interrogation room -- he knows it's a match from his
5 gun to the murder. And I am a little concerned too,
6 but I guess if we end it -- I just don't want any
7 improper inference to the jury that -- he is
8 exercising his constitutional right not to talk
9 anymore.

10 THE COURT: And I agree with you on that.
11 So how is it -- where would you want to end it is
12 what I'm asking, and I mean I'm not asking -- I just
13 want to hear what your thoughts are on that.

14 MS. GIBBES: I mean --

15 THE COURT: Are you saying you don't want
16 to have him -- you don't want the jury to see him
17 stand up and try to walk out the door? I mean I'm
18 asking, again --

19 MS. GIBBES: I mean I don't think it's
20 necessary.

21 THE COURT: I don't either.

22 MS. GIBBES: I don't think it's necessary
23 for a match or conclusions.

24 THE COURT: All right.

25 MS. GIBBES: I mean, obviously --

1 THE COURT: All right. Well, Mr. Evans,
2 let me hear from you, sir, Solicitor.

3 MR. EVANS: Judge, as I said I will be
4 happy to compromise, but not arguing for an
5 inference from when he decided to exercise his
6 rights. And if you don't want to -- if it's your
7 ruling that they're not to see him stand up and
8 start to leave --

9 THE COURT: That --

10 MR. EVANS: -- then we'll abide by that,
11 it's not the end of the case.

12 THE COURT: And I think that perhaps we're
13 splitting some hairs here.

14 MR. EVANS: We might be, Judge.

15 THE COURT: Yeah.

16 MR. EVANS: And --

17 THE COURT: In this case, I think we're
18 splitting hair. What I'm gonna do is, I'm going to
19 allow the investigative technique, as it relates to
20 saying that the shell casings match, or whatever he
21 was saying, as it relates to that. When he gets
22 into start talking about striations, when he says
23 striations, I think that should be excluded.

24 MR. EVANS: Well --

25 THE COURT: Okay?

1 MR. EVANS: I think --

2 THE COURT: I think that should be --

3 MR. EVANS: And --

4 THE COURT: I think the striations, and
5 because I think that does get into bolstering. I
6 think that could confuse the jury. It gets into
7 some areas of expertise, again, so I think that's
8 not appropriate, and --

9 MR. EVANS: Okay.

10 THE COURT: No, I'm not saying that the
11 entire rest of it needs to be out, but I also don't
12 think it's appropriate to show him terminating the
13 interview. If she doesn't want that, I agree.

14 MR. EVANS: All right, Judge --

15 THE COURT: Yes.

16 MR. EVANS: -- Ms. Gibbes just handed me a
17 few other sections.

18 MS. GIBBES: Yeah. It's one block at the
19 end.

20 MR. EVANS: And you'll vouch for these
21 statements?

22 MS. GIBBES: Yes.

23 THE COURT: All right.

24 MR. EVANS: There's some reference to
25 prayer, Judge, that they have an issue with, and

1 we're happy to keep those out. They've given us
2 timestamps, so that we can --

3 THE COURT: All right.

4 MR. EVANS: -- mute as we go.

5 THE COURT: All right, so you understand my
6 ruling, as it --

7 MR. EVANS: Yes, sir.

8 THE COURT: -- relates to this. We're
9 going to keep out striations. That may be the best
10 place to stop it. If there's anything else after
11 striations --

12 MR. EVANS: We're gonna stop.

13 THE COURT: -- but I do not want --

14 MR. EVANS: And I'll just point out when we
15 have gotten to that, Judge.

16 THE COURT: Yes, sir.

17 MR. EVANS: It'll be too hard to toggle and
18 use --

19 THE COURT: I just don't think that's gonna
20 -- I think there's gonna be cross-examination that
21 can be raised.

22 MR. EVANS: Sorry, beg the Court's
23 indulgence.

24 THE COURT: No, go ahead. Mr. Evans?

25 MR. EVANS: Yes, sir.

1 THE COURT: Counsel approach.

2 (Bench conference.)

3

4

5

PROCEEDINGS CONTINUED

6

(Jury enters the courtroom.)

7

8 THE COURT: Madam Forelady, ladies and
9 gentlemen of the jury, let me tell you, number one,
10 I told you it's a repetitive, it's a slow, it's a
11 deliberative process, and the reason is, we've got
12 to do our best to try to get it right. And there
13 are legal matters, and I think you understand, we're
14 dealing with very important matters.

15 We're dealing with very important matters
16 to the State, very important matters to the defense.
17 There's several legal issues that I had to take and
18 make rulings on, and those often take time, and
19 sometimes I've got to actually deliberate on those
20 issues, and they arise -- legal issues can arise
21 like that, and so there's a lot of moving parts.

22 I appreciate your patience, and so I think
23 the State is ready to call their next witness; is
24 that --

25 MR. EVANS: Yes, Your Honor.

THE COURT: -- correct Solicitor?

1 MR. EVANS: Yes, sir.

2 THE COURT: Thank you.

3 MR. EVANS: The State calls Detective
4 Manor.

5 * * *

6 QUTIQUE MANOR

7 * * *

8 being first duly sworn, testified as
9 follows:

10 **

11 DIRECT EXAMINATION

12 BY MR. EVANS:

13 Q. Would you please identify yourself, and
14 spell your last name?

15 A. My name is Qutique R. Manor, M-A-N-O-R.

16 Q. Where do you work, Mr. Manor?

17 A. I'm currently working in Jasper County.

18 Q. In Jasper County at the Sheriff's
19 Office?

20 A. Yes, at the Sheriff's Department.

21 Q. Okay, what's your rank there?

22 A. I'm a Detective in the Vice Unit.

23 Q. So Detective is still a good title?

24 A. Yes, sir.

25 Q. Have you always worked at Jasper County

1 Sheriff's Office?

2 A. No, sir.

3 Q. Where did you work before that?

4 A. Actually, I started my career in
5 Hampton, or excuse me, I started my career in
6 Allendale around 2007. And I stayed there for about
7 11 years, and that's when I went and I moved to
8 Hampton, and I'd been working in Hampton since that
9 point until I went to Jasper.

10 Q. Okay. So you've been in law
11 enforcement coming up on 16 years?

12 A. 16, 17 years, yes, sir.

13 Q. All in the Low Country, Hampton and
14 Jasper?

15 A. That's correct.

16 Q. All right. And were you working for
17 the Hampton Police Department in January of 2019 as
18 a detective?

19 A. Yes, sir, I was.

20 Q. Were you assigned this case?

21 A. Actually, I was assigned to this case.
22 It's about 20 -- 12 hours after it happened.

23 Q. Okay, so not until the following day?

24 A. That's correct.

25 Q. How did that come about?

1 A. The initial officer that was handling
2 the case, Mr. Ginn, he injured himself the night of
3 the actual shooting, and my Major at the time asked
4 me to, you know, if I could step up and take the
5 case.

6 Q. Was that Mr. Sullivan, who we saw
7 earlier today?

8 A. That is correct.

9 Q. All right. And did you -- I don't
10 suppose you had a choice in the matter, but did you
11 accept it?

12 A. Of course, yes, sir.

13 Q. All right. How did you start your
14 investigation?

15 A. I started my investigation -- I was
16 actually a part of the investigation the night
17 before. We went out looking for some subjects that
18 may have been involved, that may have any
19 information with the rest of the Police Department.
20 We didn't have too many leads at that point that
21 night.

22 That morning is when I came back into work
23 and I started reviewing reports that we had, and
24 anybody in connection. At that point I actually --
25 I received a phone call from Mr. Owens' mother. She

1 had my phone number, and new me from a previous
2 incident unrelated, and she called me and said that
3 the streets were saying that --

4 MS. GIBBES: Objection, Your Honor,
5 hearsay.

6

7 BY MR. EVANS:

8 Q. Without saying what she said
9 specifically.

10 THE COURT: Sustain the objection.

11 MR. EVANS: Please disregard.

12 THE COURT: Go ahead.

13 MR. EVANS: Yes, your Honor.

14 BY MR. EVANS:

15 Q. Did you have a conversation?

16 A. I had a conversation with her, and
17 she --

18 Q. Without saying what she said, as a
19 result of that --

20 A. She pointed me in the direction that I
21 needed to speak to her son.

22 Q. Okay.

23 A. Yes.

24 Q. And did you have occasion to speak with
25 her son?

1 A. She actually made arrangements and got
2 him to come in and speak with me.

3 Q. All right, when was that?

4 A. That was the following day.

5 Q. So you got the call on the phone that
6 day?

7 A. Yes, that morning.

8 Q. All right, and first of all, is
9 Williston Owens in the courtroom today?

10 A. Yes, sir, he is.

11 Q. All right, is he sitting at the defense
12 table?

13 A. Yes, sir, he's sitting right there,
14 he's got a --

15 Q. Next to Ms. Gibbes?

16 A. -- brown jacket on.

17 Q. That's the gentleman that you -- had
18 you ever met him before this incident?

19 A. Yes, sir, multiple times, yes, sir.

20 Q. All right, and is that the person who
21 came in and spoke to you on the day after the
22 shooting?

23 A. That is correct.

24 Q. How did you begin talking to him? How
25 does that work?

1 A. He was brought in. I read him his
2 Miranda rights, he signed the waiver, and agreed to
3 speak with me, and we entered our interview room,
4 and I began to speak with him about the incident.

5 Q. All right, did anybody else participate
6 in that Miranda warning?

7 A. I had a witness at the time. I have to
8 look at the actual Miranda form to see who witnessed
9 it --

10 Q. Okay.

11 A. -- but it's common practice for
12 somebody to witness us reading our Miranda rights to
13 the subject.

14 MR. EVANS: Beg the Court's indulgence.

15 THE COURT: Yes, sir.

16 MR. EVANS: May I approach the witness,
17 Your Honor?

18 THE COURT: Yes. Yes.

19 BY MR. EVANS:

20 Q. I'm gonna pass you something,
21 Detective, and I'm gonna ask if you can identify
22 that, sir?

23 A. This is the actual Miranda form that
24 Mr. Williston signed.

25 Q. Okay, who else signed it?

1 A. Also Williston Owen signed it, and
2 Sergeant Mike Lawson and myself.

3 Q. Okay, and what's the date?

4 A. It's 1/9/18.

5 Q.. 1/19/18? This happened in 2019 though,
6 right?

7 A. It was January, I still was trying to
8 catch up to the year.

9 Q. Okay.

10 A. So it was supposed to be '18, excuse
11 me, it was supposed to be '19, I put '18.

12 Q. All right, and that's the original
13 form; is that right?

14 A. It is.

15 Q. Okay.

16 A. Yes, sir.

17 (Court Reporter marks State's Exhibit
18 Number 48, as attached hereto.)

19 MR. EVANS: Your Honor, the State would
20 move the Miranda form into evidence. I'm not sure
21 what number I'm up to though.

22 COURT REPORTER: 48.

23 MR. EVANS: Thank you.

24 MS. GIBBES: No objection.

25 THE COURT: All right, 48 admitted without

1 objection.

2 (State's Exhibit 48 admitted into
3 evidence.)

4 BY MR. EVANS:

5 Q. And after you went over his Miranda
6 rights using this form, you and Mr. Lawson, what'd
7 you do?

8 A. We went into the interview room, which
9 is recorded audio and video, and I spoke with him.

10 Q. Okay. You say it was recorded audio
11 and video, have you reviewed a portion of that
12 recording?

13 A. I have.

14 Q. Prior to this testimony?

15 A. Yes, sir.

16 Q. The file that you reviewed, is that the
17 same -- as I said, a portion of the interview that
18 you conducted with Mr. Owens?

19 A. That's correct.

20 Q. Does it fairly and accurately depict
21 that interview?

22 A. Yes, sir.

23 MR. EVANS: Your Honor, the State is
24 wanting to move the file into evidence as State's
25 Exhibit 49 at this time, subject to --

1 MS. GIBBES: Subject to your prior ruling.

2 THE COURT: All right, admitted, subject to
3 prior ruling.

4 (State's Exhibit 49 admitted into
5 evidence.)

6 MR. EVANS: Thank you, Your Honor. May I
7 publish that?

8 THE COURT: Sure.

9 (Video being played for the jury.)

10 BY MR. EVANS:

11 Q. Detective, during that first interview
12 on the 9th, the morning of it --

13 A. Yes, sir.

14 Q. Did he ever acknowledge being on
15 Lightsey Street?

16 A. Close to it.

17 Q. Okay. Did he ever talk about Treyvon
18 Williams did?

19 A. No.

20 Q. Did he ever talk about seeing
21 Jeantaviene Dobson?

22 A. No.

23 Q. Or Reivyn Delesline?

24 A. No, sir.

25 Q. Okay. This is the first day that you

1 were involved in -- I realize you were out with
2 everybody else the night before; isn't that what you
3 said?

4 A. Yes, sir.

5 Q. Okay.

6 A. This is my first interview with Mr.
7 Williston. A lot of things in the interview, if you
8 pay attention, is things I thought that weren't
9 completely accurate. I was bluffing when I said
10 things about the .40 caliber gun, I didn't have --

11 Q. Yeah, let's --

12 A. Let's --

13 Q. You say bluff?

14 A. Yes, sir.

15 Q. Okay.

16 A. Yes, sir, it's an interview tactic.

17 Q. Tell me about that.

18 A. Yes, sir.

19 Q. Tell me about the tactic.

20 A. It's an interview tactic that we use
21 just to see if he's going to give me a full
22 confession. I just knew we had an incident with .40
23 caliber bullets, then another incident with .40
24 caliber bullets within a short period of time.

25 Q. Were you aware that the January 6th

1 incident shells had been collected?

2 A. Yes, sir.

3 Q. All right. Were you aware that the
4 shells from the night before had been collected?

5 A. Yes, sir.

6 Q. Okay. Was it your intention to send
7 those January 6th shells to SLED?

8 A. Yes, sir, and I did.

9 Q. Okay. And the January 8th shells were
10 from there?

11 A. That's correct.

12 Q. Okay. But you don't know about any
13 test because the shells hadn't even gone yet; is
14 that right?

15 A. At that time I did not know the actual
16 fact whether or not that's true.

17 Q. All right.

18 A. I did not know. And furthermore, in
19 reference to his car, during the interview, if you
20 notice, when I spoke to him about his car, he was
21 defiant about that part, that it was not his car,
22 his car was not on that road, which was a black
23 Nissan Sentra, and he was correct.

24 At that time, his car was not on that road.
25 I didn't have all the videos at that time, but then

1 a few hours later Lieutenant brought me more
2 evidence. He brought me what we were looking for,
3 the exact time, places, Shell Station -- I mean,
4 excuse me, the video from the Shell Station, we got
5 all that at that time.

6 Q. Okay.

7 A. Later on that day.

8 Q. The video we watched earlier from
9 Hampton Restaurant, you were in the courtroom for
10 that, and you've seen that before, right?

11 A. Yes.

12 Q. All right. Is that one of the videos
13 that you reviewed in the course of your
14 investigation?

15 A. That is true.

16 Q. You can't see Williston Owens' --

17 A. No.

18 Q. -- face though? I mean it's pretty
19 grainy, right?

20 A. That's correct.

21 Q. Okay. So when you're dealing with
22 somebody --

23 A. Uh-huh.

24 Q. -- I think you said early on it's
25 something you do more often when it's early in the

1 process?

2 A. Yes, sir.

3 Q. And, again, why do you bluff, to use
4 your word?

5 A. It's an interview tactic, it's what
6 we're taught, what we train to do in interview
7 school.

8 Q. What's the idea behind it?

9 A. The idea is to see if we can get a rise
10 out of him, see if they're gonna say something, if
11 anything, and see if they're gonna break down and
12 say, "Hey, you know what? I did do this." It's an
13 interview tactic.

14 Q. He never wrote down --

15 A. No, he did not.

16 Q. All right. And he never even
17 acknowledged being there on that day?

18 A. That's correct.

19 Q. But, again, you had not -- this is your
20 first witness you're interviewing in this case; is
21 that correct?

22 A. That's correct.

23 Q. Did you have the occasion to meet Mr.
24 Williams and Mr. Dobson, who testified earlier
25 today?

1 A. Later on that day I did.

2 Q. Later that day, okay.

3 A. Yes.

4 Q. I take it you spoke to them?

5 A. Yes.

6 Q. And was their information helpful to
7 you?

8 A. It was very -- the information was very
9 important to the case, because they informed me
10 that --

11 MS. GIBBES: Objection.

12 THE COURT: I'm going to sustain that.

13 BY MR. EVANS:

14 Q. Yeah, don't say what they said, but did
15 they speak with you, and it helped you develop the
16 case?

17 A. The information I received about the
18 vehicle that they were inside, and who was inside
19 the vehicle pointed me in the right direction.

20 Q. Okay, and was it inconsistent with what
21 Mr. Owens said to you earlier?

22 A. That -- no, it was not the same, it was
23 inconsistent, that is correct.

24 MR. EVANS: The Court's indulgence.

25 BY MR. EVANS:

1 Q. All right, and, again, without saying
2 what anybody else said --

3 A. Yes, sir.

4 Q. -- did you have the occasion to
5 interview Reivyn Delesline?

6 A. Yes, sir, I was able to interview him
7 also.

8 Q. When was Mr. Owens arrested?

9 A. I believe it was within 24 hours, I
10 believe.

11 Q. Do you want to refer to your note?

12 A. I'm looking at my notes now, give me
13 one second. It was after that interview that we
14 just saw.

15 Q. Okay.

16 MR. EVANS: May I approach the witness,
17 Your Honor?

18 THE COURT: Yes, sir.

19 BY MR. EVANS:

20 Q. Detective, I'm gonna pass you State's
21 Exhibit 10. Do you recognize that? It's already in
22 evidence.

23 A. These are shell casings recovered.

24 Q. From which incident?

25 A. This was from -- that's from the

1 incident two days before.

2 Q. Okay. You weren't involved in that
3 investigation?

4 A. No, sir.

5 Q. Okay.

6 A. No, sir.

7 Q. But you were aware of it when you were
8 interviewing him?

9 A. Yes, sir, at this time I was.

10 Q. Is your name on that bag?

11 A. Yes, it is.

12 Q. Okay, what does that indicate?

13 A. It indicates that I took it to SLED.

14 Q. Okay. You transported these up to
15 SLED yourself --

16 A. Yes.

17 Q. -- on January 16th --

18 A. Yes, sir.

19 Q. -- 2019?

20 A. Yes, sir.

21 MR. EVANS: The Court's indulgence?

22 THE COURT: Yes, sir.

23 MR. EVANS: Thank you.

24 BY MR. EVANS:

25 Q. Detective Manor --

1 A. Yes, sir.

2 Q. -- just to make sure Mr. Owens never
3 admitted firing on Mack Green?

4 A. No, sir.

5 Q. Or anybody else?

6 A. No, sir.

7 Q. Okay. And he never acknowledged in
8 that interview who was firing on Lightsey Street?

9 A. That's correct.

10 MR. EVANS: Those are all the questions I
11 have.

12 BY MR. EVANS: Please answer any questions
13 the defense may have.

14 THE COURT: Cross-examination?

15 MS. GIBBES: Briefly, Judge.

16 THE COURT: Yes, ma'am.

17 MS. GIBBES: May it please the Court?

18 **

19 **CROSS-EXAMINATION**

20 BY MS. GIBBES:

21 Q. How are you, Detective?

22 A. How you doing, ma'am?

23 Q. Good. Okay, so just briefly, you were
24 the lead detective on this case, right?

25 A. Yes, ma'am.

1 Q. All right. And I know you got involved
2 I guess the day after. Did you ever respond to the
3 home on Lightsey Street?

4 A. I did also.

5 Q. Okay.

6 A. Yes, ma'am.

7 Q. Were you involved in collecting
8 evidence and things of that nature?

9 A. No, ma'am.

10 Q. Okay. Did you speak to any witnesses
11 at the scene, or were you just overseeing the crime
12 scene?

13 A. I believe I may have spoken -- we might
14 have canvassed the area to see if we could find
15 anybody to speak to, but I was there.

16 Q. Okay, and you didn't find -- I mean
17 you'll didn't find any neighbors, or anybody who
18 were witnesses to the shooting, right?

19 A. No, ma'am, I don't believe so.

20 Q. Okay. And as you said, Will's mom, on
21 January 9th, the next day, reached out to you about
22 bringing Will in to talk to you, right?

23 A. That's correct.

24 Q. Okay. So he came in voluntarily?

25 A. Yes, ma'am, he did.

1 Q. All right, and, obviously, you've heard
2 that statement on the video?

3 A. Yes.

4 Q. And I know you talked a little bit
5 about bluffing. I mean some of -- you told him you
6 had ten videos of the Hampton Restaurant that showed
7 him inside, and, obviously, that wasn't true, right?

8 A. That's not true, yes, ma'am.

9 Q. Okay. And that you said you didn't
10 have the gun forensics at the time when you were
11 talking about weapons?

12 A. That -- yes, ma'am.

13 Q. Okay, and the Shell Station, you didn't
14 have him on the Shell Station, like you told him on
15 the Shell Station videos, right?

16 A. I did.

17 Q. Right, okay.

18 A. No, no, no, I did. His vehicle was --
19 it wasn't his vehicle, but the vehicle he was in was
20 at the Shell Station.

21 Q. But you didn't see Will at the Shell
22 Station video, right?

23 A. Meaning that --

24 Q. I mean did you see Will's face, or
25 person? You didn't --

1 A. No, ma'am.

2 Q. He was not on any of these videos?

3 A. No, ma'am.

4 Q. Okay.

5 A. That's correct.

6 Q. All right. And part of -- and also you
7 mentioned you interviewed Tori?

8 A. Yes, ma'am.

9 Q. Okay. And as far as Treyvon and
10 Jeantaviene, Chabbi --

11 A. Yes, ma'am.

12 Q. -- they also -- I mean I know you
13 mentioned it was brought out that Will maybe didn't
14 mention them, but they also didn't mention him at
15 first, right?

16 A. That is correct.

17 Q. Okay. And as far as physical evidence
18 you've collected, I know you got some search
19 warrants for cell phones; is that correct?

20 A. Got numerous -- to answer your
21 question, yes, ma'am, but I got numerous search
22 warrants for a lot of different things.

23 Q. Okay. And I know you also collected
24 Williston's Samsung cell phone, correct?

25 A. Yes, ma'am.

1 Q. But you didn't ever download that, or
2 anything like that to see what was on it?

3 A. I think we have -- we did get
4 information from that phone.

5 Q. But not actually texts and --

6 A. No, ma'am.

7 Q. There's maybe -- you got a cell
8 phone --

9 A. GO towers.

10 Q. Yeah.

11 A. Yes, ma'am.

12 Q. GO towers, but no --

13 A. Yes, ma'am.

14 Q. -- texts between anybody, or anything
15 like that?

16 A. That is correct.

17 Q. So you didn't download the physical --

18 A. That is correct.

19 Q. All right. And then you also got
20 Tori's cell phone as well, correct?

21 A. That's correct.

22 Q. And that was also a Samsung cell phone?

23 A. I believe so, ma'am.

24 Q. Okay, and that also did not get
25 forensic for anything, right?

1 A. Just the GO data.

2 Q. Okay. So you did not get any, you
3 know, communications between any of these
4 individuals, as far as texts?

5 A. Not as I know of.

6 Q. Okay. Now, what about the forensics,
7 were you involved in any sort of, you know, swabbing
8 for DNA, or swabbing for gunshot residue?

9 Did you do anything of that nature?

10 A. Not as I can recall. I'd have to look
11 at my notes and make sure.

12 Q. Okay, because --

13 A. If you have any information or anything
14 with my name on it, I'd be happy to look at it.

15 Q. Okay. I don't believe I do.

16 A. Yes, ma'am.

17 Q. I was just making sure.

18 A. This is four --

19 Q. I didn't notice any.

20 A. -- or five years ago now.

21 Q. I understand, yes, sir.

22 A. If you show it to me, I'll be happy to
23 testify to it.

24 Q. I understand.

25 A. Yes, ma'am.

1 Q. Okay. And you did not get any Facebook
2 record. Did you do any subpoena for Facebook
3 records?

4 A. No, ma'am. The stuff I got from
5 Facebook was give -- provided to me.

6 Q. Okay. And there were no weapons
7 collected in this case, were there?

8 A. No, ma'am.

9 Q. And did you ever -- there's mention of
10 Trinity, which is Will's girlfriend at the end of
11 that interview, when you got his information.

12 A. Yes, ma'am.

13 Q. You didn't speak to her, did you, or
14 did you?

15 A. I think we did interview her at some
16 point. If it wasn't me, one of the investigators.

17 Q. Okay.

18 A. No.

19 Q. But that was not provided at the
20 scene --

21 A. Nothing --

22 Q. Nothing important?

23 A. Nothing important, no.

24 Q. Okay. And what about -- I mean was
25 there any interview of -- I mean as far as you're

1 talking about cars. There was no search regarding
2 vehicles, right?

3 A. Say that again?

4 Q. No search warrant was ever done on his
5 car, right?

6 A. No, ma'am.

7 Q. Okay.

8 A. No, ma'am.

9 Q. And there's no search warrant that was
10 done all Will's car?

11 A. No, ma'am.

12 Q. And you mentioned you -- so Will got
13 charged with murder very soon after that interview,
14 right?

15 A. Yes, ma'am.

16 Q. Okay, and you also charge Tori with
17 murder, correct?

18 A. Yes, ma'am.

19 Q. All right, about the exact same day?

20 A. Yes, ma'am.

21 Q. And you charged him because you
22 believed you had evidence that he should be charged
23 with murder, right?

24 A. They were together.

25 Q. Sorry, I'm making sure I didn't forget

1 anything.

2 A. Yes, ma'am.

3 Q. He was pretty thorough on his direct.

4 MS. GIBBES: Beg the Court's indulgence.

5 THE COURT: Yes, ma'am.

6 BY MS. GIBBES:

7 Q. I'm sorry, there was -- actually, a
8 cell phone was collected from Mr. Mack Green. That
9 never got -- nothing ever done on that cell phone,
10 right, that you --

11 A. No. No, ma'am, we had no need to do
12 anything on Mr. Green's phone.

13 Q. Sure.

14 MS. GIBBES: Beg the Court's indulgence.

15 BY WITNESS:

16 A. Thank you.

17 MS. GIBBES: I have no further questions
18 for this witness.

19 THE COURT: redirect?

20 MR. EVANS: Thank you, Your Honor.

21 **

22 **REDIRECT EXAMINATION**

23 BY MR. EVANS:

24 Q. You testified a moment ago on cross you
25 did not see Mr. Owens in the Shell video; is that

1 right?

2 A. Yes. Yes, sir.

3 Q. All right. Did you see anybody on the
4 Shell video?

5 A. I saw Chabbie exit the vehicle, go
6 inside the store.

7 Q. Okay, you saw Chabbie, which is
8 Jeantaviene Dobson?

9 A. Yes.

10 Q. Who testified from that witness stand
11 earlier today?

12 A. Yes.

13 Q. All right, and did he speak with you?

14 A. Yes, he did.

15 Q. Okay, and was his information helpful
16 to you?

17 A. Very.

18 Q. She asked you some questions about cell
19 phones that you collected. Is it common for
20 everything you collect in a case to lead to usable
21 evidence?

22 A. No, not always.

23 Q. Is it common for a number of things to
24 lead to nowhere?

25 A. That's correct.

1 Q. Okay. And so did you get anything
2 useful out of these phones?

3 A. No, sir.

4 Q. She asked you about charging Reivyn
5 Delesline, you know, everybody calls him Tori.

6 A. Yes, sir.

7 Q. All right, you remember doing that?

8 A. Yes, sir.

9 Q. And you said a moment ago on cross-
10 examination, you had evidence of them being
11 together.

12 A. Right.

13 Q. Did I have that quote right?

14 A. That is correct.

15 Q. All right. Together with whom?

16 A. Mr. Williston Owens.

17 Q. Did you have evidence of Reivny Tori
18 Delesline doing anything, other than being present
19 with Williston Owens?

20 A. No, sir.

21 Q. Was it appropriate to charge him?

22 A. It should have been an accessory, if
23 anything.

24 Q. Okay.

25 A. And the same charge in my opinion later

1 on.

2 Q. Did you acknowledge that to me in the
3 months after this case?

4 A. Yes, sir.

5 Q. All right, and do you know what we've
6 done with the case against Delesline?

7 A. No, sir. I believe it was dismissed.

8 Q. Okay. And, again, just to go back to
9 my original question, any evidence of him,
10 Delesline, doing anything, other than being present
11 at the scene with Wilson?

12 A. No.

13 Q. Merely present?

14 A. That's correct.

15 MR. EVANS: That's all I have.

16 THE COURT: Anything else?

17 MS. GIBBES: Just very briefly.

18 **

19 **RECROSS-EXAMINATION**

20 BY MR. GIBBES:

21 Q. You wouldn't charge anybody murder
22 without some sort of evidence, right, without going
23 into it, but --

24 A. Being at the scene of the murder.

25 Q. Okay, so there was some evidence, and

1 you talked about sometimes you collect evidence, but
2 it's not useful. You won't know what's useful until
3 you unless you like download the cell phone, and
4 things like that, correct?

5 A. No, ma'am. What you're looking for.
6 It's best just to have it, and can always use it if
7 you need it.

8 Q. Okay, but there might be something. I
9 mean I won't get into it, but --

10 A. Yes, ma'am.

11 Q. -- if you had downloaded the cell
12 phone, you might have something useful, but you
13 don't know unless you look at it, correct?

14 A. Okay, yes, ma'am.

15 Q. All right, thank you.

16 THE COURT: Anything else, Mr. Evans?

17 MR. EVANS: No, sir.

18 THE COURT: All right, counsel approach.

19 MR. EVANS: Yes, sir.

20 (Bench conference.)

21 THE COURET: All right, ladies and
22 gentlemen, what happens is with witnesses, and some
23 of them are coming from out of town, and things of
24 this nature, now is going to be an appropriate time
25 to break for the day, okay?

1 I can tell you what I think the gameplan
2 is, and I want to be square with you, I can't
3 guarantee you this, okay, but I think what's gonna
4 happen is, I think that we may end up finishing this
5 case up tomorrow, but I don't know if we're gonna be
6 able to argue and charge tomorrow.

7 I have a feeling the case may ultimately
8 get to you first thing Thursday morning, okay, but I
9 don't know, and we'll have to see. But at this
10 point, there's one or two matters that I need to
11 take up with counsel, and we'll be working on that,
12 and so I'm not gonna make you stay here.

13 And if you could be back, I think we'll be
14 ready to start promptly at 9:30 tomorrow morning; is
15 that correct, Solicitor?

16 MR. EVANS: That's correct, Your Honor.

17 THE COURT: Ms. Gibbes?

18 MS. GIBBES: Yes, Your Honor.

19 THE COURT: All right. So I'd ask that you
20 be back 9:30. Please don't talk about the case,
21 don't research the case, don't do anything of that
22 nature, and I look forward to seeing you tomorrow
23 morning at 9:30. Thank you'all.

24 (Jury exits the courtroom.)

25 THE COURT: All right, let's see, so with

1 everybody gone, all right, so these are the
2 stipulations. What I'll do, I think I've got a
3 little charge, or a little blurb maybe that I read
4 to the jury regarding stipulations. I'll look for
5 that and see, if not, I will explain to them these
6 are matters that you'all have agreed to, okay?

7 And that -- and so to that extent we don't
8 have to put on any additional evidence or testimony
9 concerning these matters; is that appropriate?

10 MR. EVANS: Yes, sir.

11 THE COURT: Is that appropriate?

12 MS. GIBBES: Yes, Your Honor.

13 THE COURT: All right. Is there anything
14 else for me to take up before we adjourn for the
15 day?

16 MR. EVANS: No, Your Honor, I just have a
17 question for Ms. Gibbs, if there's any objection?

18 MS. GIBBES: Oh, no.

19 MR. EVANS: Okay. We now have a disk of
20 the interview that we watched off the hard drive,
21 Judge, and it's been reviewed by Detective Manor,
22 initialed and signed. It's the same exhibit number
23 that we used, and she's indicating no objection of
24 putting it into evidence.

25 THE COURT: That will be a stipulation?

1 MR. EVANS: This is a stipulation, I
2 suppose.

3 THE COURT: All right, so we will admit
4 that, and that is -- what number is that?

5 MR. EVANS: 49, Your Honor.

6 THE COURT: So 49 is admitted into evidence
7 without objection.

8 MR. EVANS: It was admitted earlier, and so
9 this is just the physical copy.

10 THE COURT: Oh, okay.

11 COURT REPROTER: Wait a minute, no.

12 MR. EVANS: Do we have the wrong number?
13 We can change the number.

14 COURT REPORTER: Yeah. I have 48 as the --

15 MR. EVANS: 48 was the --

16 COURT REPROTER: -- Miranda form.

17 MR. EVANS: -- Miranda.

18 COURT REPROTER: And then --

19 MR. EVANS: We didn't have anything
20 physical yet.

21 COURT REPORTER: Okay.

22 MR. EVANS: So I guess --

23 THE COURT: All right.

24 MR. EVANS: We are good.

25 THE COURT: Yeah, that was, basically, he

1 admitted the video, subject to prior objections, and
2 what happened is what you were really doing at that
3 time, you were admitting --

4 MR. EVANS: We were kind of doing it before
5 we had a hard copy.

6 COURT REPORTER: Right.

7 MR. EVANS: We now have a hard copy.

8 THE COURT: You were admitting the virtual
9 or electronic copy, and now what you're doing is,
10 you're just submitting the actual disk in its place;
11 is that correct?

12 MR. EVANS: That's a better way of putting
13 it.

14 THE COURT: Is that correct?

15 MS. GIBBES: Yes, Your Honor.

16 THE COURT: All right, thank you.

17 All right, anything else before we end for
18 the day?

19 MR. EVANS: No, sir, not from the State.

20 THE COURT: -- defense.

21 MS. GIBBES: No, sir.

22 THE COURT: All right, see everybody at
23 9:30 tomorrow.

24 MS. GIBBES: Thank you, Judge.

25 THE COURT: Thank you.

1 MR. EVANS: Yes, sir.

2 (At 4:46 p.m. the trial was continued to
3 the following day without interruption.)

4 **

5 **END OF VOLUME II**

6

STATE OF SOUTH CAROLINA	IN GENERAL SESSIONS COURT
	FOR THE 14 TH JUDICIAL CIRCUIT
	2019-GS-25-00045
	2019-GS-25-00059 - 62
COUNTY OF HAMPTON	
-----)	
State of South Carolina)	
)	
)	
Plaintiff,)	
vs.)	TRANSCRIPT OF JURY TRIAL
)	VOLUME III
Williston L. Owens,)	PAGES 374 TO 582
)	
Defendant.)	
-----)	

April 5, 2023
Hampton, South Carolina

B E F O R E:

The Honorable Robert Bonds, Judge Presiding

Kymberlee M. Williams, CSR/RPR
Official Circuit Court Reporter III
Post Office Box 8091
Beaufort, South Carolina 29903

A P P E A R A N C E S

Appearing for the State of South Carolina

Reed Evans, Esquire
Assistant Solicitor
Fourteenth Circuit Solicitor's Office
P.O. Box 546
Hampton, South Carolina 29924

Appearing for the Defendant

Courtney Gibbes, Esquire
Deputy Public Defender
Fourteenth Circuit Public Defender's Office
P.O. Box 545
Beaufort, South Carolina 29901

INDEX

PROCEEDINGS (04/05/23)	378
WITNESS: REIVYN DELESLINE	
Direct Examination	386
Cross-Examination	411
Redirect Examination	422
Recross-Examination	423
WITNESS: ELLEN RIEMER, M.D.	
Direct Examination	424
Cross-Examination	444
WITNESS: CHAD SMITH	
Direct Examination	446
Cross-Examination	469
Redirect Examination	474
WITNESS: BRUCE DAVIS	
Direct Examination	479
WITNESS: ELIAS GREEN TESTIMONY	489
WITNESS: JEFFREY MAXWELL	
Direct Examination	502

INDEX - CONTINUED

CHARGE CONFERENCE	521
CLOSING ARGUMENT BY MR. EVANS	530
CLOSING ARGUMENT BY MS. GIBBES	536
JURY CHARGE	541
READING OF THE VERDICT	570
SENTENCING HEARING	574
PROCEEDINGS CONCLUDED	580
CERTIFICATE OF REPORTER	581

EXHIBIT LIST

ITEM NO.	DESCRIPTION	PAGE
S-51	AUTOPSY PHOTO	440
S-52	DISK OF JAIL CALLS	506
C-6	STIPULATIONS	516

PROCEEDINGS

WEDNESDAY, APRIL 5, 2023

HAMPTON, SOUTH CAROLINA

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

THE COURT: All right, so, Solicitor, I understand that there's been a potential issue concerning the second jail call, and you'all are going to play the second jail call, and all the little stuff about it being from jail, we can stipulate that that's not coming in, because there's been a stipulation -- and I'm sorry, I didn't mean to start without your client.

There's been a stipulation that it's him on the phone, correct?

MS. GIBBES: Right.

THE COURT: All right.

MR. EVANS: I understand.

(Defendant enters the proceedings.)

THE COURT: All right, good morning, Mr. Owens.

MS. GIBBES: Did you tell me to go to number two?

1 MR. EVANS: Yes, ma'am.

2 THE COURT: All right, so for Mr. Owens'
3 benefit we were in here just a second ago. My
4 understanding there's some issue, this counsel has
5 some issue concerning the second jail call, for lack
6 of better words, and I don't know if I've made a
7 ruling on that yet, so we're gonna present the
8 redacted jail call now. I'll listen to it, and then
9 I'll hear arguments from counsel, sir, all right?

10 (Video being played for the Court.)

11 MR. EVANS: That's the redacted version.

12 THE COURT: All right, let me hear from
13 you.

14 MS. GIBBES: Judge, I was -- I mean I don't
15 think it's specific, as far as enough to be
16 relevant. I think it's very unclear what he's
17 talking about, or what -- I would argue relevance,
18 and it would confuse and mislead the jury.

19 THE COURT: Well --

20 MR. EVANS: If I may?

21 THE COURT: Yes, sir.

22 MR. EVANS: It's unclear because of all the
23 stuff they asked us to take out, which is the
24 context of his -- which it's a phone call, it's a
25 conversation. I understand that, you know,

1 statements are hearsay, but these aren't proof that
2 they're asserted, it's just the context of what
3 they're talking about, so that's why it's confusing.

4 THE COURT: I'm going to allow it. I think
5 that -- I mean relevance is a low bar, and quite
6 frankly, clearly, in my opinion, this is clearly
7 relevant, okay?

8 I mean to me it reaches the -- it crosses
9 the relevance hurdle, which I believe is probably
10 here, okay? And I think that there's, you know, a
11 potential argument that you could make as it relates
12 to this matter, that are hard to hear that who
13 knows, whatever, but I think that've redacted the
14 information that I think is unduly prejudicial, and
15 outweigh the probative value, particularly, the
16 comments the mom made about not finding a murder
17 weapon.

18 I agree with you there, but I think that
19 what we have here is -- I think it's not the best
20 quality in the world, but I think it's accurate, so
21 I'm gonna respectfully overrule your objection.

22 MS. GIBBES: Thank you, Judge.

23 THE COURT: I believe that it's relevant,
24 and I'm going to allow it.

25 MR. EVANS: Thank you, Your Honor, if

1 appropriate --

2 THE COURT: Yes, sir. It's not unduly
3 prejudicial. Yes, go ahead.

4 MR. EVANS: Oh, we're just gonna have to --

5 THE COURT: All right.

6 MR. EVANS: -- burn a copy, and I also have
7 the witness.

8 THE COURT: All right. So is there
9 anything else we need to take up before we bring the
10 jury in from the State?

11 MR. EVANS: Oh, Judge, we might as well at
12 this point, since the jury's not in yet, ask Your
13 Honor to take a look at the autopsy photos, and see
14 if defense has an issue with them. I don't think
15 they rise to the level, where they should be kept
16 out, but --

17 THE COURT: And also in future, if there
18 are photographs that are stipulated to that are
19 gonna show sensitive matters --

20 MR. EVANS: We'll send them to the Court.

21 THE COURT: -- please just give them to me
22 beforehand.

23 MR. EVANS: Yes, sir.

24 THE COURT: And I say that, because I can
25 forget next time. I remembered it this time.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25

THE COURT: All right, thank you, Mr. [REDACTED].

Ladies and gentlemen, good morning. I [REDACTED] the State is ready to continue with their [REDACTED].

MR. EVANS: Yes, sir, Your Honor, the State
calls Reivyn Delesline.

* * *

* * *

MR. EVANS: Thank you, Your Honor.

* *

Q. Would you please identify yourself and spell your name for the Court Reporter?

A. My name is Reivyn Delesline, R-E-I-V-Y-

1 N D-E-L-E-S-L-I-N-E.

2 Q. And what do you go by, Mr. Delesline?

3 A. Ntori.

4 Q. Tori, is that from your middle name?

5 A. Yes, sir, Ntori.

6 Q. N-T-O-R-I is your middle name?

7 A. Yes.

8 Q. All right. Mr. Delesline, do you know
9 Williston Owens?

10 A. Yes, sir.

11 Q. Is he in the courtroom today?

12 A. Yes.

13 Q. Can you identify him by something he's
14 wearing and where he's sitting?

15 A. Right side of the Court, brown suit.

16 Q. Okay.

17 MR. EVANS: Your Honor, may the record
18 reflect he's identified Defendant?

19 THE COURT: Yes, sir.

20 BY MR. EVANS:

21 Q. Mr. Delesline, were you charged in this
22 incident?

23 A. Yes, sir.

24 Q. What were you charged with?

25 A. Murder.

1 Q. By Officer Manor, Hampton Police
2 Department?

3 A. Yes, sir.

4 Q. All right. And what happened to your
5 case?

6 A. It was dismissed.

7 Q. Okay. Did we promise you anything --

8 A. No.

9 Q. -- in this case?

10 A. No, sir, not that I know.

11 Q. Did we condition dismissing your case
12 on you testifying?

13 A. No, sir.

14 Q. Okay. And you're here under subpoena?

15 A. Yes, sir.

16 Q. And you understand you have to tell the
17 truth?

18 A. Yes, sir.

19 Q. All right, are you prepared to do that?

20 A. Yes, sir.

21 Q. Did you plan your testimony with any of
22 the other people involved in this case?

23 A. No.

24 Q. Did you plan the story that you gave to
25 the police with any of the people involved --

1 A. No.

2 Q. -- in this case? I'm gonna ask you to
3 speak up a little bit for me, because even though
4 that microphone is there, it doesn't -- it's not the
5 greatest in the world, and she's got to write down
6 everything you say, okay?

7 A. Yes, sir.

8 Q. All right, how long have you known Mr.
9 Owens?

10 A. Just about all my life.

11 Q. And did you grow up here in Hampton?

12 A. In Hampton area, Brunson.

13 Q. Brunston in Hampton County?

14 A. Yes.

15 Q. I'm gonna also ask that every time you
16 answer a question of mine, if you can give me a
17 verbal answer rather than nodding your head,
18 because, again, she's writing down --

19 A. Okay.

20 Q. -- every word all of us say.

21 A. Yes, sir.

22 Q. Okay. So you've known him for quite a
23 long time?

24 A. Yes, sir.

25 Q. Have you known Treyvon Williams and

1 Chabbi Dobson a long time?

2 A. Yes, sir.

3 Q. All right. Did you'all grow up
4 together here in Hampton County?

5 A. Yes, sir.

6 Q. Before January 8th, 2019, what did you
7 know about the situation that Mr. Owens was in?

8 A. I just knew that he was shot at --

9 Q. Okay.

10 A. -- at his house.

11 Q. Did you know by who?

12 A. I believe it was Blake Stokes, the
13 brother of Donovan Riley.

14 Q. Okay, and was that an ongoing problem
15 for Mr. Owens?

16 A. I guess they had a few run-ins.

17 Q. Okay.

18 A. Yeah.

19 Q. A beef as people say?

20 A. Yes, sir.

21 Q. Okay. Do you remember January 8th,
22 2019? The day that everything happened?

23 A. Yes, sir.

24 Q. Okay, what can you tell us about that
25 day?

1 A. Well, I think it was just like a normal
2 day. Went to the gas station, then after we left
3 the gas station --

4 Q. When you say we -- let's back up a
5 little bit. Do you remember what day of the week it
6 was?

7 A. No, sir.

8 Q. Okay. Were you in school at that time?

9 A. College.

10 Q. You were in college?

11 A. Yes.

12 Q. Okay. Where was that?

13 A. South Carolina State.

14 Q. Okay, in Orangeburg?

15 A. Uh-huh.

16 Q. All right, but were you --

17 COURT REPORTER: Is that yes?

18 BY WITNESS:

19 A. Yes, sir.

20 Q. Were you here in Hampton, even though
21 you were in school --

22 A. Yes, sir.

23 Q. -- on that particular day?

24 A. Yes, sir.

25 Q. Okay.

1 A. I think it was Christmas break.

2 Q. It was still the winter break between
3 semesters?

4 A. Yes, sir.

5 Q. So you were hanging out with some
6 friends --

7 A. Yes, sir.

8 Q. -- is that what you were getting at?
9 Who were those friends? When you say we, I'm gonna
10 need names every time.

11 A. Treyvon Williams, I guess J. Dobson.

12 Q. Okay.

13 A. And Williston Owens.

14 Q. J. Dobson, is that Chabbi?

15 A. Chabbi.

16 Q. Okay, Jeantaviene Dobson?

17 A. Yes, sir.

18 Q. All right. You were hanging out with
19 the three of them?

20 A. Yes, sir.

21 Q. Where was that?

22 A. In Hampton County.

23 Q. Do you remember specifically where?
24 Anybody's house?

25 A. No, sir, we were just riding around.

1 Q. Okay, in somebody's vehicle?

2 A. Yes, sir.

3 Q. Whose vehicle were you riding around
4 in?

5 A. Treyvon's vehicle.

6 Q. All right, was anybody drinking, or
7 smoking marijuana, anything like that?

8 A. Yes, sir.

9 Q. Who and what?

10 A. I think we were all smoking like weed.

11 Q. Okay.

12 A. And we had some -- we did have alcohol.

13 Q. Okay, and when you'all were in
14 Treyvon's vehicle, where is everybody sitting?

15 A. Treyvon's in the front, Chabbi's in the
16 passenger side, I was sitting behind, and I was
17 sitting behind Chabbi, and Williston was sitting
18 behind Treyvon.

19 Q. All right, and where did you'all go?

20 A. We went to the Shell station.

21 Q. Okay. Mr. Delesline, does this look
22 familiar to you? Is that the Town of Hampton?

23 THE COURT: Do you want to have him step
24 down?

25 MR. EVANS: That'll be fine.

1 BY MR. EVANS:

2 Q. Come on down, Mr. Delesline.

3 A. Okay, yeah.

4 Q. Do you see it now?

5 A. Yes.

6 Q. All right, is this the Shell Station
7 here --

8 A. Yes.

9 Q. -- that you'all went to?

10 A. Yes, sir.

11 Q. Okay.

12 MR. EVANS: I'm gonna have him sit down
13 now, Judge.

14 THE COURT: Yes, sir.

15 BY MR. EVANS:

16 Q. So what happened at the Shell Station?

17 A. We went in -- we went inside. We
18 headed out, and we were going to the Water Trail
19 Park. And as we were going to the Water Trail Park
20 we just started -- I forget what exactly what --
21 what happened, but it was something about -- I don't
22 know, something.

23 Q. Okay.

24 A. Yeah.

25 Q. Without saying specific things that

1 other people said --

2 A. Yeah.

3 Q. -- they were talking to Williston,
4 Treyvon and Chabbi were?

5 A. Yes.

6 Q. They were saying things that he didn't
7 like; is that what you're getting at?

8 A. That's why he got -- he got agitated
9 with them.

10 Q. When you say he, do you mean the
11 Defendant?

12 A. I mean it was Owens, so --

13 THE COURT: Speak up just a little bit.

14 WITNESS: Oh, yes.

15 MR. EVANS: Yes, please.

16 THE COURT: You're fine, just speak up a
17 little bit louder, okay?

18 WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 BY WITNESS:

21 A. It's Williston Owens, so --

22 Q. He got frustrated with the things they
23 were saying to him?

24 A. Yes, sir.

25 Q. Okay.

1 A. So he was ready to hop out at the stop
2 sign. I was telling him, no. I'm like, "All
3 right," so he hopped out and we drove off. And he
4 started to walk back where he just came from,
5 because the house is right over there behind
6 Hardee's.

7 Q. Let's have you step down, and we're
8 gonna use this map while you describe that, okay?

9 A. Yes, sir.

10 Q. All right, so let's try to stand off to
11 the side, so the whole jury can see. And while
12 you're doing that, can you show me the route that
13 you'all took from the Shell station, until the point
14 that you got out?

15 A. All right.

16 COURT REPORTER: I can't --

17 THE COURT: You need to speak up.

18 BY MR. EVANS:

19 Q. Speak as loud as you can.

20 A. Oh, okay.

21 Q. Thank you.

22 A. So we left Shell's came around down the
23 street.

24 Q. Okay.

25 A. Came back up this way.

1 Q. Is that on Mulberry? I don't think
2 it's marked here, but does that sound right?

3 A. This is the way we were going up --

4 Q. Is this McDonald's right here?

5 A. Yes.

6 Q. Okay.

7 A. I think it's right there.

8 Q. And then you turned on this street
9 here?

10 A. Uh-huh.

11 Q. All right.

12 THE COURT: Yes?

13 BY WITNESS:

14 A. Yes, sir.

15 Q. Yes, thank you.

16 A. We get to the stop sign, that's where
17 we get dropped off at, and we were going to make the
18 way back to this way --

19 Q. All right.

20 A. -- to his house.

21 Q. So you'all were up here when you
22 stopped, and you and Mr. Owens got you of the --

23 A. Yes, sir.

24 Q. -- out of Treyvon's car?

25 A. Yes, sir.

1 Q. Okay. And you said you think -- were
2 telling me you were walking back?

3 A. Yes, sir.

4 Q. This way?

5 A. Yes, sir.

6 Q. Okay, thank you.

7 A. Thank you.

8 Q. Did you plan for Mr. Owens to get out
9 at the stop sign?

10 A. No, sir.

11 Q. Did you think that he had that plan?

12 A. No, sir, we were planning all night to
13 hang out.

14 Q. Hang out and smoke pot and --

15 A. Yes, sir.

16 Q. -- just drink, and do what young guys
17 do?

18 A. Yes, sir.

19 Q. All right. What did you think when he
20 first got out of the vehicle, and you followed?
21 Where did you think you were headed?

22 A. Back to his house.

23 Q. Was there somebody else's house in the
24 area that you thought you might be headed to?

25 A. No, sir.

1 Q. Was there -- do you know somebody by
2 the name of Rio Jones?

3 A. Yes, sir.

4 Q. Okay, where did he live at that time?

5 A. Right on the left side. When you said
6 did you think we were going to anyone's house,
7 planning to go to their house? No, sir, but right
8 there next to the stop sign he lived there for a
9 long time - Rio Jones.

10 All right, let's see if he's over there.
11 Do you want to try to go?"

12 Q. And that's right by the stop sign?

13 A. Yes, sir.

14 Q. Okay.

15 A. Like --

16 Q. You asked Mr. Owens if he wanted to go
17 there?

18 A. Yes, sir.

19 Q. And what did he say?

20 A. "No."

21 Q. Okay, what happened next?

22 A. So I'm like, "All right," so we kept
23 walking. He's a little ahead of me, and I'm a
24 little bit behind him that I'm about to veer off,
25 and as we're walking up, he stops ahead and

1 crouched.

2 Q. When he stops and crouched, where were
3 you'all?

4 A. He was just passing the first trailer,
5 and I was just getting to it.

6 Q. The trailer park on Lightsey Street?

7 A. Yes, sir.

8 Q. All right.

9 MR. EVANS: May I approach the witness,
10 Your Honor?

11 THE COURT: Yes, sir.

12 BY MR. EVANS:

13 Q. Mr. Delesline, I'm gonna show you
14 what's been previously marked as State's Exhibit 16.
15 Are these the trailers that you're talking about?

16 A. Yes, sir.

17 Q. Is this approximately where he was
18 standing, or would it be further back this way?

19 A. He's like further up this way.

20 Q. Can you point it out, so the jury
21 can --

22 A. Like through this way (indicating).

23 Q. Okay, so behind this corner of the
24 first house?

25 A. Yes, sir.

1 Q. All right. That's where you'all were
2 when he stopped walking?

3 A. I was a little behind.

4 Q. Okay. And I'm sorry I interrupted you,
5 but what did he do? You were about to describe it.

6 A. He had stopped and crossed with a
7 little hesitation, so I said, "What -- what --
8 what --

9 Q. Did it look like he was trying to hide?

10 A. Yes, sir, that's what it was. Like I
11 saw something, and he got back real quick.

12 Q. So he started -- was walking, and then
13 he did that --

14 A. so like --

15 Q. Okay.

16 A. -- what -- he said, "Them boys."

17 Q. And what did that mean to you --

18 A. That --

19 Q. -- when he said, "Them boys."

20 A. Automatically in my head I'm thinking
21 it's Donovan Riley, and so then I went, "Yeah, and
22 it's not gonna be good."

23 Q. Why was it not gonna be good?

24 A. Just -- they were already shooting at
25 each other, and so I know they must have a gun. I

1 know I've seen his gun before, so -- and at that
2 time he started reaching.

3 Q. When you say he, you mean the
4 Defendant?

5 A. Yeah, Williston Owens.

6 Q. Okay.

7 A. Started reaching -- and I'm like, "What
8 you doing? What you doing?" He was -- and by that
9 time he started reaching, and when he started
10 reaching, I started to turn around, and as I turned
11 back around there was already gunfire.

12 Q. All right, when you say he started
13 reaching, what do you mean by that?

14 A. Like they didn't -- but me I already
15 know if somebody starts digging in their pants,
16 they're ready to reach out and grab a gun or weapon.

17 Q. Okay, did you see a gun in his hands
18 that night?

19 A. On that night, yes. It's been a
20 minute, but --

21 Q. Yeah, it's been four years, hasn't it?

22 A. Yeah. I don't know, I can't remember.

23 Q. Do you recall telling the Police
24 Department that you saw his large black and silver
25 gone?

1 A. I remember telling them that I saw it
2 before. I just don't specifically remember if I
3 told them I saw it that night.

4 Q. Okay. And then what did you do after
5 you saw him start to reach?

6 A. After he started to reach, like I said,
7 I turned around to walk away, and as I turned back,
8 it was already out, the gun fired.

9 Q. When you say you turned back and it was
10 already out, what do you mean by that?

11 A. The gun was already out, and by the
12 time I looked back there was gunfire already.

13 Q. Okay.

14 A. Yes, sir.

15 Q. Who was firing a gun?

16 A.. Williston Owens.

17 Q. Did you see anybody else that night
18 with a gun?

19 A. No, sir.

20 Q. Did you see him actually fire?

21 A. That one -- I can't recall.

22 Q. I'm gonna show you something that's
23 been entered as State's Exhibit 47.

24 A. Okay.

25 Q. Can you tell what that is, Mr.

1 Delesline?

2 A. Yes, sir.

3 Q. Okay. This is a rough diagram of that
4 scene, isn't it?

5 A. Yes, sir.

6 Q. Okay. Where was Mr. Owens when you saw
7 him with the gun? Do you want to come down and
8 point it out for the jury?

9 A. Yes, sir. Right here.

10 Q. Okay, on Lightsey Street?

11 A. Yes, sir.

12 Q. So you saw him with a gun, and you
13 heard gunfire?

14 A. Yes, sir.

15 Q. About how many shots did you hear?

16 A. Roughly, five or six.

17 Q. Okay. Do you know what caliber of gun
18 it was?

19 A. It's a .40.

20 Q. All right. After you heard the five or
21 six shots, were you walking, running, what were you
22 doing?

23 A. Running.

24 Q. Running? Which direction?

25 A. Up the street and to the right.

1 Q. Back towards the stop sign you'all had
2 come from?

3 A. Yes, sir.

4 Q. And what was --

5 A. Lightsey Street.

6 Q. -- the Defendant doing?

7 A. Running to -- I think -- there's only
8 one way you can take -- we were both running this
9 way.

10 Q. You'all were running --

11 A. Toward this house.

12 Q. Okay. Did he say anything to you after
13 the shots?

14 A. No, sir. On the way out?

15 Q. Uh-huh.

16 A. No, sir.

17 Q. Do you recall telling the police that
18 he said something to you?

19 A. As we're -- during the situation?

20 Q. After the shots when you'all were
21 leaving.

22 A. I don't recall.

23 Q. Can you recall talking to me this
24 morning about it?

25 A. Yes, sir.

1 Q. Okay. What did the Defendant say about
2 who was out there?

3 A. Donovan Riley.

4 Q. Williston Owens said Donovan Riley was
5 out there when he was firing?

6 MS. GIBBES: Objection.

7 THE COURT: All right, I'm gonna sustain
8 that objection.

9 BY WITNESS:

10 A. Yeah, I'm gonna say I really don't
11 understand the question.

12 Q. Did he say anything after the shots,
13 the Defendant, Williston Owens?

14 A. Oh, no, sir, no, he didn't say
15 anything. You're talking about, you know --

16 Q. Do you recall telling the police in
17 your interview that he said Donovan was out there?

18 A. I don't know.

19 MS. GIBBES: Leading.

20 THE COURT: The --

21 MR. EVANS: If I may, Judge?

22 THE COURT: I'll allow that question; I'm
23 going to overrule that question.

24 MR. EVANS: It's foundational.

25 THE COURT: And so you can ask that

1 question again, but beyond that, I'm gonna try to
2 back away from leading the witness, okay?

3 MR. EVANS: Yes, sir.

4 THE COURT: Yes, sir.

5 BY MR. EVANS:

6 Q. Do you understand my question, or do
7 you need it again?

8 A. One more time.

9 Q. Do you recall being interviewed by the
10 Police Department, telling them that Williston Owens
11 said Donovan Riley was out there?

12 A. Yes.

13 MS. GIBBES: Leading.

14 THE COURT: All right, I understand, go
15 ahead, you can answer.

16 BY WITNESS:

17 A. Yeah, yes.

18 Q. You do recall saying that?

19 A. Yes, sir.

20 Q. Okay, is that the truth today?

21 A. Yes.

22 Q. Thank you. As you left the scene
23 walking back in that same direction towards the stop
24 sign, what were you feeling and thinking?

25 A. Nothing really. As I was running, I

1 don't know, it was one of those moments where like
2 you're not really there.

3 Q. Out of body?

4 A. Yes, sir.

5 Q. And then where did you go after you got
6 to the stop sign?

7 A. I ran all the way back to my house.

8 Q. Okay. Did he go with you, Mr. Owens?

9 A. No.

10 Q. You'all went your separate ways?

11 A. Yes.

12 Q. Which direction was your house?

13 A. Right.

14 Q. And which direction was his house?

15 A. The left.

16 Q. Did you see him again that night?

17 A. No, sir.

18 Q. Talk to him again that night?

19 A. No, sir.

20 Q. Have you spoken to him since then in
21 the last four years?

22 A. Yes, sir.

23 Q. What, if anything, did he tell you?

24 A. He said --

25 MS. GIBBES: Objection, calls for hearsay.

1 MR. EVANS: If he knows.

2 THE COURT: All right, I'm gonna overrule
3 the objection.

4 BY MR. EVANS:

5 Q. What, if anything, has Mr. Owens told
6 you since then?

7 A. I'd just like to say the only contact I
8 had with him was probably on that one time, or
9 anything like that, that was it. And he was just
10 telling me to keep my head up.

11 Q. When did you speak to the police?

12 A. I can't recall.

13 MR. EVANS: May I approach the witness,
14 Your Honor?

15 THE COURT: Yes, sir.

16 BY MR. EVANS:

17 Q. Mr. Delesline, I'm gonna pass you
18 something. Do you recognize that?

19 A. Yeah. Yes, sir.

20 Q. What's that?

21 A. My Miranda rights.

22 Q. Okay, is that your signature?

23 A. Yes, sir.

24 COURT REPORTER: Okay, I got it.

25 BY MR. EVANS:

1 Q. What's that date?

2 A. January the 10th, 2017?

3 Q. It does look like '17, but it's January
4 the 10th?

5 A. Yes, sir.

6 Q. Is that the date that you spoke to
7 them?

8 A. Yes, I did.

9 Q. So two days later?

10 A. Yes, sir.

11 Q. Were you under arrest at that time?

12 A. I think I was under arrest after I gave
13 my statement. I mean I was in handcuffs, so I guess
14 so.

15 Q. But you were arrested afterwards?

16 A. Yes, sir.

17 Q. Did you tell them what you're telling
18 this jury today?

19 A. Yes, sir.

20 Q. Did you kill Mack Green?

21 A. No, sir.

22 Q. Did you fire a gun that night?

23 A. No, sir.

24 Q. Did you or Mr. Owens possess a gun that
25 night?

1 A. I didn't.

2 Q. Did you have a plan to do this with
3 Williston Owens?

4 A. No.

5 Q. Did you plan anything with him
6 afterwards?

7 A. No, sir.

8 Q. Did anybody else fire a gun that night?

9 A. No, sir.

10 Q. Did Williston Owens fire a gun that
11 night?

12 A. Yes, sir.

13 MR. EVANS: Those are all the questions I
14 have, Your Honor.

15 THE COURT: All right.

16 BY MR. EVANS:

17 Q. Please answer any questions defense
18 counsel may have for you.

19 THE COURT: All right.

20 MS. GIBBES: May it please the Court?

21 THE COURT: Yes, ma'am.

22 **

23 **CROSS-EXAMINATION**

24 BY MS. GIBBES:

25 Q. How are you, Tori?

1 A. I'm doing good, how about you?

2 Q. Good. My name is Courtney Gibbes, I
3 represent Williston. I just have a few questions.
4 Okay, so I'm just a little confused, this day did
5 you get picked up?

6 Did you and Will get picked up by Treyvon,
7 or did you ride with Will over there?

8 A. I can't recall.

9 Q. Okay. And so do you remember when you
10 were -- well, I'll start -- let me go back. So
11 after this happened, when you said you go to
12 college, you left town immediately after this
13 happened, right, and went back to school?

14 A. Yes, ma'am, that was moving day.

15 Q. Okay. And you didn't call police, or
16 talk to police or anything before you went back to
17 school?

18 A. No, ma'am.

19 Q. All right. You didn't call 911 that
20 night?

21 A. No, ma'am.

22 Q. All right, and so you just left. Did
23 you leave that night to go back to school?

24 A. The next day, or --

25 THE COURT: Speak up just a little bit.

1 BY WITNESS:

2 A. It was either the next day, or the --
3 either the next day or the day after.

4 Q. Well, do you remember if it was -- and
5 I know you just looked at that date, you met with
6 the police on January 10th.

7 A. Okay, so I left January the 10th.

8 Q. And so you went -- where did you go?
9 You went to Orangeburg?

10 A. Yes, ma'am.

11 Q. Okay, and you didn't turn yourself in
12 though, the police actually came and picked you up
13 there, right?

14 A. Yes, ma'am. My mom called and said,
15 "The police are looking for you, and they coming."
16 And I told them, "I'm here."

17 Q. Okay. And also during that time you
18 got phone calls from Treyvon and Chabbi, telling you
19 they wanted to talk to you, right?

20 A. Uh-huh.

21 Q. Because they had talked to them, right?

22 A. Yes.

23 Q. And you knew Will had talked to them?

24 A. (Nodding).

25 THE COURT: Yes? Yes?

1 BY WITNESS:

2 A. Yes, sir.

3 THE COURT: You have to answer out loud.

4 BY MS. GIBBES:

5 Q. So you're actually the last person to
6 talk to police, right? Because they had to come
7 pick you up and put handcuffs on you?

8 A. Yes.

9 Q. Okay. And this statement it was
10 recorded; do you know that?

11 A. Yeah.

12 Q. It was on video?

13 A. Oh, no, I mean yes, ma'am.

14 Q. Okay, and you know that video's in
15 evidence? I'm assuming you've seen that video since
16 you were charged with murder?

17 A. Yes, ma'am.

18 Q. Okay. And in the video in your
19 statement you said that you and Will rode over to
20 Treyvon and Chabbi's house in Will's car, right?

21 A. (Nodding).

22 THE COURT: Yes?

23 BY WITNESS:

24 A. Yes, ma'am.

25 Q. Okay.

1 A. I mean yes, ma'am.

2 Q. Okay, which is different than what you
3 just said, that you got picked up?

4 A. I didn't say that.

5 Q. Okay.

6 A. I said -- I said I don't recall.

7 Q. Okay. And so you and Will rode over in
8 his car to Treyvon and Chabbi's house, because they
9 live together, right, at that time?

10 A. Can you repeat the question?

11 Q. You and Will rode over to Treyvon and
12 Chabbi's house in Will's car that night, because
13 they lived together at that time, right? Treyvon
14 and Chabbi lived together?

15 A. They lived together --

16 Q. Right.

17 A. -- but the rest of your question, I
18 don't recall.

19 Q. Okay, but you do know that at the time,
20 during your statement that's on video, you told
21 police that you rode over there in Will's car?

22 A. Yes, ma'am.

23 Q. Okay. And at that time, as you said,
24 you got in the car with Treyvon in Treyvon's car,
25 right, to go to the Shell station?

1 A. Yeah.

2 Q. Okay. And all of a sudden after the
3 Shell station, you'all got out at the stop sign,
4 right?

5 A. Yes, ma'am.

6 Q. There's no discussion-wise, we're
7 getting out?

8 A. They had a conversation, like
9 everybody, you know, homosexual interactions, and so
10 --

11 Q. And like that was a bad thing?

12 A. Yes, ma'am.

13 Q. And you were gonna go back to Will's
14 house with him?

15 A. Uh-huh.

16 Q. Okay. Now, I watched your video, and I
17 know you watched your video of your statement, so
18 I'm just gonna go through some of the things you
19 said, okay?

20 A. Yeah.

21 Q. And you first said to Detective Manor
22 that he pulled a gun out, and you started walking
23 off, and you kept your distance from him; so you
24 were behind him?

25 A. Yes, ma'am.

1 Q. Okay, and you didn't get close to him,
2 because he was walking away; do you remember that?

3 A. I didn't get close to him because he
4 was walking away?

5 Q. Right. You kept back from him is what
6 you said.

7 A. I was already back from him.

8 Q. Okay, and --

9 A. And I was feet back from him.

10 Q. Okay, so you were far away from him
11 already?

12 A. Yes.

13 Q. It was dark?

14 A. Yes, ma'am.

15 Q. And you said you didn't have a gun?

16 A. No, ma'am.

17 Q. All right. And you said you heard
18 shooting, and you ran away, but you didn't see the
19 shooting, I think that's what you just testified to,
20 right?

21 A. I mean that's what it was.

22 Q. You heard, but you didn't see?

23 A. I heard, but I didn't see. I'm not
24 sure.

25 Q. Okay. Now, talking about Will's gun,

1 you said you hadn't seen that gun since 2017; do you
2 remember telling Detective Manor that?

3 A. No. I don't recall.

4 Q. Okay. So you told him on the video
5 that you hadn't seen the gun since 2017, but then
6 you actually said unprompted, if you remember that
7 you touched that gun before, right?

8 A. Yeah.

9 Q. You admitted to him that you touched
10 it, but you didn't really say when you touched it?

11 A. I don't understand.

12 COURT: Is that a question, or --

13 BY MS. GIBBES:

14 Q. Well, yeah, I'm just asking, do you
15 remember telling Detective Manor that you touched
16 the gun?

17 A. Yes.

18 Q. Okay. And you actually told him you
19 touched it that night? You don't remember that?

20 A. I don't recall.

21 Q. Okay, would it help if we played the
22 video?

23 A. Yes, ma'am.

24 Q. Okay.

25 MS. GIBBES: I beg the Court's indulgence,

1 we have to cue it up.

2 THE COURT: All right.

3 MS. GIBBES: It's very, very brief. I
4 apologize, we have --

5 THE COURT: That's all right.

6 MS. GIBBES: -- a little technical
7 difficulty.

8 THE COURT: Sir, it's gonna be right there,
9 I just want to let you know that, okay?

10 WITNESS: Thank you.

11 MS. GIBBES: Thank you, and that was my
12 fault, I'm sorry.

13 (Video being played for the Court.)

14 BY MS. GIBBES:

15 Q. Okay, so you did touch that gun?

16 A. Yeah.

17 Q. All right, and when -- at that point
18 you were in cuffs, right? Being interviewed you're
19 in cuffs?

20 A. Yes, ma'am.

21 Q. Okay. And you were worried you didn't
22 know what you were getting charged with yet, did
23 you?

24 A. I just thought I was gonna tell the
25 truth and go home.

1 Q. Okay, and then at the end you were
2 charged with murder, right?

3 A. Oh, yes, ma'am.

4 Q. Okay. And do you remember this case
5 almost went to trial in August of last year; do you
6 remember that?

7 A. Yes, ma'am.

8 Q. And you had met with the Solicitor's
9 Office prior to that?

10 A. Yes, ma'am.

11 Q. Okay, and your murder case actually got
12 dismissed you said, right?

13 A. Yes, ma'am.

14 Q. And do you remember how it got
15 dismissed on July 26th right before that trial?

16 A. They said they did not provide me with
17 the --

18 Q. I'm not saying that, I'm just saying
19 the timing.

20 A. Yes, ma'am, right.

21 Q. Okay. And it seemed like you talked to
22 the Solicitor several times about this case --

23 A. Yes, ma'am.

24 Q. -- correct? And it sounds like he's
25 gone through your testimony, correct?

1 A. Yes, ma'am.

2 Q. And there's some things maybe you
3 wouldn't have remembered, but for the Solicitor
4 talking to you about it, like that just happened
5 when you were on the stand?

6 A. Yes, ma'am.

7 Q. Okay.

8 MS. GIBBES: I beg the Court's indulgence.

9 THE COURT: Okay.

10 BY MS. GIBBES:

11 Q. Okay, so, again, you -- just briefly,
12 you did say in your interview that you and Will rode
13 there in your car -- in his car, right?

14 A. Yes, ma'am.

15 Q. Okay, and then your testimony today is
16 that he ran -- you'all both ran your separate ways?

17 A. Oh, I'm talking about being picked up.

18 Q. Right, I'm talking about at the
19 beginning of the night you rode in Will's car to get
20 to Treyvon and Chabbi's house, right?

21 A. Uh-huh.

22 Q. Right?

23 A. Yes, ma'am.

24 Q. And then -- but you just said earlier
25 you got picked up at the beginning. I'm just trying

1 to clarify, Will's car got left at Treyvon and
2 Chabbi's house?

3 A. Yeah, okay. I didn't leave in his car,
4 I ran home.

5 Q. Oh, I know, I'm just asking, did Will's
6 car get left at Treyvon and Chabbi's, right, when
7 you'all got in the car?

8 A. I can't recall. I can't tell you that.

9 Q. Okay.

10 A. Okay.

11 MS. GIBBES: I have no further questions.

12 THE COURT: All right, anything else,
13 Solicitor?

14 MR. EVANS: Beg the Court's indulgence.
15 Just a little bit of redirect.

16 THE COURT: All right, yes, sir.

17 **

18 **REDIRECT EXAMINATION**

19 BY MR. EVANS:

20 Q. Mr. Delesline, she asked you about the
21 timing of our meeting last summer.

22 A. Yes, ma'am. Yes, sir.

23 Q. Okay. Just to clarify, was your lawyer
24 there?

25 A. Yes, sir.

1 Q. Is he here today?

2 A. Yes, sir.

3 Q. Did we promise you anything?

4 A. No, sir, not at all.

5 Q. We told you what? Tell me what I told
6 you then?

7 A. You told me that it has nothing to do
8 with this case at all, with it being dismissed. And
9 you also told me it was supposed to be from the
10 beginning, I would have never been in this
11 situation.

12 MR. EVANS: That's all I have.

13 THE COURT: Anything else?

14 **

15 **RECROSS-EXAMINATION**

16 BY MS. GIBBES:

17 Q. So just basically your other charge is
18 pending for three years, and you didn't learn your
19 case was getting dismissed until a few days before
20 the trial, right?

21 A. Yes, ma'am.

22 Q. All right, thank you.

23 MS. GIBBE: Nothing further.

24 THE COURT: All right.

25 Sir, thank you very much, appreciate it.

1 being first duly sworn, testified as
2 follows:

3 **DIRECT EXAMINATION**

4 BY MR. EVANS

5 Q. Good morning.

6 A. Good morning.

7 Q. Would you please introduce yourself,
8 and spell your name for our Court Reporter?

9 A. Yes, good morning. My name is Dr.
10 Ellen Riemer, R-I-E-M-E-R.

11 Q. And where do you work, Doctor?

12 A. I work at the Medical University of
13 South Carolina, where I am a Forensic Pathologist.
14 I've been employed there for 14 years.

15 Q. All right, what is a forensic
16 pathologist?

17 A. A forensic pathologist is a medical
18 doctor that after completing medical school does
19 training in pathology, in general pathology. And
20 then does additional training on top of that, being
21 forensic pathology. And I am board certified in
22 pathology and forensic pathology. So the difference
23 between those -- do you want me to do that?

24 Q. Yes, please, I was gonna ask you to
25 define that.

1 A. So general pathology would be if you've
2 ever had any tissue or biopsy done, and they say
3 they're gonna send it to the lab, well, there's
4 actually a doctor, a medical doctor called a
5 pathologist, that examines that tissue, and will
6 tell you, for instance, if it's like a breast biopsy
7 or a prostate biopsy, is it cancer?

8 If it is, what type of cancer, how high
9 grade? All those sorts of things. So that's -- I
10 did training in general pathology like that, and
11 then after that forensic pathology focuses on
12 injuries that can happen to the body.

13 And, specifically, trains the doctor, the
14 pathologist, learns how to examine bodies for
15 unusual or abnormal and unnatural causes of death.
16 So when I do an autopsy, my job is to do autopsies
17 to figure out the cause and manner of death, and it
18 could be natural, it could be an accident, it could
19 be, you know, a shooting, any number of things.

20 Q. Okay, so what's the difference between
21 cause and manner?

22 A. So the cause could -- there's just an
23 endless number list of things that somebody can die
24 from, okay? That's the cause. So somebody can
25 have, you know, a pulmonary embolism, they could

1 have lung cancer, or a brain tumor, a gunshot wound,
2 a stab wound, burn injuries, a manner of them. And
3 that can -- you can just imagine there's really no
4 limit to the causes of people's death. The manner,
5 in contrast, we only have five manners of death, so
6 we always have to choose among those. And the five
7 manners of death are natural, so natural would be if
8 somebody died of natural disease, like a heart
9 attack, or cancer.

10 Accident, if you're driving and somebody
11 hits your car and you get injured and died from the
12 crash, that would be an accident, or even an
13 overdose, that would also be an accident. Then
14 there's homicide, homicide is death at the hands of
15 another person.

16 Suicide is death at your own hands
17 intentionally. Okay, so those are the four main
18 ones.

19 Q. All right.

20 A. Natural, accident, homicide, suicide,
21 and then we have a fifth category called
22 undetermined. That sometimes no matter, you know,
23 how much investigation, and a complete autopsy,
24 complete toxicology testing, there's still not any,
25 you know, manner that we can discern.

1 So it's possible that there was an
2 overdose, let's say somebody died of an overdose,
3 and we're not sure. They may have wanted to do it,
4 they may have not, so we're not sure to call it an
5 accident or suicide, so that would be classified as
6 undetermined, so --

7 Q. Okay.

8 A. -- those are the five things.

9 Q. So cause and manner are medical --

10 COURT REPORTER: Doctor, could you just
11 back up from the mic just a little bit?

12 MR. EVANS: Yes.

13 WITNESS: Oh, sure.

14 BY MR. EVANS:

15 Q. That mic picks up the feedback.

16 COURT REPORTER: Oh, I couldn't figure out
17 what that noise was. Thank you.

18 BY MR. EVANS:

19 Q. So I'll ask you to sit back, but speak
20 up, even though there is a mic.

21 A. Yes.

22 Q. Does that work for you?

23 A. Yes.

24 Q. Okay. So cause and manner are medical
25 determinations, not legal?

1 A. That's correct.

2 Q. Even though you were a lawyer, right?

3 A. I was a lawyer a long time ago. 30
4 years ago I retired as a lawyer.

5 Q. Before you went to med school and
6 residency?

7 A. Yes, sir.

8 Q. How many autopsies have you performed
9 in your career?

10 A. Approximately 5,500.

11 Q. And have you ever testified at a Court
12 like this before?

13 A. Yes, in the range of 250 times over my
14 career.

15 Q. And have been qualified as an expert in
16 forensic pathology?

17 A. Yes.

18 Q. On each of those occasions?

19 A. Yes.

20 MR. EVANS: Your Honor, the State would
21 tender Dr. Riemer as an expert in forensic
22 pathology.

23 THE COURT: Any objection?

24 MS. GIBBES: No objection.

25 THE COURT: All right, ladies and

1 gentlemen, normally, a person cannot give opinion
2 testimony.

3 Normally, when a person testifies, they
4 must testify as to what they either saw or heard,
5 sensed or smelled or by something of that nature.
6 However, there's an exception with someone that's
7 qualified because of education or experience.

8 They are permitted to give their opinion in
9 certain areas if the Court qualifies them in that
10 way. This witness will be qualified in the
11 expertise of forensic pathology, and as such, can
12 give opinion testimony in that area.

13 Now, I want you to know that that does not
14 mean that you must accept the opinion, but it is
15 evidence for you to use in any way you see fit.

16 Proceed, Solicitor.

17 MR. EVANS: Thank you, Your Honor.

18 BY MR. EVANS:

19 Q. Doctor, did you have the occasion to
20 perform an autopsy on a gentleman named Mack Green?

21 A. Yes.

22 Q. Tell us about that, please.

23 A. Okay, so --

24 Q. When did you do that?

25 A. I'm going to pull out my report.

1 Q. Yes, ma'am.

2 A. So I can refresh my recollection.

3 Q. You've done quite a few in the four
4 years since then I'm sure --

5 A. Okay.

6 Q. -- is that right?

7 A. So I performed Mack Green's autopsy on
8 January 10th, 2019.

9 Q. Okay, how did he arrive? Well, I guess
10 where did you do that? You say you work at MUSC, is
11 that where you performed the autopsy?

12 A. Yes, at MUSC.

13 Q. Okay, in downtown Charleston?

14 A. Yes.

15 Q. Okay.

16 A. Downtown Charleston.

17 Q. All right, so he arrived to your office
18 or the hospital? How does that work?

19 A. Yes, so he arrived to the autopsy
20 suite, and that was at the request of the Hampton
21 County Coroner, who had jurisdiction on -- that he
22 made a decision that an autopsy needed to be
23 performed in this case, and called my office, and
24 asked that an autopsy be performed, and so I got the
25 case.

1 And I did a complete autopsy, which starts
2 with an external examination, looking for anything
3 that may be wrong, and just sort of looking at the
4 body in general, looking for anything that could
5 possibly be wrong. And then I went on and did an
6 internal examination, whereby I examined every
7 single one of the internal organs. And in this case
8 the major finding was --

9 Q. Well, let me -- what did you see on his
10 exterior? Let's take it --

11 A. Yes.

12 Q. -- step-by-step.

13 A. So he had two gunshot wound defects.
14 One of them was an entrance gunshot wound defect,
15 and the other one was an exit gunshot wound defect.

16 Q. And how can you tell which is which?

17 A. Well, sometimes it's a little bit hard
18 to tell, but in this case, it was easy to tell,
19 because there was a marginal abrasion on the -- just
20 a very characteristic of an entrance wound. Whereas
21 exit wounds tend to kind of tear open the skin, and
22 they don't cause any marginal abrasions on the skin.
23 So it's something that, you know, this is part of
24 like -- this is something that I've learned to do
25 many years ago, and it's something every forensic

1 pathologist learns to do, so we can make accurate
2 determinations.

3 Q. Do you make that determination every
4 time you see a gunshot wound?

5 A. Yes. Every time I see gunshot wounds,
6 part of my job is to determine whether it's an
7 entrance or an exit, and sometimes it's easy.

8 Let's say we only have one hole, and the
9 bullet ends up in the body? Well, we know that's an
10 entrance wound, right? But when we have two
11 connecting defects, one on one part of the skin, and
12 another on another part of the skin, that then is an
13 important part of my job in determining which is the
14 entrance and which is the exit.

15 Q. All right. And you were able to do
16 that with Mr. Green's injuries?

17 A. Yes, without --

18 Q. Okay.

19 A. -- any question.

20 Q. Where were his defects, his entry and
21 exit wound?

22 A. Yes, so the entrance wound was on the
23 left side of the back, just a little bit -- kind of
24 in the middle of the back, just a little bit to the
25 left. And that projectile or bullet, when it went

1 through, it went through the left side of the back
2 into the left lung and through the heart and exited
3 the left side of the front of the chest.

4 Q. Okay, sorry. Could you tell us, is
5 that moving in any particular direction?

6 A. Yes. So predominantly moving from back
7 to front, and when I describe directions, I'm always
8 talking about the patient's -- the direction from
9 the patient, not looking at the patient, but the
10 patient's own view.

11 So when I say back to front, it's from his
12 back to his front, and it was also a little bit to
13 the left, so it was going, you know, from kind of
14 from the middle of the back, and then ended up a
15 little bit further on the left, so it's still on the
16 front, but you know.

17 So we think about everything in three
18 dimensions, so it was from back to front, right to
19 left and upper, so it was going from his back, kind
20 of in the middle of the back to the left side of the
21 front, so that's from his right to his left. So
22 sometimes you get turned around a little bit, but
23 it's relative to his body, and then it went upwards
24 as well.

25 Q. Do you -- yeah, let's talk about,

1 sorry, upward. Do you take a measurement to get a
2 specific, you know, point on the body where it
3 enters and exits?

4 A. Yes. So the way that's determined,
5 sometimes I visibly can look at it, and I can
6 assess. I was like, "Well, the exit wound is higher
7 than the entrance wound was," but what I actually do
8 to give specifics is, that I measure the location on
9 the body.

10 So the entrance wound was 19-and-a-quarter
11 inches below the top of the head. So I take an
12 actual, you know, tape measure, and I measure
13 where's the entrance wound on the left side of the
14 back, and it was 19 inches below the top of the
15 head, okay?

16 In contrast, the exit wound on the front,
17 with the same tape measure, is 17 inches below the
18 top. So if it started out 19 inches below the top
19 of the head on the back and exited 17 inches below
20 the top of the head on the back, 17 inches is a
21 couple of inches higher, right, smaller, than 19, so
22 it's a little closer to the head, 17 instead of 19.

23 So if I wasn't able to tell just by
24 looking, I know that that's going in an upward
25 direction.

1 Q. All right. You talked earlier about
2 how sometimes you have somebody with, you know, with
3 no exit wound, and you find the projectile inside.
4 Did you have any of that with Mr. Green?

5 A. Yeah, there was -- it was just a single
6 gunshot wound which was through and through, and to
7 make sure that I -- that there's not -- sometimes,
8 you know, a piece broke off and remained in the
9 body. I need to make sure that -- so even though I
10 saw an entrance and an exit, I'm still going to x-
11 ray the body, which I did, and there were no
12 projectile or projectile fragments remaining.

13 Q. Okay. And where did that shot -- I
14 think you mentioned this earlier, but maybe I missed
15 it, what did it hit?

16 A. Oh, yeah, internally, it was -- it hit
17 a lot of important organs, so it went through the
18 left lung and the heart.

19 So the heart is kind of situated a little
20 to the left of the middle of the chest, okay? It's
21 kind of in the middle chest, that's why we put our
22 hand on the left side of our chest, that's where our
23 heart is. It's not all the way over, but it's kind
24 of in the middle, a little bit to the left.

25 So when it entered the back, it kind of

1 went through -- and the left lung kind of wraps
2 around, part of it's in the front, part of it's in
3 the back. It actually went through the left lung
4 twice.

5 First, before going through the heart, and
6 then once after going through the heart, so it
7 caused lots of bleeding, and also the heart is going
8 to be seriously damaged, and the lung's gonna be
9 seriously damaged, so there's just lots of bleeding
10 into the chest, so internal bleeding from that, plus
11 his heart is gonna stop working and --

12 Q. Okay.

13 A. -- you know.

14 Q. And that's sort of getting towards our
15 last couple of questions, but skipping ahead, and
16 then we'll come back. That's the cause of his
17 death --

18 A. Yes.

19 Q. -- the heart?

20 A. Yeah, the cause of death is gunshot
21 wound to back. So the -- the mechanism -- the
22 mechanism of death would be internal bleeding and
23 damage to internal organs.

24 Q. Okay. Do you notice -- turning back to
25 the exterior, to the actual entry wound, did you

1 notice anything else besides that?

2 Was there any soot or stippling?

3 A. Well, I've always -- we always have to
4 -- another part -- basic part of our job is to look
5 for soot or stippling, which would indicate like a
6 close-range discharge of a firearm, and in this case
7 there was none, so I'm unable to determine the range
8 of fire.

9 Q. Okay. Did you document -- I know you
10 have a report there, but did you document your
11 findings with any photographs?

12 A. Yes, I took those.

13 MR. EVANS: May I approach the witness,
14 Your Honor?

15 THE COURT: You may.

16 BY MR. EVANS?

17 Q. I'm gonna pass you, Doctor, what has
18 been marked, but not entered as State's Exhibits 50
19 and 51, and I'm gonna ask you, if you can identify
20 those?

21 A. Yes, so these are photographs of the
22 gunshot wounds.

23 Q. Okay, how can you tell that this is Mr.
24 Green and not another autopsy that you did?

25 A. Because every person, every individual

1 that has an autopsy gets assigned a unique autopsy
2 number. So in this case it's FA19-032.

3 So every photograph, every picture,
4 anything -- my report says FA19-032, so I make sure
5 that -- 'cause if I -- maybe there's other people in
6 the world with his name, Mack Green, right, but
7 there's only one FA19-032, and that is photograph --
8 the tag is photographed.

9 Q. Okay. Did you take these, or did
10 anybody else take them?

11 A. Yeah, I actually --

12 Q. You took these? Do they fairly and
13 accurately depict the way he looked on January 10th,
14 I think you said --

15 A. Yes

16 Q. -- 2019?

17 A. Yes.

18 (Court Reporter marks State's Exhibit
19 Number 50, Photograph, as attached hereto.)

20 (Court Reporter marks State's Exhibit
21 Number 51, Photograph, as attached hereto.)

22 MR. EVANS: Your Honor, the State would
23 move these photos into evidence as 50 and 51.

24 THE COURT: Any objection?

25 MS. GIBBES: The previous objection.

1 THE COURT: All right, so I'm gonna have
2 them admitted subject to previous objection of
3 defense counsel.

4 MR. EVANS: Thank you, Your Honor.

5 (State's Exhibits 50 - 51 were admitted
6 into evidence.)

7 MR. EVANS: May I beg the Court's
8 indulgence before I publish those?

9 THE COURT: Yes, sir. Take your time.

10 MR. EVANS: I was going to ask her to step
11 down, so she can --

12 THE COURRT: Okay, that's fine.

13 MR. EVANS: -- actually point on the
14 diagram.

15 BY MR. EVANS:

16 Q. So I put them in the wrong order, so
17 I'm gonna put up 51 first. You can come on down
18 here.

19 A. Yeah.

20 Q. All right, what do we see in State's
21 Exhibit 51?

22 A. So this is kind of an overall just kind
23 of being turned, so we can see his back, and we can
24 see his head on the right side, and the number FA19-
25 032. And the actual entrance gunshot wound is right

1 over there, okay?

2 So you see that hole, and it's kind of the
3 muscular part of the back just to the left of where
4 the spinal cord is, so against the spinal cord, but
5 just to the left side of the back.

6 Q. Okay, anything else notable about this
7 picture?

8 A. No.

9 Q. All right, we'll move onto 50. This is
10 State's Exhibit Number 50.

11 A. Okay. Yeah, so it's kind of hard to
12 see, you know, where we are here, but if you look
13 carefully over here, that's kind of his left nipple
14 there. You can see that nipple, okay?

15 So the exit wound was actually on the left
16 side of the frontal chest, you know, toward the
17 left. I have his arm lifted up. If his arm was
18 down, you can see his arm like over here, and then
19 this is his pelvis area down here.

20 This is -- his left thigh is starting on
21 that page, so this is the exit wound, and it has
22 kind of torn edges, which is characteristic of an
23 exit wound.

24 Q. Doctor, are you sure that's the exit
25 wound there, if we compare --

1 A. Oh, yeah.

2 Q. -- 50 and 51?

3 A. Well, do you have a picture of the exit
4 wound?

5 Q. Yes.

6 MR. EVANS: I beg the Court's indulgence.

7 THE COURT: Uh-huh.

8 BY WITNESS:

9 A. Yeah, that's just a -- actually, that's
10 a closeup --

11 Q. Okay.

12 A. -- of the entry wound.

13 Q. All right.

14 A. So, you know --

15 Q. So that's also the entrance wound,
16 because --

17 A. Yeah, it's funny -- but, yeah, it's
18 just a closer up shot of the same.

19 Q. All righty. And, again, no soot or
20 stippling --

21 A. No.

22 Q. -- exhibited? Anything else notable
23 here?

24 A. Not that I noted.

25 Q. You can take the stand again. Thank

1 you, ma'am.

2 All right, Doctor, did you take any
3 samples, or anything from Mr. Green?

4 A. What do you mean by samples?

5 Q. Did you take any blood, any urine,
6 anything to send off to another --

7 A. Yes. So every person that has an
8 autopsy gets toxicology done, and so that was my job
9 is to draw samples of blood, if it's available, at
10 the autopsy, and send it off to the recognized
11 forensic toxicology lab.

12 And in this case I was able to get the
13 blood from his chest cavity, where it had all --
14 lots of blood accumulated, and that was tested and
15 positive for a very small amount of alcohol, and
16 also metabolite of marijuana.

17 Q. Okay, what does metabolite mean?

18 A. It means a breakdown product, so
19 probably he must have just smoked it.

20 Q. Okay.

21 A. It's a breakdown product.

22 Q. Okay.

23 A. He smoked it previously.

24 Q. You didn't perform that analysis, but
25 you --

1 A. No.

2 Q. - Okay.

3 A. Right, I'm not a toxicologist, so the
4 blood is sealed and, you know, secured in containers
5 and sent off, and then I get a report back that
6 contains every possible thing that he had in his
7 blood. He didn't have anything else except for
8 those two --

9 Q. All right.

10 A. -- items.

11 Q. So wrapping up, do you have an opinion,
12 as to a reasonable degree of medical certainty, as to
13 the cause and manner of death of Mack Green?

14 A. Yes.

15 Q. And what is that opinion?

16 A. The cause of death is gunshot wound to
17 back, and manner is homicide.

18 Q. Thank you, Doctor.

19 MR. EVANS: Those are all the questions I
20 have. Please answer any questions the defense may
21 have.

22 THE COURT: All right, cross-examine?

23 **

24 **CROSS-EXAMINATION**

25 BY MS. GIBBES:

1 Q. Good morning, Dr. Riemer.

2 A. Hi.

3 Q. Very briefly, I believe you testified
4 on direct that there was no evidence of soot
5 deposition on the gunshot wound, right?

6 A. That's correct.

7 Q. Okay, and then there also wasn't
8 evidence of gunpowder stippling?

9 A. There was none.

10 Q. Okay. And I know that you can't say
11 exactly how far away a shooter would have been from
12 the victim, but the conclusion that you draw from
13 that is, it wasn't in close proximity, right?

14 A. Yeah, I don't see any evidence in close
15 proximity.

16 Q. Okay.

17 A. I -- the reason I can't say with 100
18 percent certainty is, because let's say it went
19 through like a gun -- a bullet that goes through a
20 really thick book, like an encyclopedia, or
21 something, you know, it still could be three inches
22 away, but there won't be soot, because it's gonna
23 hit the book instead.

24 So what I say is, it's an indeterminate
25 range. I don't have any evidence of close range, so

1 most likely it was -- unless it was an intermediate
2 object, it's probably more further away than two-
3 and-a-half to three feet.

4 MS. GIBBES: I believe that's all the
5 questions we have, Your Honor.

6 THE COURT: All right, anything else?

7 MR. EVANS: Not for this witness.

8 THE COURT: May she be excused?

9 MR. EVANS: Yes, sir.

10 THE COURT: All right, Doctor, thank you so
11 much.

12 WITNESS: Thank you.

13 THE COURT: Have a safe trip back. Are you
14 ready to call your next witness?

15 MR. EVANS: Yes, sir, Your Honor.

16 THE COURT: All right.

17 MR. EVANS: The State calls Chad Smith.

18 * * *

19 CHAD SMITH

20 * * *

21 DIRECT EXAMINATION

22 BY MR. EVANS:

23 Q. Good morning.

24 A. Good morning.

25 Q. Would you please identify yourself?

1 You've got a pretty easy name, but spell it for our
2 Court Reporter anyway.

3 A. My name is Chad Smith, S-M-I-T-H.

4 Q. Where do you work, Mr. Smith?

5 A. I'm employed with the South Carolina
6 Law Enforcement Division, which is commonly known as
7 SLED. Specifically, I work in the Firearms
8 Department at SLED's Forensic Service and Laboratory
9 in Columbia.

10 Q. And what do you do in Firearms?

11 A. I'm a Firearms Examiner, which is a
12 forensic scientist.

13 Q. All right, what sort of education and
14 training do you have to go through to get that job?

15 A. Well, I attended Clemson University,
16 where I earned a Bachelor of Science Degree in
17 biological sciences. Then I worked for Clemson for
18 several years before beginning my employment with
19 SLED. When I came onboard with SLED, I entered the
20 training program to become a Firearms Examiner, and
21 that training program lasts several years.

22 It involves extensive reading and studying.
23 There are multiple examinations and tests given
24 during that time. I also attended various classes
25 and seminars, and toured several firearm

1 manufacturing facilities. Later in my training I
2 helped the other examiners prepare their case work,
3 and then at the end of my training I received a
4 comprehensive multi-part examination, which I
5 successfully completed, and then I began to receive
6 my own case work.

7 Q. Okay. When was that? How long have
8 you been doing this?

9 A. I was signed off training, that was
10 July of 2012, so in all total, this year will be 15
11 years on this job.

12 Q. Okay, and do you go through ongoing
13 training?

14 A. We do attend training classes when the
15 budget and we have time to allow. I am a member --
16 there's an association of Firearm and Toolmark
17 Examiners, it's an international organization, which
18 has an annual meeting, they have in different areas
19 throughout the country. Then we try to send several
20 examiners to that training conference every year.

21 Q. All right. Have you ever testified as
22 an expert in court like this before?

23 A. Yes, sir.

24 Q. About how many times?

25 A. It's over 90 times.

1 Q. Qualified as an expert on each of those
2 occasions?

3 A. Yes, sir.

4 Q. In forensic analysis?

5 A. Firearms identification.

6 Q. Firearms?

7 A. Yes.

8 MR. EVANS: Your Honor, the State would
9 tender Mr. Smith as an expert in firearms
10 identification.

11 MS. GIBBES: Without objection.

12 THE COURT: All right, then so noted. I
13 will accept that he is an expert in firearms
14 identification.

15 MR. EVANS: Thank you, Your Honor.

16 BY MR. EVANS:

17 Q. Mr. Smith, how did you become involved
18 in the case we're here about today?

19 A. I received, excuse me, I received
20 several items of evidence for examination,
21 specifically, I received six fired .40 Smith &
22 Wesson caliber cartridge cases, and one fired
23 bullet.

24 Q. Okay. Did you receive anything in any
25 other lab numbers?

1 A. Yes, sir. There was a cross-reference
2 case that was submitted, and some evidence. And in
3 that case I received eight fired .40 Smith & Wesson
4 caliber cartridge cases and two fired bullets. And
5 so what happens is, sometimes when agencies submit
6 evidence, they'll want certain evidence compared
7 with evidence in another case, to see if the two
8 evidence, you know, the two cases are related.

9 Q. All right.

10 MR. EVANS: May I approach the witness,
11 Your Honor?

12 THE COURT: Sure.

13 BY MR. EVANS?

14 Q. Mr. Smith, I'm gonna pass you three
15 items that have actually already been entered.

16 Do you recognize State's 10, 44 and 45?

17 A. Yes, sir, these are the items of
18 evidence that was submitted.

19 Q. Okay, which -- describe which, since
20 they've already been identified, if you don't mind.

21 A. This particular bag here, this
22 container A, what happen is, when evidence is
23 submitted to the laboratory, it's given a unique
24 SLED lab number, as well as a specific sticker
25 identifying either a container of evidence, or an

1 item of evidence.

2 So that sticker is placed on the
3 containers. It has a bar code so we scan the
4 evidence into custody, but we don't know what's in
5 it. So this particular bag contains the six fired
6 .40 Smith & Wesson caliber cartridge cases that were
7 received in one of the cases.

8 This bag here is line item seven, it was
9 the fired bullet that was submitted with the same
10 case as these six fired cartridge cases. And then
11 the last bag has the -- there are eight fired
12 cartridge cases in this specific container, so all
13 of these would have been submitted together in this
14 bag.

15 Q. All right, now, that bag is a little
16 different from the other one; is that correct?

17 A. Yes, sir, it's a different type of bag.

18 Q. And it's been cut open?

19 A. Yes, sir.

20 Q. Okay.

21 A. Yes, sir, it has been.

22 Q. When items like these come to you at
23 SLED, I mean how are they generally received?

24 A. Well, they'll be packaged in a variety
25 of manner. Usually, it's either in an envelope.

1 Here's an example of a small envelope.

2 This envelope contained the fired bullet,
3 as I received it. It would have been inside this,
4 we call it a heat seal pouch. Firearms are
5 submitted in usually boxes, cardboard boxes that
6 would have been evidence tape sealed.

7 This particular container is called a self-
8 sealed pouch. So what happens is, it's got a label
9 sort of thing that you can peel off, and it's got an
10 adhesive strip that you just fold over on that, and
11 that seals it. So all these are just different
12 types of packaging.

13 Q. And did they all arrive to you in this
14 particular case sealed, or in their own packaging?

15 A. Yes, sir.

16 Q. Okay. Since this is already in
17 evidence, let's open up Exhibit 44 by the Court
18 Reporter's scissors. Mr. Smith, do each of the
19 items within State's Exhibit 44 have their own
20 number assigned to them?

21 A. Yes, sir.

22 Q. How does that work?

23 A. So, again, going back to when I receive
24 evidence for the laboratory, each cartridge case
25 would get its own SLED item number. Each bullet

1 would get its owns item number. And so that way
2 they're individualized, so we can, you know, refer
3 to them separately.

4 Q. And how were these numbered?

5 A. These were numbered items one through
6 six.

7 Q. Is that an assignment that you make in
8 the lab, or do they come to you with a number?

9 A. It's an agency, if it's an outside
10 agency, they may have their own item number, but as
11 soon as it's logged into our system, it gets another
12 item number, it's a SLED lab item number, and that's
13 what we refer to all the items as.

14 Q. And, Your Honor, these were already in
15 evidence, but they've not been marked as 44.1, .2,
16 .3, .4, .5 and .6, based on the item numbers.

17 Can you confirm that, Mr. Smith, they're
18 marked in that way?

19 A. 44 --

20 COURT REPORTER: 41?

21 MR. EVANS: 44.

22 COURT REPORTER: Oh, 44.

23 MR. EVANS: Is that right?

24 COURT REPORTER: Right.

25 BY WITNESS:

1 A. Yes, sir.

2 Q. Okay. So tell us about your methods
3 when -- well, one quick question before that.

4 You said the guns arrive in boxes,
5 generally. Did you receive any guns in this case?

6 A. I did not receive any firearms.

7 Q. Does that prevent you from doing any
8 kind of analysis?

9 A. No, it doesn't. Oftentimes a firearm
10 may not be recovered, and what we're asked to do is,
11 if we just have cartridge cases, or just have
12 bullets, we'll compare those cartridge cases
13 together to attempt to determine how many guns could
14 potentially be involved.

15 Was it one gun that fired all the cartridge
16 cases, or multiple guns? So what we do is, the tool
17 of our trade it's called a comparison microscope.
18 Each examiner has their own comparison microscope.
19 It's basically, if you could imagine, two
20 microscopes that's connected by optical grid systems
21 you look into, and then you can move these -- the
22 samples.

23 If you're looking at cartridge cases, you
24 compare one cartridge case with another cartridge
25 case. You can move those samples around, adjust the

1 lighting and all that. And you're looking for the
2 markings -- microscopic markings that are created by
3 the firearm, when firing, then imparted onto
4 cartridge cases, or the bullets, and we're trying to
5 match those up to see if they're one gun, or
6 multiple guns, so that's what we do.

7 Q. Okay. You don't put a gun under a
8 microscope and compare it to a shell under the
9 microscope, do you?

10 A. No, sir. We would test fire. We have
11 a test fire of that firearm. And how we do that is
12 we have a water tank we shoot into, and the water
13 slows down the bullet, it doesn't add or take away
14 any of the marking on a bullet we would need.

15 And then we just gather the bullets and
16 cartridge cases, and then we have our test fire, so
17 we can compare with each other, and with evidence,
18 if we have a firearm.

19 Q. Do the markings on a projectile look
20 the same as a marking on a shell casing?

21 A. No, sir. It's two different areas.
22 What would be present on a bullet would be -- the
23 markings are created from the barrel of the firearm
24 because the bullet goes down the barrel and out
25 towards the target.

1 The markings that are created on a
2 cartridge case would be in other areas of the
3 firearm. Typically, what we're looking at is --
4 it's called a breach faced area, which is the
5 portion that supports the cartridge during firing,
6 or we are looking at areas of a firepit impression,
7 the firing pin is what strikes the rear of the
8 primer area on the cartridge case, causes it to,
9 basically, ignite the gunpowder, and that forces the
10 bullet down the barrel.

11 It's just different areas of the gun that
12 we can mark, a cartridge case or a bullet, and
13 that's what we're looking at.

14 Q. So can you compare a projectile against
15 a shell casing?

16 A. We cannot do that. We can't say that a
17 particular bullet, projectile, came from a
18 particular cartridge case. We can't compare, it's
19 apples and oranges, we can't compare those two
20 together.

21 Q. All right. Before we get into your
22 analysis of these particular items, can you tell us
23 just a little background information about guns?
24 Can you describe the difference between a semi-
25 automatic and a revolver?

1 A. A semi-automatic, I assume you're
2 talking about a pistol?

3 Q. Yes, sir.

4 A. When talking about a pistol and
5 revolver, or two typical types of firearms or
6 handguns that we see, a revolver is a much older
7 design. If you've ever seen any of the western --
8 old western movies, that's typically what they use.
9 And why they call it a revolver is at the cylinder
10 that has chambers in it, basically, holes in a drill
11 through, and the cartridges, the rounds of
12 ammunition are placed in the chambers, and then for
13 every shot you have to either, depending on the
14 action of the revolver, you either have to manually
15 cock the hammer, which rotates the cylinder; or in a
16 double-action type revolver you can pull the trigger
17 without pre-cocking it and it will rotate that
18 cylinder, but what it boils down to is, the cylinder
19 has to turn, has to rotate or revolve for every
20 shot.

21 Typically, they don't have a lot of
22 cartridge cases left over at a scene from a
23 revolver. That's why it reloads and just dumps all
24 the cartridge cases out, because you have to
25 manually get those cartridge cases out.

1 A semi-automatic pistol is a totally
2 different design, it uses a magazine in which you
3 place the cartridges in a magazine, insert the
4 magazine into the firearm. There's a whole
5 mechanism involved, where the top portion of a semi-
6 automatic pistol is called the slide. There's a
7 recoil spring and all this, but you have to manually
8 pull back the slide, let it go.

9 That feeds a cartridge from the chamber,
10 from the magazine into the chamber portion of the
11 barrel, which is what holds the cartridge they're
12 firing. And then for every pull of the trigger, it
13 will fire a cartridge, and that cartridge case is
14 extracted and ejected out of the firearm by the
15 spring tension, the slide comes forward, repeats the
16 process.

17 It takes another round off the magazine,
18 top of the magazine, inserts it into the chamber and
19 it's ready for firing. So you have cartridge cases
20 that are constantly ejected out of that firearm for
21 every pull of the trigger.

22 Q. And, generally, where do those casings
23 end up?

24 A. Well, they can end up anywhere.
25 Depending on the surface these cartridge cases come

1 in contact with, it can bounce the round, so they
2 could roll, if a surface -- the ground is uneven or
3 you know, sloped in any way, it can roll. People
4 around they can kick these cartridge cases. So,
5 typically, they can end up wherever, but if you're
6 talking about a specific -- like how a firearm
7 ejects its cartridge cases, typically, if you're
8 holding the firearm correctly, they kind of go up
9 and to the right.

10 That's not a hard fast rule, or anything
11 like that, but, typically, once the gun, like a
12 pistol, it's going to kind of go up and to the
13 right.

14 Q. And do they travel, you know, hundreds
15 of yards away, or --

16 A. I would not expect them to travel that
17 far. They can certainly travel a few yards away
18 because everything -- like I said, this is all sort
19 of a violent action.

20 It's one when a firearm fires a cartridge,
21 so they can be ejected, you know, certainly several
22 feet or yards. Hundreds of yards, I would not
23 expect that.

24 Q. Okay. Tell us about what you found
25 when you examined these items, beginning with

1 State's Exhibit 10, which is I think your lab number
2 ending 1265. Your right hand to the stack.

3 A. So, again, these were eight fired .40
4 Smith & Wesson caliber cartridge cases that were
5 submitted, so I compared all of these with each
6 other, using the comparison microscope.

7 And I was able to determine that all eight
8 of these cartridge cases were fired by the same
9 firearm, based on the markings, that were created on
10 those cartridge cases during firing.

11 Q. All right, were any of those damaged
12 when they arrived to you?

13 A. Yes, it appears that some of them were
14 damaged, as far as -- and it's not unusual to see
15 dents, or sometimes the cartridge cases get crushed,
16 or somebody steps on them; or it's not unusual to
17 get what we call road rash, when a cartridge case
18 hits a surface, such as a road or concrete, they can
19 pick up markings.

20 So it looked like several of these
21 cartridge cases did have some dents on it, so it's
22 not unusual.

23 Q. Can that prevent you from being able to
24 do analysis on them?

25 A. It can, depending on where the damage

1 on the cartridge case is. Usually, what we're
2 looking at is the base of the cartridge case, that's
3 where all the action is when it's being fired. As
4 long as that area's not too damaged, that we can
5 still see some markings, occasionally, if a
6 cartridge case is -- if they're run over by a
7 vehicle, it can damage it, to the point where we,
8 you know, it's hard to see those markings, but --

9 Q. In this case did it affect your
10 ability?

11 A. No, sir.

12 Q. Okay. And you said you found that all
13 eight of those in lab number 1265 were fired by the
14 same firearm?

15 A. That's correct.

16 Q. And that's State's Exhibit 10?

17 A. Yes, sir.

18 Q. Did it have any description on there
19 when you received it?

20 A. On the packaging --

21 Q. Yes, sir.

22 A. -- it was labeled as -- part of the
23 description was Alabama Street.

24 Q. All right. How about State's Exhibit
25 45, the projectile? What were you able to

1 determine, if anything, on that?

2 A. So the fired bullets that were received
3 under that case number, that lab number, what we do,
4 if we have a fired bullet, we try to first determine
5 what sort of caliber it could be. And how we can do
6 that is, we could weigh it on a balance.

7 We can measure the diameter of the bullet,
8 as long as it's not too mis-shapened, or if it's --
9 whether its intact and get a diameter. Excuse me.
10 So caliber-wise, when I did my examinations on this
11 bullet, was able to determine that it was most
12 consistent with being loaded into a .40 Smith &
13 Wesson caliber, or .10 millimeter auto caliber
14 cartridges.

15 I can't say if it's one or the other, .40
16 or .10, because both of those cartridges use the
17 same bullet, basically, the same bullet weight, the
18 same bullet diameters, so that's my best guess, if
19 you have a .40 Smith & Wesson, or a .10 millimeter
20 auto.

21 Then what we do is we go further to maybe
22 possibly give the investigators a list of firearms
23 that could have fired this bullet. And how we do
24 that is, going back to when I was talking about the
25 markings that are created on the bullet, as it

1 traveled down the barrel, firearm manufacturers put
2 with one of those rifling in their barrels.

3 If you look down a barrel, you'll see kind
4 of like a -- it looks like a twisting pattern. And
5 what that is, is it's made up a series of -- it's
6 called lands and grooves.

7 The lands is the raised portion, grooves
8 are kind of a cut or a crest portion. What it does
9 is, is lands and grooves impart a spin or a rotation
10 on that bullet, as it travels down the barrel. And
11 what that does is, it, basically, stabilizes it in
12 flight, once it leaves the barrel and is headed
13 towards the target.

14 It's sort of similar to -- imagine a
15 special Quarterback throwing a football with a nice
16 tight spiral making towards the target, and that's
17 exactly what the rifling does. It just gives it
18 much more stability, but it also imparts markings
19 onto that projectile. When we can look at those
20 markings, we can look and see how many -- the number
21 of those lands and grooves, we can count that, the
22 direction of twists.

23 Some manufacturers want the bullet spinning
24 right to the right, some want them to spin to the
25 left, it really doesn't matter that much, but that's

1 just how they manufacture it. And so we can use all
2 this information, put it into a database that was
3 first put together by the FBI, but we can plug all
4 this information in and it generates a list of some
5 potential manufacturers of firearms that are going
6 to have those specifications like the ones found on
7 the bullet.

8 So that's how we can give investigators a
9 list of potential manufacturers to look out for, in
10 case they come across one, they might want to send
11 it to us, or we might be able to match, you know,
12 those bullets back to a firearm.

13 Q. Okay. Do you have any other
14 projectiles in that particular lab number, the 658
15 lab number?

16 A. No, sir.

17 Q. All right. Do you have any other
18 projectiles in the other lab envelope?

19 A. There were two fired bullets that were
20 submitted by those cartridge cases.

21 MR. EVANS: May I approach, Your Honor?

22 THE COURT: Yes, sir.

23 BY MR. EVANS:

24 Q. These are State's 12 and 13? Are these
25 those projectiles?

1 A. Yes, sir.

2 Q. All right.

3 Were you able to do any analysis on those?

4 A. Yes, sir, I did the same sort of
5 analysis that I did on the other bullet. I tried to
6 determine caliber, and also tried to provide a list
7 of manufacturers that could have fired them.

8 Q. All right, what did you find when
9 looking at State's 12 and 13?

10 A. So State's Exhibit 12, which is line
11 item three, was most consistent with being a bullet
12 into some .9 millimeter luger caliber cartridges,
13 and that's based on its characteristics.

14 Q. Okay.

15 A. State's Exhibit 13, line item two, most
16 consistent with being a bullet that was loaded into
17 some .380 auto caliber cartridges. So these are two
18 different calibers that we're talking about here.

19 Q. All right, those two projectiles were
20 not fired by the same gun; is that what you're
21 saying?

22 A. They were not fired by the same gun,
23 and I can conclusively say that, because the rifle
24 impressions, compared to the rifling in that barrel,
25 on the barrels that mark those bullets are totally

1 different.

2 State's Exhibit 13 had six lands and
3 grooves with a right-hand twist, whereas Exhibit 12
4 had nine lands and grooves with a left-hand twist so
5 they could not have been fired by the same firearm.

6 Q. All right, turning to State's Exhibit
7 44, did that arrive with a description when it came
8 to SLED?

9 A. It did have some -- there were markers
10 numbers that were listed in the description, markers
11 one through six is what the description said.

12 Q. Any locations listed?

13 A. These were all listed, again, as just
14 having marker numbers.

15 Q. Okay. What did you find when you
16 analyzed State's Exhibit 44.1 through .6?

17 A. Again, I would use the comparison
18 microscope, look at those cartridge cases one at a
19 time to each other, look for those markings.

20 I was able to determine that all of those
21 cartridge cases were fired by the same firearm.

22 Q. Okay, and all the cartridge cases in
23 State's 44 were from one gun?

24 A. Correct.

25 Q. How about -- was that the end of your

1 analysis?

2 A. No, sir. Going back to the cartridge
3 case comparison, having two of those cases that they
4 wanted cross-referenced together, I compared
5 cartridge cases one lab number with the cartridge
6 cases with the second lab number case that was
7 submitted determined that they were all fired with
8 the same gun.

9 Then in my analysis I concluded that, yes,
10 all the cartridge cases that were submitted, whether
11 it be in the first lab number or the second lab
12 number, they were all fired by the second firearm.

13 Q. All 14?

14 A. Correct.

15 Q. All right.

16 MR. EVANS: Court's indulgence, Your Honor.

17 THE COURT: All right, take your time.

18 MR. EVANS: Thank you, sir.

19 THE COURT: Yes, sir.

20 BY MR. EVANS:

21 Q. I'm nearly done, Mr. Smith, but there's
22 another note about caliber.

23 Are you able to -- I mean this might seem
24 obvious to you, but are you able to assess caliber
25 when viewing a shell casing?

1 A. Most often, yes. Manufacturers, when
2 they're -- when they make a cartridge or make a
3 cartridge case, they put some information on the
4 bottom of that cartridge case, called the head
5 stamp. Usually, it's gonna have some sort of
6 manufacturer who made that cartridge case or brand,
7 and then it's gonna have some sort of designation
8 for what caliber that cartridge case is.

9 So if these are all listed, you know, as
10 being .40 Smith & Wesson caliber, there were several
11 different brands involved throughout both cases, but
12 all of them are the same caliber.

13 Q. They're all .40 caliber?

14 A. That's correct.

15 Q. Both Exhibit 10 and Exhibit 44?

16 A. Yes, sir.

17 Q. And, again, do you have an opinion as
18 to whether or not those were fired by the same gun?

19 A. My opinion is, they were all fired by
20 the same firearm.

21 Q. State's Exhibit 10 and State's Exhibit
22 44?

23 A. Correct.

24 MR. EVANS: Beg the Court's indulgence.

25 BY MR. EVANS:

1 Q. -- into it, but it's a --

2 A. If we have a firearm, then we can test
3 fire, that'd be correct. We would test fire it into
4 the water tank, so it's no problem when it's
5 examined. So we can only look at what was
6 submitted, and that would have been the cartridge
7 cases and the bullets.

8 Q. Okay. And I know we're talking about
9 two different incident dates and two different crime
10 scenes, one is from January 6th and one is from
11 January 8th. And so you briefly got into this, but
12 let's say -- you said some -- like you're talking a
13 lot about .40 caliber, a shell casing is dropped,
14 cartridge casing.

15 A. Correct.

16 Q. And then some guns, like a revolver or
17 pistol, they don't drop anything, right?

18 A. Right. So a revolver and a semi-
19 automatic pistol, two different types of handguns.
20 The revolver, unless it's in -- it's not designed to
21 eject these cartridge casings out.

22 I think over history there may have been
23 some designs that didn't really take off, that may
24 have had that, but, usually, if you're gonna find
25 cartridge cases left behind from a revolver, it's

1 gonna be where somebody tried to reload that gun and
2 just dumped them out, or if they fell out, you know,
3 of somebody's pocket or something left behind.

4 A semi-automatic pistol is designed to
5 eject those cartridge cases out.

6 Q. Okay, so it is possible, if you go to a
7 crime scene, and you only see let's say .40 caliber
8 shell cartridge casings on the ground, it is
9 possible that another gun could be firing and not,
10 you know, ejecting anything as it's firing, right?

11 A. That is true, or if somebody's picking
12 up cartridge cases left behind, and that's also a
13 possibility too, or if cartridge cases aren't found,
14 they've fallen in cracks, or go back behind some
15 other object where they're not found, that's a
16 possibility.

17 Q. And just very, very briefly, I know
18 you've got both your reports. It looks like from
19 the January 6th, where Williston Owens is listed as
20 the victim, that's the 01265. I know -- and Mr.
21 Evans did talk about this, but there were -- besides
22 the .40 caliber, there was a .380 cartridge, as well
23 as a .9 millimeter cartridge found, right?

24 A. Cartridge, no, I received bullets.

25 Q. I'm sorry.

1 A. Two bullets, correct. Two different
2 things here. There were two bullets that were
3 submitted, one being a .380 auto, or most consistent
4 with a .380 auto, the other bullet being most
5 consistent with a .9 millimeter luger.

6 Q. Okay, excuse me, I'm not very smart at
7 guns, but the two -- so those two are examples of
8 guns that maybe are not ejecting -- so those are the
9 actual fired bullets?

10 A. Yes.

11 Q. Okay.

12 A. Yes.

13 Q. So those are examples of guns that
14 would not eject cartridges that would be on the
15 ground?

16 A. Well, I don't know that. Looking at my
17 report here, one of the bullets, which is State's
18 Exhibit 12, item three, that would have been the .9
19 millimeter luger most consistent with a .9
20 millimeter luger caliber. Going back to that list
21 that's generated, when I put in all the information
22 in that database, the only gun that we know of that
23 could have fired that firearm is a Highpoint. To my
24 knowledge, they only make semi-automatic firearms.

25 They make a caring, which is a rifle, and

1 they also make pistols, semi-automatic pistols.
2 Going back to the other caliber, there's several
3 different manufacturers and makes that could have
4 fired it, but as far as why I didn't receive
5 cartridge cases from those other calibers I couldn't
6 tell you. I don't -- like I only could examine what
7 is submitted. It is possible that the other one,
8 the .380 auto, there are some .380 auto caliber
9 revolvers, it's rare, but there are some, so that is
10 a possibility, or the cartridge cases just weren't
11 found when they were picked up.

12 Q. Okay, and just going to the January 8th
13 report, which is 00658, if you wouldn't mind looking
14 to your item 7, which is listed as a bullet from a
15 bedroom in [REDACTED] Lightsey Street; do you see that?

16 A. Yes. Yes, ma'am.

17 Q. Okay. That actually -- you put in your
18 report that that could actually have been a .10
19 millimeter auto caliber cartridge, as opposed to a
20 .40 caliber.

21 A. It is possible, but, again, I can't
22 narrow down whether it's .40 or .10, because they
23 used the same bullet, the same diameter bullet, the
24 same bullet weights, so that's why we give both of
25 those, we don't know.

1 Q. You said that casings and projectiles
2 are like apples and oranges, right?

3 A. Yes, sir.

4 Q. All right, so your findings on these
5 projectiles have nothing to do with your findings on
6 the casings?

7 A. No, they don't. Sometimes, you know,
8 we can -- could you reask? Could you explain that?
9 We can't -- like I said, we can't say that the
10 specific bullet or projectile came from a specific
11 cartridge case.

12 The best we can do is, if a firearm is
13 submitted, when we can compare, you know, as far as
14 that firearm, and we can compare the bullets that we
15 get with submitted bullets, and then the test-fired
16 cartridge cases with submitted cartridge cases, we
17 can potentially say that, yes, those cartridge cases
18 or those bullets were fired by that firearm, but we
19 can't say that that particular, you know, bullet
20 came from that particular cartridge case.

21 Q. Okay. All right, State's Exhibit 45
22 you just testified that could have been a .10, but
23 it could also have been a .40?

24 A. Yes, sir.

25 Q. All right.

1 A. Correct.

2 Q. And State's Exhibits 10 and 44 are
3 .40s?

4 A. Yes, sir.

5 Q. And fired by the same gun?

6 A. Yes, sir.

7 Q. Thank you.

8 THE COURT: Anything else?

9 MS. GIBBES: No further questions.

10 THE COURT: Thank you so much, sir.

11 WITNESS: Thank you, sir.

12 THE COURT: All right, can he be excused?

13 MR. EVANS: Yes, sir.

14 THE COURT: All right, go ahead. All
15 right, ladies and gentlemen, we're gonna take a
16 break at this time. I'm gonna send you back to the
17 jury room.

18 Please do not talk about the case, and I'll
19 get you back here in just a few minutes. Thank you
20 very much.

21 (Jury exits the courtroom.)

22 THE COURT: All right, anything from the
23 State before we take a brief break?

24 MR. EVANS: Your Honor, we are going to
25 have a matter of law, but I think the break should

1 Solicitor?

2 MR. EVANS: Yes, Your Honor, at this time
3 we're gonna enter the testimony of Elias Green.

4 THE COURT: All right, and so, ladies and
5 gentlemen, this is prior testimony that's been
6 taken. As I understand, I believe the same lawyers
7 were involved in the direct, that is the asking of
8 the questions and in the cross, the cross-examining
9 of the witness.

10 The witness is not here, but his testimony
11 was recorded earlier, okay? So it was sworn
12 testimony that was provided under oath. So the
13 questions are gonna be ready by Mr. Evans, and in
14 lieu of the witness being here, my law clerk is
15 going to read the responses.

16 Now, remember these are responses that were
17 made by the declarant under oath, okay? And so you
18 would accept this the same way as you would any
19 other testimony, all right? Thank you very much.

20 MR. EVANS: Thank you, Your Honor, if I may
21 begin?

22 THE COURT: Yes.

23 (Previous testimony of Elias Green read
24 into the record.)

25 BY MR. EVANS:

1 Q. Would you please identify yourself, and
2 spell your last name for our Court Reporter?

3 A. Elias Green.

4 Q. All right, and it's spelled G-R-E-E-N,
5 right? No extra E on the end?

6 A. No.

7 Q. Okay. Mr. Green, where do you live?

8 A. In Bluffton.

9 Q. Did you grow up in Hampton?

10 A. Yes, sir.

11 Q. When did you move from Hampton to
12 Bluffton?

13 A. Last year.

14 Q. And about how old are you, sir?

15 A. 17.

16 Q. Do you know Mack Green?

17 A. Yes, sir.

18 Q. Who is he to you?

19 A. My daddy.

20 Q. All right, were you living in Hampton
21 on January 8th, 2019?

22 A. Yes, sir.

23 Q. About how old were you at that time?

24 A. 13.

25 Q. 13? Can you tell us about January 8th

1 of 2019?

2 A. My daddy died.

3 Q. Can you tell us about your experience?

4 A. I'd been in the house with my sister
5 laying down. All I heard was a gunshot and I came
6 outside.

7 Q. And the house is at [REDACTED] Lightsey
8 Street; is that correct?

9 A. Yes, sir.

10 Q. In the Town of Hampton?

11 A. Yes, sir.

12 Q. In Hampton County?

13 A. Yes, sir.

14 Q. So you were there?

15 A. Yes, sir.

16 Q. And what time did things become
17 unusual?

18 A. I don't remember what time.

19 Q. All right. What were you doing that
20 evening before all this?

21 A. So school.

22 Q. You were working on homework and
23 things?

24 A. No.

25 Q. No?

1 A. No, I was probably like playing games,
2 so --

3 Q. Okay, who else was in the home?

4 A. My sister and my auntie.

5 Q. And how about your father, was he at
6 home?

7 A. Yes, sir.

8 Q. All right. Did anybody come to the
9 home?

10 A. Uh-huh.

11 Q. What about -- well, let me ask you
12 this, do you know Donovan Riley?

13 A. Yes, sir.

14 Q. Who is he to you?

15 A. My cousin.

16 Q. Your cousin? Did he come to your home?

17 A. Yes, sir.

18 Q. All right. Do you recall about what
19 time he arrived?

20 A. You're talking about that evening?

21 Q. That evening.

22 A. I want to say around like 12:00 or
23 1:00, nearly all day.

24 Q. Okay, he spends a lot of time at that
25 house?

1 A. Yes, sir.

2 Q. All right, and he's related to your
3 father, obviously?

4 A. Yes, sir.

5 Q. Were they close?

6 A. No.

7 Q. All right, but he would come around
8 often?

9 A. Very often.

10 Q. What did he do when he would come to
11 [REDACTED] Lightsey?

12 A. He'd leech off my dad.

13 Q. He'd borrow things?

14 A. Yeah.

15 Q. Okay, and what did he do on this -- on
16 January 8th, 2019?

17 MR. EVANS: There's questions from the
18 Court at that point, Judge.

19 THE COURT: Madam Court Reporter, can you
20 hear him? You need to pull the microphone down and
21 speak into it.

22 BY WITNESS:

23 A. He just came -- he just came over there
24 talking to my daddy outside. I'd been in the house,
25 I didn't know what they had going on.

1 Q. All right, that was not unusual though?

2 A. No.

3 MR. EVANS: I'll go onto the next page.

4 BY MR. EVANS:

5 Q. When things become unusual, what did
6 you notice, that the two of them were outside; is
7 that right?

8 A. Uh-huh.

9 Q. And things so far were normal?

10 A. Yes, sir.

11 Q. And you were where in the house?

12 A. Yes, sir.

13 Q. I'm sorry?

14 A. Yes, sir.

15 Q. Where in the house --

16 A. Oh.

17 Q. -- were you?

18 A. In the living room.

19 Q. Okay, is that right by the front door?

20 A. Yes, sir.

21 Q. What sort of a house is this?

22 A. Like a trailer.

23 Q. Okay, were there any other trailers in
24 the area?

25 A. Yes, sir, it's a trailer park.

1 Q. Okay. Were they real close together?

2 A. Yeah.

3 Q. Like how far, maybe the distance I'm
4 standing to you, or farther?

5 A. Probably about that.

6 Q. Okay. But you were sitting in the
7 living room; is that what you said?

8 A. Uh-huh. Yes, sir.

9 Q. And then what happened?

10 A. You're talking about that night?

11 Q. Yes, sir.

12 A. All I heard was a gunshot.

13 Q. Tell us about that.

14 A. My daddy came in the house, Chase came
15 in there.

16 Q. Now, when you say Chase, who is that?

17 A. Oh, Donovan.

18 Q. Okay, that's Mr. Riley?

19 A. Yes, sir.

20 Q. Did your father have a nickname that
21 you know of?

22 A. Scrap.

23 Q. Scrap, S-C-R-A-P?

24 A. Yes, sir.

25 Q. And Mr. Riley's Chase, C-H-A-S-E?

1 A. Yes, sir.

2 Q. All right. Do you recall who came in
3 the house first after you heard the gunshots?

4 A. My daddy.

5 Q. Your father, Mr. Green?

6 A. Yes, sir.

7 Q. Scrap?

8 A. Yes, sir.

9 Q. How many -- rewinding just a little
10 bit, how many gunshots would you say you heard?

11 A. Probably about two, I don't really
12 know.

13 Q. All right, was that unusual?

14 A. No.

15 Q. Were you --

16 A. We hear gunshots all the time.

17 Q. Were you scared?

18 A. Uh-huh. I was just scared when my dad
19 hits the ground.

20 Q. That was my next question, what about
21 when your father came inside, what did you notice
22 about him?

23 A. He --

24 Q. Could you tell that he'd been shot?

25 A. Yes, sir.

1 Q. Did he say anything?

2 A. No, sir.

3 Q. What happened to him once he got
4 inside?

5 A. He fell on the ground just been laying
6 there.

7 Q. What about Mr. Riley, what did he do,
8 if anything?

9 A. He came in like panicked, he's just
10 shaking, like just can't even talk about it. He
11 couldn't get his words out.

12 Q. All right, do you recall speaking with
13 me the week before last?

14 A. Yes, sir.

15 Q. Do you recall what you told me about
16 what your father had on him?

17 A. Yes, sir.

18 Q. What was that?

19 A. He had nothing on him when he came to
20 the house.

21 Q. Okay, but what did he have on him that
22 evening?

23 A. He had a -- he had his gun.

24 Q. All right. Do you recall what sort of
25 gun that was?

1 A. Revolver.

2 Q. What did you do after your father and
3 Chase came in and --

4 A. I went to my daddy, I wasn't worried
5 about nothing else.

6 Q. Did you do anything to try to help him?

7 A. No, because I didn't -- like I say now,
8 I really didn't do anything, I'd just been sitting
9 there looking at him, like trying to call his name.
10 I didn't -- because I know he'd been shot.

11 Q. You couldn't tell what his injuries
12 were?

13 A. No, sir.

14 Q. Just that he was bleeding?

15 A. Yes, sir.

16 Q. Did you call 911?

17 A. Yes, sir.

18 Q. About how long did it take for somebody
19 to arrive?

20 A. 18 minutes, 18 to 20.

21 Q. And what were you feeling at that time?

22 A. Nothing, maybe an adrenaline rush.

23 Q. Were you frightened for your father?

24 A. Yes, sir.

25 Q. Where did Mr. Riley go?

1 A. He went nowhere. He had been out there
2 when the police came about it.

3 Q. Okay, and he was not inside with you?

4 A. Oh, he was inside, yeah.

5 Q. You said it took a long time for law
6 enforcement to arrive?

7 A. Yes, sir.

8 Q. Did you speak to them when they did?

9 A. No.

10 Q. You don't recall speaking to anybody
11 on-the-scene?

12 A. When Clinton came, Clinton -- Clinton
13 went straight into the house, and came back outside,
14 and told us my daddy was gone. After that I had ran
15 to my neighbor's house. I went to my next-door
16 neighbor's house.

17 Q. Oh, is that Mr. Doctor's house, or one
18 of the others?

19 A. Cory Knowles.

20 Q. Okay. Do you know who's responsible
21 for this?

22 A. Uh-uh.

23 Q. You didn't see anybody fire any shots?

24 A. No, sir.

25 Q. Those are all the questions I have.

1 Please answer any questions Ms. Gibbes may have.

2 MS. GIBBES: Thank you.

3 BY MS. GIBBES:

4 Q. Hi, there, how are you, Elijah?

5 A. Elias.

6 Q. Elias?

7 A. Yes, ma'am.

8 Q. Just very briefly, so you said that
9 Chase, he stayed around and spoke to the police?

10 A. No, he didn't spoke to the -- to
11 police.

12 Q. When he ran in the house he had a gun,
13 didn't he?

14 A. No, sir.

15 Q. You didn't see him with a gun?

16 A. No, sir.

17 Q. Do you remember --

18 A. No, ma'am, I'm sorry.

19 Q. Oh, you're fine. Do you remember
20 making a written statement?

21 A. I didn't stay on-the-scene.

22 MS. GIBBES: Your Honor, may I approach the
23 witness at this point? Ms. Gibbes handed him his
24 written statement.

25 THE COURT: Okay.

1 BY MS. GIBBES:

2 Q. Do you remember on the night that you
3 wrote a statement saying what happened?

4 A. Yeah.

5 Q. Do you remember speaking to the police
6 that night?

7 A. Yeah.

8 Q. And you don't remember telling them,
9 "Chase ran in the door with a gun?"

10 A. No, I told them Chase grabbed my
11 daddy's gun out of the cabinet.

12 Q. Okay, so he had a gun when he's running
13 in, it just was your daddy's gun?

14 A. He didn't have a gun, he ran in and
15 grabbed my daddy's gun.

16 Q. And Chase he ran out the back door?

17 A. Right.

18 Q. You ran -- you ran out the front door?

19 A. Yes.

20 MS. GIBBES: I have no further questions
21 for this witness.

22 MR. EVANS: And, Judge, there was no
23 redirect.

24 THE COURT: All right, that concludes the
25 testimony. All right, thank you very much, thank

1 you.

2 All right, so, ladies and gentlemen, that
3 will conclude the testimony that was provided
4 previously that's been produced to you today. You
5 can call your next witness.

6 MR. EVANS: The State calls Jeffrey
7 Maxwell.

8 * * *

9 JEFFREY MAXWELL

10 * * *

11 being first duly sworn, testified as
12 follows:

13 **

14 DIRECT EXAMINATION

15 BY MR. EVANS:

16 Q. Would you please identify yourself, and
17 spell your last name for our Court Reporter?

18 A. My name is Corporal Jeffrey Maxwell, M-
19 A-W-E-L-L.

20 Q. Where do you work, Lance Corporal
21 Maxwell?

22 A. I work at the Beaufort County Detention
23 Center.

24 Q. And how long have you been there?

25 A. About ten years.

1 Q. All right. What are your duties at the
2 Detention Center?

3 A. I'm currently the Intel Officer, which
4 means I oversee the inmate phone system.

5 Q. Okay. Tell us a little bit about the
6 inmate phone system.

7 A. When somebody comes into our facility,
8 they are registered on the phone system to accompany
9 called IC Solutions. And at the time there's a
10 voice verification and a PIN number that's
11 associated with each inmate.

12 Q. Are they -- so these calls are
13 recorded?

14 A. Yes, sir. Yes.

15 Q. And are they -- the inmates, when they
16 are given a PIN number, are they informed those
17 calls are being recorded?

18 A. They are informed verbally, and they
19 also are informed when they enroll, and each time
20 that they go on the phone it's also advised.

21 Q. And do you monitor these calls?

22 A. Yes, sir.

23 Q. All right, how does that work, is it
24 random?

25 A. Yes, sir.

1 Q. Did you -- were you doing this back in
2 January of 2019?

3 A. Yes, sir.

4 Q. Did you have the occasion to hear any
5 calls made by Williston Owens?

6 A. Yes, sir.

7 Q. Do you know Williston Owens?

8 A. Yes, sir.

9 Q. Okay. How did you come across any
10 calls that he made?

11 A. I was just monitoring the phone calls,
12 and noticed some information that was made in a
13 call, so I contacted Hampton County to let them know
14 what was going on.

15 Q. All right, and did you provide
16 recordings of his calls to Hampton?

17 A. Yes, when I called I was put in contact
18 with an officer, and I told him that I needed a
19 subpoena to record a phone call, so they provided
20 what --

21 Q. Was that Officer Manor?

22 A. Yes, sir.

23 Q. Of Hampton Police Department?

24 A. Yes.

25 Q. All right, and then once you had a

1 subpoena, did you provide those calls?

2 A. Yes.

3 Q. How many calls did you provide?

4 MR. EVANS: Well, I'll withdraw that. May
5 I approach the witness, Your Honor?

6 THE COURT: Yes, yes, yes.

7 BY MR. EVANS:

8 Q. I'm gonna pass you something, and I'm
9 gonna ask you if you can identify this, Mr. Maxwell,
10 or Lance Corporal Maxwell? What is that, sir?

11 A. This is a copy of some phone calls that
12 was -- had to do with the initial proceeding.

13 Q. You've reviewed the contents of that
14 disk?

15 A. Yes, sir.

16 Q. And it's a copy of the portion of the
17 calls you'd noticed from Mr. Owens?

18 A. Yes, sir.

19 Q. All right.

20 (Court Reporter marks State's Exhibit
21 Number 52 as attached hereto.)

22 MR. EVANS: Your Honor, the State would
23 move the disk and its contents as State's Exhibit
24 52.

25 MS. GIBBES: Subject to prior ruling.

1 THE COURT: All right, it's admitted,
2 subject to prior objection, yes, ma'am.

3 MR. EVANS: All right.

4 (State's Exhibit 52 was admitted into
5 evidence.)

6 BY MR. EVANS:

7 Q. These are just portions of the calls;
8 is that right --

9 A. Yes, sir.

10 Q. -- Lance Corporal --

11 A. Yes.

12 Q. Okay, and there are two on there?

13 A. Yes.

14 MR. EVANS: May we publish, Your Honor?

15 THE COURT: Yes, sir.

16 (Audio being played for the jury.)

17 BY MR. EVANS:

18 Q. This was Mr. Williston Owens?

19 A. Yes.

20 Q. He entered the PIN number when making
21 those calls?

22 A. Yes.

23 Q. Those are all the questions I have.

24 Please answer any questions the defense may have for
25 you.

1 THE COURT: Ms. Gibbes.

2 MS. GIBBES: No questions, Your Honor.

3 THE COURT: Call your next witness,
4 Solicitor.

5 MR. EVANS: The State rests, Your Honor.

6 THE COURT: The State rests?

7 MR. EVANS: Yes, sir.

8 **

9 **STATE RESTS**

10 THE COURT: Ladies and gentlemen, I'm gonna
11 send you back to the jury room for just a moment,
12 and have you back out here in just a few minutes,
13 there's a matter I've got to take up with the
14 parties.

15 (Jury exits the courtroom.)

16 THE COURT: All right, any motions?

17 MS. GIBBES: Thank you. At this time the
18 defense would move for a directed verdict in the
19 light most favorable to the State at this point.

20 I would argue that the State has not met
21 their burden of proof. One, with the attempted
22 murder, the alleged victim, Donovan Riley, not here
23 to testify. We have no idea at this point where he
24 was standing, what he perceived, what happened.

25 He was the only -- he was supposedly an

1 eyewitness, but now we don't have that testimony,
2 and so as far as attempted murder, did absolutely
3 not meet that burden. And to that extent, as far as
4 the murder charge, again, without that witness, we
5 do not know, again, they don't -- they can't meet
6 their burden, as far as the elements for providing
7 their case, as far as intent to kill.

8 We heard, as far as the ballistics, that
9 there was a .10 millimeter found in the Lightsey
10 house bedroom, which to me showed that there could
11 have been somebody else firing a gun. I also would
12 argue that the discharging a firearm -- that is what
13 that charge stems from. At this time I would just
14 argue that the State has not met its the burden
15 proof.

16 THE COURT: Thank you.

17 MR. EVANS: Thank you, Your Honor, I think
18 there's certainly evidence to send this case to the
19 jury.

20 I would agree only with Ms. Gibbes to the
21 extent that the attempted murders is the most
22 questionable. I think to address the others real
23 quick.

24 I mean, Judge, you have on that recording
25 that we just heard on the first call, "We didn't

1 mean to kill that boy, we were trying to kill the
2 other one with," and that's Williston Owens, and
3 that's uncontroverted testimony. That is evidence
4 right there of murder. That alone is sufficient,
5 but you have the ballistics matching from January
6 6th, where Mr. Owens was seen on camera,
7 acknowledging that those shells were his from his
8 gun.

9 They then matched the gun used two days
10 later at the scene of the crime, consistent with a
11 projectile at [REDACTED] Lightsey. You had Mr. Doctor
12 testifying that he and his family were in that home
13 when it was fired upon.

14 You have the testimony of Elias Green,
15 through an unconventional method I'll grant, but
16 it's still in the record, indicating that bullets
17 came -- or rather that Mr. Mack Green, you know,
18 came into the home having been shot and died right
19 there on the floor in front of him. You've got
20 evidence from SLED crime scene showing those bullet
21 defects going through [REDACTED] Lightsey Street.

22 There's plenty of evidence on murder, the
23 two discharging firearms into a dwelling charges,
24 and then, of course, possession of a weapon during
25 the commission of a violent crime. I don't think

1 those are difficult issues at all. I understand the
2 concern of the defense concerning Mr. Riley not
3 testifying. I doubt I'm more frustrated with them
4 than they are at us, since they represent Mr. Owens,
5 but I can assure the Court that I'm very frustrated
6 with Mr. Riley.

7 That being said, I do think at this point,
8 although it is the -- of the five counts, it's the
9 one that I think the jury will struggle with the
10 most. I think at this point there is enough
11 evidence to send it to them.

12 You have the testimony of Elias Green,
13 saying that Mr. Riley was on-the-scene. You have
14 the testimony of Officer Summerlin, this came in
15 without objection. He mentioned it was not part of
16 the recording that we put into evidence, but he did
17 in his testimony, without objection, mention that
18 Mr. Owens had named Mr. Riley on January the 6th, as
19 the person he had trouble with.

20 We have the testimony of Mr. Delesline this
21 morning, saying that when he heard Mr. Owens say,
22 "Them boys," he knew it to mean Blake Stokes or
23 Donovan Riley, and then an admission, through Mr.
24 Delesline's testimony by Mr. Owens, that Donovan had
25 been on-the-scene. I grant, Judge, that it's the

1 weakest of the five, but I do think, at this point,
2 in the light most favorable to the State it's a non-
3 moving party, there is enough to create an issue of
4 fact for the jury on attempted murder; and I think
5 on the other four charges there is abundant
6 evidence.

7 And even on the attempted murder, Judge,
8 those jail phone calls are certainly highly
9 relevant. Obviously, under the more recent cases
10 for attempted murder coming down from the Court of
11 Appeals and our Supreme Court, it's a very high
12 burden on the elements that the State must show,
13 but, of course, in this case, in this case we have
14 admission by Mr. Owens that they were trying to kill
15 the other person.

16 He didn't name Mr. Riley on that call, but
17 the jury's entitled to consider all the evidence
18 that's before them, and not evaluate each one, you
19 know, without context from the others. So I think
20 that -- I understand they're making their motion,
21 I'm glad they're protected on the record, but I
22 would ask you to deny their motion, and send all
23 five charges to the jury.

24 THE COURT: Anything in reply?

25 MS. GIBBES: No, Your Honor.

1 THE COURT: Okay.

2 MS. GIBBES: And I would just also renew
3 all my prior motions.

4 THE COURT: All right. I'll note your
5 objection and renewing all your prior motions, and,
6 basically, for the reasons as set forth by the
7 Solicitor, and those that I've adopted pursuant to
8 my rulings on the record, I'll renew all those at
9 this time.

10 As it relates to your motions at this
11 point, again, I would respectfully deny those
12 motions. I believe I'm looking for the existence of
13 evidence at this point. And, Ms. Gibbs, I believe
14 that evidence exists, as it relates to this matter,
15 and that the jury has heard evidence.

16 I'm not passing judgment on the sufficiency
17 of the evidence, but certainly I think the existence
18 of the evidence is what I'm charged with looking at
19 now. And so to that extent, I'm going to deny those
20 motions. I do think that the attempted murder is
21 probably -- perhaps the -- has the least amount of
22 evidence, but I do think that from the testimony
23 that was read into the record, we've got the name of
24 the gentleman who was there, or with Mr. Green, the
25 decedent, at the time.

1 And then, of course, we've got the
2 testimony from the phone call that indicates that he
3 tried to kill him, basically, tried to kill -- "I
4 didn't mean to kill that guy, I tried to kill the
5 other guy," and I think, certainly, there's enough
6 there that a jury could conclude that the other guy
7 was, in fact, Mr. Riley?

8 MR. EVANS: Yes, sir.

9 THE COURT: Mr. Riley. So with all due
10 respect, I'm going to deny your motions, all right?

11 MS. GIBBES: Thank you, Judge.

12 THE COURT: Yes, ma'am. Okay, do you plan
13 on putting on a case? Would now be the appropriate
14 time for me to --

15 MS. GIBBES: No.

16 THE COURT: -- go ahead and advise your
17 client of his rights?

18 MS. GIBBES: Yea, I don't know, we may need
19 a few minutes to talk about that.

20 THE COURT: All right, well, let me tell
21 you what I'm gonna do.

22 I'm gonna go ahead and let you talk with
23 him. Let's just -- I'm gonna let the jury go to
24 lunch. Let's come back at 2 o'clock, and then I
25 will go ahead and discuss his right to testify or

1 not testify.

2 Yes, sir?

3 MR. EVANS: Judge, one thing that I
4 neglected to do, and I don't think Ms. Gibbes has
5 indicated there's an issue with this, but we do have
6 stipulations --

7 THE COURT: Yes.

8 MR. EVANS: -- and I did rest, but I don't
9 think that's a major concern, since they are, you
10 know, stipulations rather than --

11 THE COURT: They are.

12 MR. EVANS: -- that are coming from both
13 parties, so perhaps when the -- before the jury's
14 excused for lunch, this would be a good time to --

15 THE COURT: that's fine. I'm gonna bring
16 them back, I'm gonna read these stipulations to
17 them, and then I'm gonna discharge them; is that
18 satisfactory, Ms. Gibbes?

19 MS. GIBBES: Yes, Your Honor.

20 THE COURT: All right, let's get the jury
21 in here.

22 (Jury enters courtroom.)

23 THE COURT: Madam Forelady, ladies and gentlemen
24 of the jury -- before I send you to lunch -- the
25 State has rested their case. Now would be an

1 appropriate time for me to provide four stipulations
2 to you.

3 I will read these stipulations to you.
4 Stipulations are basically agreements. A
5 stipulation or agreement of facts that both sides
6 have agreed to.

7 Really, in certain cases, it shortens up
8 some of the trial because sometimes you may have to
9 go and call other witnesses who would have custody
10 of the facts. Basically, we are not going to have
11 you sit through that. They are working together and
12 have come to these stipulations. I will lay those
13 out for you now.

14 And I will make that a Court's exhibit. So
15 the State of South Carolina and the defendant,
16 Williston Owens, agree to the following stipulation
17 of fact.

18 Number 1, the remains examined by Dr.
19 Riemer were those of Mack Green.

20 Stipulation Number 2, ladies and gentlemen,
21 the SLED internal chains of custody were that the
22 January 6th and January 8th shell casings were
23 intact.

24 Stipulation Number 3. The shell casings
25 from the January 8 incident were examined by Andrea

1 Harrison of SLED for fingerprints; however, no
2 fingerprints were observed.

3 Stipulation Number 4, the shell casings
4 from the January 8th incident were also swabbed for
5 touch DNA; however, Katherine Leslie of SLED was
6 unable to develop a DNA profile.

7 Any objections to the manner I presented
8 and read the stipulations to the jury, from the
9 State?

10 MR. EVANS: No, sir.

11 THE COURT: From the defense?

12 MS. GIBBES: No, Your Honor.

13 THE COURT: All right. We will make this a
14 Court's exhibit.

15 Does that meet with your approval?

16 MR. EVANS: Yes, sir.

17 THE COURT: Ma'am?

18 MS. GIBBES: Yes, Your Honor.

19 (Court's Exhibit 6 was admitted into
20 evidence.)

21 THE COURT: Ladies and gentlemen, I am
22 going to send you to lunch. I will ask you to be
23 back at 2:30.

24 Do not talk about the case. You haven't
25 heard everything yet, but you are getting closer.

1 THE DEFENDANT: No, sir.

2 THE COURT: Have you been able to discuss
3 with your lawyer whether you should or should not
4 testify, sir?

5 THE DEFENDANT: Yes, sir.

6 THE COURT: Do you need more time or do you
7 wish to talk to your lawyer anymore about this
8 matter?

9 THE DEFENDANT: No, sir.

10 THE COURT: Mr. Owens, let me ask you, sir.
11 Do you wish to testify?

12 THE DEFENDANT: No, sir.

13 THE COURT: Thank you very much. You can
14 be seated.

15 Let me ask you this. Does counsel intend
16 on putting on any witnesses?

17 MS. GIBBES: No, Your Honor.

18 THE COURT: Then what I would propose is
19 that we can bring the jury out here and you can
20 rest.

21 THE COURT: All right. All right, then
22 what I would propose is that we bring the jury out
23 here, and you can rest. And at that point, where
24 are we on -- did we send jury charges? I mean, you
25 know, if we start at 2:30 we could -- I mean they

1 them today.

2 Is that satisfactory, from the State?

3 MR. EVANS: Yes, sir.

4 THE COURT: Ms. Gibbes?

5 MS. GIBBES: Yes, Your Honor.

6 THE COURT: Thank you. Let's get the jury.

7 (Jury enters courtroom.)

8 THE COURT: Madam foreperson, ladies and
9 gentlemen of the jury. We are ready to proceed.

10 Ms. Gibbes.

11 MS. GIBBES: Thank you, Your Honor. The
12 defense rests at this time.

13 **

14 **DEFENSE RESTS**

15 THE COURT: Thank you.

16 THE COURT: Thank you. Madam Forelady,
17 Ladies and gentlemen, we are ready to proceed.

18 You have heard all of the evidence in this
19 case. So now, of course, is not the time to
20 deliberate quite yet. What you are going to hear
21 next is you are going to hear closing arguments from
22 the State and from the defense. Thereafter, you
23 will hear my charge on the law.

24 Folks, we have been working together to try
25 to move this case along, so what I will tell you is

1 All right. Great.

2 Any objection to the verdict form from the
3 State?

4 MR. EVANS: Not from the State.

5 THE COURT: Ms. Gibbes?

6 MS. GIBBES: No, Your Honor.

7 (Jury enters courtroom.)

8 THE COURT: Madam foreperson, Ladies and
9 gentlemen of the jury, the parties have presented
10 their evidence in this case and it's now time for
11 the attorneys to make their closing arguments. The
12 closing arguments of the attorneys are not evidence
13 in this case.

14 Their statements and their arguments are
15 meant to help you understand the evidence and apply
16 the law to the evidence.

17 You should disregard, folks, any remark,
18 statement, or argument which is not supported by the
19 evidence presented during the trial or the law that
20 I will explain to you after the arguments.

21 All right. Solicitor.

22 **

23 **CLOSING ARGUMENT BY MR. EVANS**

24 MR. EVANS: Ladies and gentlemen, I stood
25 before you yesterday morning and told you that this

1 trial was going to be different that what you have
2 seen on TV.

3 Long, deliberative, sometimes confusing.
4 But it's like a puzzle. All the puzzle pieces are
5 before you. That is the evidence. It's time to put
6 the puzzle together. That is what we are going to
7 try to do here this afternoon.

8 Before I get back into the evidence that
9 you have heard, I want to talk to you a little bit
10 about the law.

11 The judge is going to instruct you on the
12 law. He is the judge of the law and you are the
13 judges of the facts. When I have finished and Ms.
14 Gibbes has a chance to speak to you one more time,
15 that is when you will hear what the law is.

16 I think what the judge is going to tell you
17 is that the defendant is charged with five distinct
18 crimes. It starts with two counts of discharging a
19 firearm into a dwelling. The law is pretty simple
20 on that. It's right there in the title. Every
21 crime has a title; every crime has elements,
22 building blocks of what it takes for you to find
23 that person is guilty.

24 The first two, discharging a firearm into a
25 dwelling. That is right there in the title.

1 Shooting a gun into a dwelling. A dwelling is a
2 home, somewhere where people commonly customarily
3 reside.

4 The judge is going to tell you that he is
5 charged with attempted murder and with murder.
6 Attempted murder of Donovan Riley and the murder of
7 Mack Green.

8 I think the judge is going to tell you that
9 murder is the unlawful killing of another person
10 with malice aforethought. The most serious crime
11 that we have in the laws of this state. It's one of
12 the simplest to define. Unlawful killing another
13 person with malice aforethought. Killing of another
14 person.

15 Malice. The judge is going to talk to you
16 about that. It's hatred, ill-will. It will be up
17 to you to determine if the kill was with malice
18 aforethought.

19 The attempted murder elements, as you might
20 guess, are a pretty similar offense to murder. It
21 started with the attempted murder of Donovan Riley.

22 Attempted to kill other person with the
23 specific attempt to kill them with malice
24 aforethought. So key distinction. One is an
25 attempt that was not completed.

1 Two, for attempted murder, unlike murder,
2 there must be a specific intent to kill.

3 One more charge. Possession of a weapon
4 during the commission of a violent crime. The judge
5 is going to tell you that in order to be guilty of
6 that, again, it's in the title, possession of a
7 weapon while you are committing another crime. The
8 crimes of murder and attempted murder in the laws of
9 South Carolina is a violent crime. Mack Green was
10 shot with a gun. So that's easy to prove.

11 So that's the law. But you, ladies and
12 gentlemen are the judges of the facts.

13 What are those facts?

14 The evidence we presented to you, I submit
15 is that Williston Owens did commit attempted murder,
16 murder, discharge into a dwelling and possession of
17 a weapon. All here.

18 Let's talk about January 6th. There is no
19 question that on January 6, 2019, Mr. Owens began
20 this case as a victim. He was outside his home here
21 in Hampton County Hampton, South Carolina, minding
22 his own business, relaxing with Mr. Fisk outside
23 that home, when they were fired upon. We know this
24 happened. Mr. Fisk came here and testified about
25 it.

1 You saw a bodycam video from Officer
2 Summerlin showing Mr. Owens acknowledging returning
3 fire with his gun, pointing the officer in the
4 direction of the shell casings.

5 These shell casings, these came from him.
6 There is no question about it. They were doing
7 their job. They were gathering evidence. They kept
8 on gathering evidence, even days later, they pulled
9 that out of the car, State's Exhibit 11.

10 The projectile fired at Mr. Owens and Mr.
11 Fisk, making them a victim. The Hampton police
12 department kept on looking for evidence, and these
13 two fired from different guns, you heard the
14 testimony this morning. They were eventually
15 submitted to SLED.

16 The point is that the Hampton Police
17 Department was working even after Mr. Owens was
18 arrested for murder. They were still working on the
19 other case. There is no question. Williston Owens
20 fired a gun, fired these shells, State's Exhibit 10
21 on January 6, 2019.

22 No question.

23 What this case is really about is what
24 happened later. And I think Ms. Gibbes may make a
25 point out of the fact that nobody was arrested in

1 that case. We know who fired the gun. We know what
2 he thinks. It doesn't matter. What matters is that
3 Williston Owens believed that. I know this was
4 long sometimes; I know it was dull. If you want to
5 watch that video back there when you are
6 deliberating or want to see any of the other
7 evidence, you can ask the Judge to let you see it.

8 Remember what Chad Smith said? You can't
9 compare shells to projectiles, apples to oranges.
10 You got to have a gun. It sounds like he took care
11 of that, six to seven times.

12 How do you explain that? How do you
13 explain those calls? What he said, his words,
14 uncrossed, uncontroverted, that's him. He forgot.
15 He tried to hide the gun, so they couldn't figure
16 out that it was his gun.

17 He forgot though apples to oranges, they
18 had apples to apples. You don't need the gun if you
19 can go shell-to-shell. It's the same gun, no matter
20 where it is, no matter what happened to it. It's
21 his gun, because he did it, and it's six to seven
22 feet in the ground, just like Matt Green is. He got
23 shot at. He was a victim to start. He got his
24 revenge, tried to. It was irresponsible, it was
25 immoral, it was illegal. He was discharging into a

1 dwelling, twice. It was attempted murder, and it
2 was murder. Find him guilty.

3 THE COURT: Ms. Gibbes, yes, ma'am?

4 MS. GIBBES: May it please the Court?

5 THE COURT: Absolutely.

6 **

7 **CLOSING ARGUMENT BY MS. GIBBES**

8 MS. GIBBES: Good afternoon. I mean you've
9 all heard a lot in the past couple days, it's a very
10 serious and difficult thing to listen to, and I just
11 want to thank you. I can tell that you-all have
12 been listening and paying attention, and I've been
13 trying to think about what I wanted to tell you-all
14 to kind of help you-all think about this case when
15 you go back and deliberate.

16 Actually, Mr. Evans helped me. He said
17 this case is like a puzzle. It's a puzzle, and I
18 told you yesterday that the State's job, the State's
19 burden, they have to prove beyond a reasonable doubt
20 that Williston Owens did this. We're not arguing
21 that a crime did not occur, a tragedy, but the
22 State has put Williston on trial for one of the most
23 serious crimes you can be charged with, as I said
24 yesterday, they have all the money, they have law
25 enforcement, they have police, they have all the

1 power coming down on my client right now. And so
2 when they say they're going to give you a puzzle,
3 don't you want to have the whole thing?

4 Don't you want to open that box and be able
5 to put it together? Because if you buy a puzzle and
6 you're missing pieces, there's something wrong.
7 You're going to return it. You're going to throw it
8 out. You can't put it together, and so let's talk
9 about this puzzle. Let's start. The first State's
10 theory is all based on this, at the very least.

11 Maybe we'll hear more about it, maybe
12 there's things The motive was the January 6th
13 incident, where Williston's mother's house got shot.
14 We're not contesting that happened, but I do think
15 it's a big deal that there were no arrests in that
16 case. There was no interviews in that case. Maybe
17 he spoke to Donovan Riley about that case.

18 That's important if your whole motive, and
19 their whole theory is based on this. At the very
20 least. Maybe we hear more about it. Maybe there
21 are things we haven't heard. So take a piece of
22 puzzle out of that box that they're giving you.
23 There's one, and then Donovan Riley, we've heard
24 about him a lot. He tried to predict that I was
25 gonna talk about him, but I've got to. Donovan

1 Riley, and I'm sorry I want to move all this. I'm
2 sorry.

3 This is very serious so, again, I don't
4 mean any disrespect to what happened, but Donovan
5 Riley he's listed as a victim. He is somebody who
6 admits that he was there when Matt Green lost his
7 life. They're saying that Donovan Riley is a
8 victim. You're gonna see his name when you go back
9 to deliberate and talk about your verdict. They
10 couldn't even get Donovan Riley to show up, and
11 yesterday when I was talking to you about lying
12 witnesses, and I try -- I have to predict what
13 happened, or what I think the State is gonna present
14 with their case, based on the evidence I'm given,
15 but, obviously, I can't predict the future.

16 And so when I was telling you about the
17 lying witnesses, number one, Donovan Riley. I wish
18 he had been up on that stand. I wish I had the
19 opportunity to cross-examine. He couldn't even be
20 bothered to be here. That's why we take three
21 pieces away from this puzzle the State is trying to
22 sell you. He supposedly was right there. He should
23 have been their star witness, but what did we hear?
24 He ran.

25 And the only reason we know that is because

1 they used an old transcript from a wide screen.
2 That's another one. I don't want to disparage him.
3 He lost his father. No child should have seen that,
4 but why isn't he here? I hate to say it, but that's
5 another line they decide to talk about, because what
6 you heard is that Matt Green had a gun.

7 What you heard is that Donovan Riley ran
8 out of that house. And he's supposedly standing
9 right there. He could have come here and told you
10 what happened. He could have provided some closure
11 for this family. He didn't. He ran away, and you
12 know what, if I had the chance to cross-examine him,
13 I'm pretty sure you would have heard that he had a
14 gun too, but I can't tell you that, because I didn't
15 get to.

16 Take another piece of the puzzle away.
17 That is reasonable doubt, every piece of puzzle they
18 haven't given you. Now, after this happened, Will
19 was the first person who made himself available to
20 the police. He came to talk to Detective Manor the
21 next day. He talked to his family. They arranged
22 it. He came in and you saw that video. They didn't
23 have to put handcuffs on him. They didn't have to
24 pick him up in a police car. He went in there
25 voluntarily, and that's to his credit, because you

1 know what?

2 Treyvon and Chabbi, I'm not gonna disparage
3 them. Obviously, these guys are all friends, just
4 in a difficult situation, and one thing I do, I
5 really respect them, because they did, they went to
6 the police also. They weren't first, and they said,
7 they don't know who did it. They didn't see
8 Williston with a gun. They just said he got out of
9 the car. Another piece of the puzzle. Now, there
10 were some things.

11 You don't just charge somebody with murder.
12 What evidence was there? What reason did it stay on
13 him for over three years? He was charged with
14 murder, and you saw, he was the last person. He
15 didn't come to the police. He literally left town
16 immediately. I don't care what he says about going
17 back to school or moving-in day. It just so
18 happened that pretty much within 24 hours he fled to
19 Orangeburg, he fled.

20 They didn't wait until after his statement.
21 He came in there in cuffs. They had a charge on him
22 already. So it wasn't like he availed himself, and
23 spoke to the police, and just because he did that he
24 got charged. No, they had him. They had something
25 on him, and he ran, and he knew. He said that he

1 spoke to Chabbi, he spoke to Treyvon, he knew that
2 they had already spoken to police. He didn't do it,
3 he fled. He came across very -- I wouldn't say
4 forthcoming, but he's very quiet and polite, but
5 he's had a lot of time to think about this. He's
6 had a long to meet with the Solicitor, and this case
7 almost went to trial in August, and he was charged
8 with murder the entire time, and so he came and met
9 with the Solicitor's Office in preparations for
10 Williston's trial.

11 Which we didn't know. We thought maybe
12 they would go to trial together, but he showed up
13 and he found out his case was getting dismissed, and
14 it got dismissed the Thursday before they started
15 trial Monday. Expect a complete puzzle,, and if you
16 don't get it, as you didn't get it, you must find
17 Williston Owens not guilty. Thank you. Thank you
18 for your time.

19 THE COURT: All right. Thank you Ms.
20 Gibbes.

21 **

22 **JURY CHARGE**

23 THE COURT: All right, ladies and
24 gentlemen, my charge is still up on the wall, and
25 it'll probably take about 20 minutes. So what I

1 want to do is, I want to send you back, stretch,
2 smoke, use the bathroom, and then come, we'll come
3 back out in about five to ten minutes. I will then
4 read you my charge on the law, and then after I will
5 send you back and shortly thereafter you will be
6 able to begin your deliberations. Please do not
7 talk about the case. Thank you.

8 (Jury exits the courtroom.)

9 THE COURT: All right. All right,
10 anything before we take a break for five minutes.

11 MR. EVANS: Nothing from the State, Your
12 Honor.

13 THE COURT: The defense?

14 MS. GIBBES: No, Your Honor.

15 THE COURT: All right.

16 Mr. Evans do you have the evidence back up?

17 MR. EVANS: Yes.

18 THE COURT: Thank you.

19 (Recess.)

20 **JURY CHARGE**

21 THE COURT: All right, ladies and
22 gentlemen, it's now my duty as Trial Judge, under
23 the Constitution of this State to charge and
24 instruct you jurors on the law applicable to the
25 case, and it's your duty as jurors to accept and

1 jury, in the above-captioned case on the charge of
2 discharging a weapon into a dwelling to at [REDACTED]
3 Lightsey, find the Defendant, Williston Owens, not
4 guilty, or guilty."

5 And finally question five, "We, the jury,
6 again, on the above-captioned charge, possession of
7 a weapon during the commission of a violent crime,
8 find the Defendant, Williston Owens, not guilty or
9 guilty." Then, Madam Foreperson, what I would have
10 you do, is to sign your name here.

11 Once you have reached that verdict, just
12 let the Bailiff know, he'll let me know, and we'll
13 get you back in here.

14 Now, at this time I'm gonna ask that you go
15 back to the jury room, but please don't start
16 deliberating yet. I have to ask them if there is
17 anything I missed. I want to also get the evidence
18 together, because you're gonna be able to have the
19 evidence that's been entered into, or the exhibits
20 that have been entered into evidence.

21 We're gonna be able to give that to you,
22 along with the verdict form, and only then would you
23 begin your deliberations. So if you would please go
24 back, and just wait to hear from the Bailiff.

25 Do not begin your deliberations. Thank you

1 very much.

2 (Jury exits courtroom.)

3 THE COURT: All right, any exceptions or
4 additions concerning the charges and the
5 instructions that I gave the jury concerning the
6 verdict form from the State?

7 MR. EVANS: Not from the State.

8 THE COURT: Defense?

9 MS. GIBBES: No, Your Honor.

10 THE COURT: All right. So what I'd like to
11 do, is I'd like the counsel to come up. I'm gonna
12 hand the verdict form to the clerk. I would like
13 you'all to look at the evidence, and then I'm gonna
14 go on the record, and make sure we have an agreement
15 as to what's going to go back. Okay?

16 MR. EVANS: We went ahead and did that
17 during the break, Judge, so it's ready.

18 THE COURT: The clerk knows that's what I
19 like to do. Okay, so then let me ask you. Go ahead
20 and put the verdict form on top of that. So let me
21 ask you, the State has reviewed the documents that
22 are going back and agree that those are, in fact,
23 the documents that should go back --

24 MR. EVANS: Yes, sir.

25 THE COURT: -- to the jury; is that

1 understand, the jury has reached a verdict?

2 THE BAILIFF: Yes, sir.

3 THE COURT: Let's get them in here.

4 (Jury enters courtroom.)

5 THE COURT: Mr. Bailiff, hand it to me.

6 Madam Clerk, I would ask that you publish
7 the verdict please.

8 THE CLERK: State of South Carolina, County
9 of Hampton v. Williston Lemone Owens, to the charge
10 of murder, we the jury in the above-captioned case
11 find the defendant guilty.

12 Number 2, we the jury in the above-
13 captioned case on the attempted murder of Donovan
14 Riley guilty.

15 Number 3, we the jury in the above-
16 captioned case to the charge of discharging a
17 firearm into a dwelling guilty.

18 Number 4, we the jury in the above-
19 captioned case to the charge of possession of a
20 weapon during the commission of a violent crime
21 guilty.

22 Signed by the foreperson, April 5, 2023.

23 THE COURT: Thank you.

24 Motions.

25 MS. GIBBES: Your Honor, I would ask to

1 poll the jury please.

2 THE COURT: Madam clerk, poll the jury,
3 please.

4 (Jury was polled and all assented to the
5 verdicts.)

6 THE COURT: All right.

7 Thank you, Madam Clerk.

8 Any further motions from the State before I
9 release the jury?

10 MR. EVANS: Not from the State.

11 THE COURT: Anything from the defense?

12 MS. GIBBES: No, Your Honor.

13 THE COURT: Ladies and gentlemen, I want to
14 thank you for your service.

15 The good news is, you are finished for the
16 week. The good news is, that this service makes you
17 good for the next three years, but not in family
18 Court, magistrate court, or federal court.

19 With our thanks, you are free to go. You
20 can now talk about the case with whomever you
21 choose. I will also tell you this. If somebody
22 approaches you and they want to talk about the case
23 and you want to talk about it with them and they
24 don't want to leave you alone and you want don't
25 want to talk about it, I will see to it that they

1 won't bother you.

2 So again, I thank you, I thank you for your
3 time. I thank you for your service to this county.

4 You all paid attention this week. You paid
5 attention, and again I appreciate that also. With
6 that having been said, I will discharge you. Thank
7 you so much for your service this week.

8 We will now have some brief motions, then
9 we will move directly into sentencing.

10 Now, if you want to stay, you can stay. If
11 you want to go, you can go. I wanted to let you
12 know that we will move into sentencing and address
13 the issues in the next few minutes. You are welcome
14 to stay. If you will let the bailiff know, he can
15 show you where you can go. You just need to let
16 them know.

17 (Jury exits courtroom).

18 THE COURT: Any motions Ms. Gibbes?

19 MS. GIBBES: I will renew my objections and
20 motions, and I would make a motion for a new trial
21 at this time. The shortness of the deliberations,
22 the lateness of the hour, I would at this time ask
23 for a new trial.

24 THE COURT: Anything in response from the
25 State?

1 MR. EVANS: No, Your Honor.

2 THE COURT: All right. I appreciate your
3 motions, but I will respectfully deny your motions.

4 We gave them ample time to discuss the
5 case, to review the evidence, they had all the
6 exhibits, and I would also say that the jury paid
7 attention. I didn't see a one dozing off.

8 I didn't see anybody doing anything but
9 give their attention to this matter, and I don't
10 think this is a case where they were tired, or just
11 wanted to get out of here. I think they gave this
12 deliberate and thoughtful consideration, and so for
13 those reasons, ma'am, I'm going to deny your motion,
14 okay?

15 MS. GIBBES: Yes, sir.

16 THE COURT: All right, any other motions
17 from the State, or from the defense before we move
18 into sentencing?

19 MR. EVANS: Not from the State.

20 THE COURT: Anything else, Ms. Gibbes?

21 MS. GIBBES: No, Your Honor.

22 **

23 **SENTENCING HEARING**

24 THE COURT: All right. All right, so are
25 we ready to move into sentencing?

1 MR. EVANS: Your Honor, I have sheets
2 prepared --

3 THE COURT: Yes, sir.

4 MR. EVANS: -- but given the nature of the
5 offense, if Your Honor would prefer just to move
6 into it, and we can get the sheets to you later. I
7 don't believe a signature is necessary, given that
8 it was a jury verdict rather than a plea, but also
9 we'll be working on those sheets diligently as we're
10 speaking here right now.

11 THE COURT: Well, I'm gonna -- let's go
12 ahead and do this, and while perhaps Ms. Gibbes is
13 -- I'm sure she has some information, potential
14 mitigation, and so --

15 MR. EVANS: I'll be working on it.

16 THE COURT: That'll be fine. So,
17 Solicitor, let me hear from you, and I'm also happy
18 to hear from anybody who wants to address the Court,
19 sir.

20 MR. EVANS: The family has indicated to me
21 this morning that they do not wish to address the
22 Court at this time. Judge, the evidence speaks for
23 itself. You've paid attention just as the jury has.
24 You understand the gravity of the offenses. To
25 quote some language from your charge, the

1 indifference to human life. He does not have a
2 prior criminal record.

3 Yes, ma'am, Ms. Gibbes.

4 MS. GIBBES: Thank you, may it please the
5 Court? What I can tell you about him, since I've
6 known Williston I mean he is the nicest and most
7 considerate, polite client. I say that with the
8 truest sincerity. He has a family here that loves
9 him.

10 They respect the jury's decision.
11 Obviously, I've instructed them not to say anything
12 but I just -- he's 25-years-old and he has no prior
13 record. He grew up here and went to Wade Hampton
14 High School, he has children. That's all I can say,
15 Judge. He has been in jail -- he was in jail from
16 January 10th of 2018 --

17 THE COURT: Right.

18 MS. GIBBES: He did get out for a time but
19 he was on monitored GPS, that I would ask you
20 consider giving him credit for. He did go back to
21 jail.

22 So I would just ask that you consider
23 giving him credit since January 10th, 2018 -- I'm
24 sorry, 2019, and that's really all I can say.

25 THE COURT: All right, sir, I certainly

1 will give you an opportunity to address this Court,
2 but I also completely understand, given the
3 situation as it relates to appeals and things of
4 this nature, that you may not want to. And
5 certainly if you're not going to, I understand that,
6 and it's not something I would hold against you
7 anyway, sir. Thank you.

8 MS. GIBBES: Thank you.

9 THE COURT: All right, I want to get those
10 sheets.

11 MR. EVANS: Yes, sir.

12 THE COURT: We'll be at ease a few moments.
13 When you finish the sheets, could you give them to
14 Ms. Nettles, and let her bring them to me, please?

15 MR. EVANS: Yes, sir.

16 THE COURT: All right, make sure you
17 include the minimum and maximum sentence. As I --
18 well, let me do this, as I understand it, the murder
19 charge carries a minimum of 30 years up to life
20 imprisonment, and that that is a day-for-day charge.
21 In other words, if I were to get X number of years,
22 he would have to serve X number of days; is that
23 your understanding, counselor?

24 MR. EVANS: Yes, sir.

25 (Recess.)

1 **SENTENCING HEARING CONTINUES**

2 THE COURT: All right, as it relates to the
3 attempted murder, is that 20 or 30?

4 MR. EVANS: That's zero to 30.

5 THE COURT: Zero to 30, and that's a
6 violent offense, so that would have to serve 85
7 percent of that time.

8 MS. GIBBES: Yes, Your Honor.

9 THE COURT: Of course, he wouldn't be
10 eligible for parole. What about the discharge into
11 a dwelling?

12 MR. EVANS: It's zero to ten years.

13 THE COURT: Zero to ten on each count?
14 Okay, and then the possession of a firearm is five
15 years?

16 MR. EVANS: Yes, sir.

17 THE COURT: All right, thank you. When
18 you're finished, will you bring that back to me,
19 please?

20 MR. EVANS: Yes, sir.

21 MS. GIBBES: Yes, sir.

22 THE COURT: I told my Clerk this just a few
23 moments ago, I've only done this job for two years.
24 I practiced law as a lawyer for 31 years, but I'll
25 tell you, to all the families that are involved

1 here, I'm sorry for your loss.

2 I'm sorry for what you went through. And I
3 never really thought when I took this job that I'd
4 be saying I'm sorry for your loss as to how many
5 times I've got to say it, because, unfortunately,
6 this isn't the first time that I've said that to a
7 grieving family.

8 And this is a tragic case, and, again, at
9 the same time I look at a young man who didn't have
10 a record, who, you know, hadn't had a lot of trouble
11 in the past, and, you know, whatever escalated to
12 this point, resulted in sudden, snapping, immature
13 decisions that basically now will fortunately
14 forever alter the lives of two individuals with two
15 families.

16 All right, 2019-GS-25-00045, that is for
17 the charge of murder, sir, I'm going to sentence you
18 to the State Department of Corrections for a term of
19 52 years, and I'm running all these charges
20 concurrent. I'm going to give him credit for his
21 time served.

22 In 2019-GS-25-00059, the charge of
23 attempted murder, sir, I'm gonna sentence you to the
24 State Department of Corrections for a period of 30
25 years.

1 Again, I'm running this concurrent with the
2 murder charge, and I'm gonna give you credit for
3 your time served, and your time spent on ankle
4 monitor.

5 Concerning 2019-GS-25-00061, discharging of
6 a firearm into a dwelling, I'm gonna sentence you to
7 the State Department of Corrections for a period of
8 ten years. Again, I'm running that concurrent,
9 giving you credit for the ankle monitoring.

10 2019-25-00060, discharging a firearm into a
11 dwelling, I'm gonna sentence you to the State
12 Department of Corrections for a period of ten years,
13 again, running concurrent with the murder charge,
14 giving you credit for your time served on the ankle
15 monitoring.

16 And in 2019-GS-00062, possession of a
17 weapon during a violent crime, I'm gonna sentence
18 you, sir, to the State Department of Corrections for
19 a period of five years, and that's going to run,
20 again, concurrent, and I'm gonna give you credit for
21 your time, sir, on the ankle monitoring.

22 So I believe that brings this matter to a
23 conclusion. Anything further from the State
24 concerning this matter?

25 MR. EVANS: No, not from the State.

WITNESSES

Qutique Manor, H.P.D.

DOCKET NO. 2019GS2500045

The State of South Carolina

County of Hampton

COURT OF GENERAL SESSIONS

October Term 2020

THE STATE

vs.

Williston Lamone Owens

Indictment For

Murder

SC Code: 16-3-10

CDR Code: 0116

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

Defendant

I hereby appear in my own proper person and plead guilty to the within indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED
AM/PM

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

ARREST WARRANT NUMBER

2019A2520300009

ACTION OF GRAND JURY

TRUE BILL

Foreperson of Grand Jury
Date: OCT 22 2020

VERDICT

Guilty

Houston - McNeill

April 5, 2023

Foreperson of Petit Jury

Date:
INDICT

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2019GS2500045

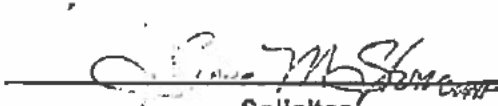
At a Court of General Sessions, convened on October 22, 2020, the Grand Jurors of Hampton County present upon their oath:

Murder

That in Hampton County, South Carolina, on or about January 8, 2019, the Defendant, Williston Lamone Owens, did, with malice aforethought, kill Mack Green and Mack Green did die as a proximate result of Williston Lamone Owens's actions, all in violation of Section 16-3-10, et al. of the Codes of Law of South Carolina.

FILED

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Solicitor

WITNESSES

DOCKET NO. 2019GS2500059

After being fully advised as to my legal rights, I hereby waive presentment to the Grand Jury.

The State of South Carolina

County of Hampton

Defendant

COURT OF GENERAL SESSIONS

October Term 2022

I hereby appear in my own proper person and plead guilty to the within indictment or to

ARREST WARRANT NUMBER

2019A2520300010

THE STATE

vs.

Williston Lamone Owens

ACTION OF GRAND JURY

AMENDED Indictment For

Attempted Murder

SC Code: 16-3-29

CDR Code: 3410

TRUE BILL

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED

____ AM/PM

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

Williston Lamone Owens

VERDICT

*Guilty**Boston Melville**April 7, 2023*

Foreperson of Petit Jury

Date:

INDICT

Foreperson of Grand Jury

Date: 10-6-22

*JAMIE CURTIS - ACTING
FOREPERSON*

STATE OF SOUTH CAROLINA)
COUNTY OF HAMPTON)

INDICTMENT
2019GS2500059

At a Court of General Sessions, convened on October 5, 2022, the Grand Jurors of Hampton County present upon their oath:

Attempted Murder

That in Hampton County, South Carolina, on or about January 8, 2019, the Defendant, Williston Lamone Owens, did, with intent to kill and with malice aforethought, attempt to willfully kill Donavon Riley, all in violation of Section 16-3-29, et al. of the Codes of Law of South Carolina.

TRUE BILL

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

WITNESSES

Qutique Manor, H.P.D.

DOCKET NO. 2019GS2500060

The State of South Carolina
County of Hampton

COURT OF GENERAL SESSIONS

October Term 2020

THE STATE

vs.

Williston Lamone Owens

Indictment For

Discharge Firearm At or Into
Dwelling or Occupied Vehicle

SC Code: 16-23-440(A)

CDR Code: 0052

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

hereby appear in my own proper
person and plead guilty to the within
indictment or to

Defendant

Witness:

C.C.C. PLS. and G.S.

FILED

AM/PM

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

ARREST WARRANT NUMBER

2019A2520300011

ACTION OF GRAND JURY

TRUE BILL

[Signature]
Foreperson of Grand Jury

Date: OCT 22 2020

VERDICT

A Guilty

Austine McBride

April 5, 2023

Foreperson of Petit Jury

Date:
INDICT

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2019GS2500060

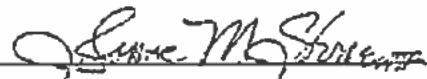
At a Court of General Sessions, convened on October 22, 2020, the Grand Jurors of Hampton County present upon their oath:

Discharge Firearm At or Into Dwelling or Occupied Vehicle

That in Hampton County, South Carolina, on or about January 8, 2019, the Defendant, Williston Lamone Owens, did discharge, or cause to be discharged, a firearm at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons, to wit: [REDACTED] Lightsey Street, Hampton; all in violation of Section 16-23-440(A), et al. of the Codes of Law of South Carolina.

TRUE BILL

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Solicitor

WITNESSES

Qutique Manor, H.P.D.

DOCKET NO. 2019GS2500061

The State of South Carolina
County of Hampton

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2020

I
hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2019A2520300012

THE STATE

vs.

Williston Lamone Owens

ACTION OF GRAND JURY

TRUE BILL

Indictment For

Discharge Firearm At or Into
Dwelling or Occupied Vehicle

SC Code: 16-23-440(A)

CDR Code: 0052

Defendant

VERDICT

Witness:

C.C.C. PLS. and G.S.

Foreperson of Grand Jury

Date:

Foreperson of Petit Jury

Date:

INDICT

STATE OF SOUTH CAROLINA

COUNTY OF HAMPTON

)
)
)

INDICTMENT

2019GS2500061

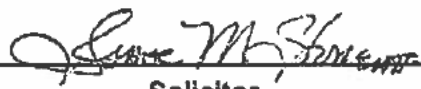
At a Court of General Sessions, convened on October 22, 2020, the Grand Jurors of Hampton County present upon their oath:

Discharge Firearm At or Into Dwelling or Occupied Vehicle

That in Hampton County, South Carolina, on or about January 8, 2019, the Defendant, Williston Lamone Owens, did discharge, or cause to be discharged, a firearm at or into a dwelling house, other building, structure, or enclosure regularly occupied by persons, to wit: [REDACTED] Lightsey Street, Hampton; all in violation of Section 16-23-440(A), et al. of the Codes of Law of South Carolina.

JUL 21 2021

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.


Solicitor

WITNESSES

Qutique Manor, H.P.D.

DOCKET NO. 2019GS2500062

The State of South Carolina
County of Hampton

After being fully advised as to my
legal rights, I hereby waive
presentment to the Grand Jury.

Defendant

COURT OF GENERAL SESSIONS

October Term 2020

hereby appear in my own proper
person and plead guilty to the within
indictment or to

ARREST WARRANT NUMBER

2019A2520300013

THE STATE

vs.

Williston Lamone Owens

ACTION OF GRAND JURY

Indictment For

Possession of Weapon During
Violent Crime

SC Code: 16-23-490

CDR Code: 0549

TRUE BILL

Defendant

Witness:

Foreperson of Grand Jury

Date: OCT 22 2020

VERDICT

Guilty

Austen McNeill

April 5, 2023

Foreperson of Petit Jury

Date:
INDICT

C.C.C. PLS. and G.S.

FILED

AM/PM

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE OF SOUTH CAROLINA)

COUNTY OF HAMPTON)

INDICTMENT

2019GS2500062

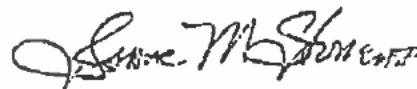
At a Court of General Sessions, convened on October 22, 2020, the Grand Jurors of Hampton County present upon their oath:

Possession of Weapon During Violent Crime

That in Hampton County, South Carolina, on or about January 8, 2019, the Defendant, Williston Lamone Owens, did possess a firearm, visibly displayed what appeared to be a firearm, or visibly displayed a knife during the commission of a violent crime and Williston Lamone Owens was convicted of committing or attempting to commit a violent crime as defined in Section 16-1-60, all in violation of Section 16-23-490, et al. of the Codes of Law of South Carolina.

TRUE BILL

Against the peace and dignity of the State, and contrary to the statute in such case made and provided.



Solicitor

30- Life

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Hampton

STATE

VS.

INDICTMENT/CASE#: 2019-GS-25-00045Williston Lamone Owens

AKA:

AW#: 20191250300009Race: BSex: MAge: 25Date of Offense: 1/8/2019DOB: 1997SS#: [REDACTED]S.C. Code §: 16-3-10CDR Code #: 0116Address: Alabama StreetCity, State, Zip: Hampton, SC

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 ☐ PLEADSTO: MurderIn violation of § 16-3-10 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:

Reed A Evans 79925
 Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #
WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 52 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.

FILED

AM/PM

APR - 6 2023

 MYLINDA D NETTLES
 CLERK OF COURT
 HAMPTON COUNTY, SC

STATE VS. Williston Owens INDICTMENT/CASE#: 2019 -GS- 25 - 45

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:

	\$	Beginning	\$
Fine may be pd. in equal consecutive weekly/monthly pmts. of			
§14-1-206 (Assessments 107.5%)			\$
§14-1-211 (A)(1)(Conv. Surcharge)	\$100		\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 3.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: _____
Court Reporter: _____

Presiding Judge: _____

Judge Code: _____

Sentence Date: _____

FILED

AM/PM

Page 2 of 2

APR - 6 2023

0-30

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF Hampton

STATE

VS.

INDICTMENT/CASE#: 2019-GS-25-00054Williston Lamorne OwensAW#: 2019/2520300010

AKA: _____

Date of Offense: 1/8/2019Race: B Sex: M Age: 25S.C. Code §: 16-3-29DOB: 1997 SS#: _____CDR Code #: 3410Address: Alabama StreetCity, State, Zip: Hampton, SC

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 ☐ PLEADSTO: Attempted MurderIn violation of § 16-3-29 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:Reed A Evans 79925

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 30 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 SCDOD.
_____ 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 § 16-25-40 or § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition.

AM/PM

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Williston Owens INDICTMENT/CASE#: 2019 -GS- 25 - 00059

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)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: My Linda D Nettles
Court Reporter: Rhonda Lee WilliamsPresiding Judge: [Signature]
Judge Code: 2770
Sentence Date: 4/5/23FILED
AM/PM

0-10

STATE OF SOUTH CAROLINA

COUNTY OF Hampton

STATE

VS.

Williston Lamone Owens

AKA:

Race: B Sex: M Age: 25DOB: 1/9/97 SS#: [REDACTED]Address: Alabama StCity, State, Zip: Hampton, SCDL#* [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-25-00060AW#: 2019 42520 300011Date of Offense: 1/8/2019S.C. Code §: 16-23-440 (A)CDR Code #: 0052

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 ☐ PLEADSTO: Discharging a Firearm into a DwellingIn violation of § 16-23-440 (A) of the S.C. Code of Laws, bearing CDR Code # 0052☒ 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:Reed A Evans 79925

Solicitor SC Bar # Defendant Attorney for Defendant SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 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 SCDOP.
_____ 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.

FILED

AM/PM

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Williston Owens INDICTMENT/CASE#: 2019 -GS- 25 - 00060

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)	\$100	\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100	\$
§56-5-2995 (DUI Assessment)	\$12	\$
§56-1-286 (DUI Breath Test)	\$25	\$
§14-1-212 (Law Enforce. Funding)	\$25	\$ 25
§14-1-213 (Drug Court Surcharge)	\$150	\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41	\$
§50-21-114 (BUI Breath Test Fee)	\$50	\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea	\$
3% to County (if paid in installments)	TBD	\$ 3.75
☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees	\$500	\$
☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund	TBD	\$
TOTAL		\$ 128.75

Clerk of Court/Deputy Clerk: MyLinda D Nettles
Court Reporter: Thymberlee WilliamsPresiding Judge: R. F.
Judge Code: 2770
Sentence Date: 4/5/23FILED
AM/PM
Page 2 of 2

SCCA/217 (07/2021)

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

0-10

411

STATE OF SOUTH CAROLINA

IN THE COURT OF GENERAL SESSIONS

COUNTY OF

Hampton

STATE

VS.

INDICTMENT/CASE#: 2019GS-25-00061

AKA:

Race: BSex: MAge: 25DOB: 1/97SS#: [REDACTED]Address: Alabama StreetCity, State, Zip: Hampton, SC

DL#

SID#

AW#: 2019A2520300012Date of Offense: 1/8/2019S.C. Code §: 16-23-440(A)CDR Code #: 0052

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:

Discharging Firearm into a DwellingIn violation of § 16-23-440(A) of the S.C. Code of Laws, bearing CDR Code # 0052☒ 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:

Reed A. Evans 79925

Solicitor

SC Bar #

Defendant

Attorney for Defendant

SC Bar #

WHEREFORE, the Defendant is committed to the ☒ State Department of Correction ☐ County Detention Center,for a determinate term of 10 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 SCDOP.
_____ 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 § 16-25-201B § 16-25-65 (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition. _____ AM/PM

APR - 6 2023

MYLINDA D. NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Walthista Owens INDICTMENT/CASE#: 2019-GS-25-00061

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)	\$100		\$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100		\$
§56-5-2995 (DUI Assessment)	\$12		\$
§56-1-286 (DUI Breath Test)	\$25		\$
§14-1-212 (Law Enforce. Funding)	\$25		\$ 25
§14-1-213 (Drug Court Surcharge)	\$150		\$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41		\$
§50-21-114 (BUI Breath Test Fee)	\$50		\$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea		\$
3% to County (if paid in installments)	TBD		\$ 3.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: My Linda D Nettles
Court Reporter: Myndee WilliamsPresiding Judge: [Signature]Judge Code: 2110Sentence Date: 4/5/23

FILED

AM/PM

Page 2 of 2

APR - 6 2023

STATE OF SOUTH CAROLINA

COUNTY OF Hampton

STATE

VS.

Williston Lamore

AKA:

Race: B Sex: M Age: 25DOB: 97 SS#: [REDACTED]Address: Alabama StreetCity, State, Zip: Hampton, SCDL# [REDACTED] SID# [REDACTED]

IN THE COURT OF GENERAL SESSIONS

INDICTMENT/CASE#: 2019-GS-25 - 00062AW#: 2019A25203000013Date of Offense: 1/8/2019S.C. Code §: 16-23-490CDR Code #: 0549

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 ☐ PLEADSTO: Possession of Weapon During Violent CrimeIn violation of § 16-23-490 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:

Reed A Evans 79925

Solicitor

SC Bar #

Defendant

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 ~~§ 16-25-65~~ (Domestic Violence) to ship, transport, possess, or receive a firearm or ammunition. _____ AM/PM

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

STATE VS. Williston Owens INDICTMENT/CASE#: 2019 -GS- 25 - 00062

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)	\$100 \$ 100
§14-1-211 (A)(2)(DUI Surcharge)	\$100 \$
§56-5-2995 (DUI Assessment)	\$12 \$
§56-1-286 (DUI Breath Test)	\$25 \$
§14-1-212 (Law Enforce. Funding)	\$25 \$ 25
§14-1-213 (Drug Court Surcharge)	\$150 \$
§34-11-70(b)and(c), and 34-11-90(c)and(d) (Admin Fraud Check Court Costs)	\$41 \$
§50-21-114 (BUI Breath Test Fee)	\$50 \$
§56-5-2942(J) (Vehicle Assessment)	\$40/ea \$
3% to County (if paid in installments)	TBD \$ 3.75

☐ Appointed PD or appointed other counsel, Proviso requires \$500 be paid to Clerk during probation and shall be collected before any other fees☐ § 17-3-30(B) Unpaid Application Fee to be paid to the Public Defender Fund

TOTAL \$ 128.75

Clerk of Court/Deputy Clerk: MyLinda D Nettles
Court Reporter: Kymberlee WilliamsPresiding Judge: [Signature]
Judge Code: 2110
Sentence Date: 4/5/25FILED
Page 2 of 2
AM/PM

SCCA/217 (07/2021)

APR - 6 2023

MYLINDA D NETTLES
CLERK OF COURT
HAMPTON COUNTY SC

STATE OF SOUTH CAROLINA
COUNTY OF HAMPTON

STATE OF SOUTH CAROLINA,
V.
WILLISTON LAMONE OWENS,
DEFENDANT.

COURT OF GENERAL SESSIONS
FOURTEENTH JUDICIAL CIRCUIT

INDICTMENTS:
2019GS2500045,
2019GS2500059-062

FILED
AM/PM

APR - 6 2023

MYLINDA D. NETTLES
CLERK OF COURT
HAMPTON COUNTY, SC

VERDICT FORM

1. We, the jury, in the above captioned case, on the charge of MURDER OF MACK GREEN, find the Defendant **Williston Owens** (foreperson shall check one):

Not Guilty _____

Guilty ✓

2. We, the jury in the above captioned case, on the charge of ATTEMPTED MURDER OF DONOVAN RILEY, find the Defendant **Williston Owens** (foreperson shall check one):

Not Guilty _____

Guilty ✓

***In the event you answer "Not Guilty" to questions 1 AND 2, question 5 must be "Not Guilty"**

3. We, the jury in the above captioned case, on the charge of DISCHARGING WEAPON INTO A DWELLING, to wit, [REDACTED] Lightsey Street, find the Defendant **Williston Owens** (foreperson shall check one):

Not Guilty _____

Guilty ✓

4. We, the jury in the above captioned case, on the charge of DISCHARGING WEAPON INTO A DWELLING, to wit, [REDACTED] Lightsey Street, find the Defendant **Williston Owens** (foreperson shall check one):

Not Guilty _____

Guilty ✓

5. We, the jury in the above captioned case, on the charge of the POSSESSION OF A WEAPON DURING THE COMMISSION OF A VIOLENT CRIME, find the Defendant **Williston Owens** (foreperson shall check one):

Not Guilty _____

Guilty ✓

Destiny Mcbride
Foreperson

4/5/2023

Hampton County, South Carolina

Judge Robert J. Bonds

Court Reporter: Kymberlee Williams

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."

RECEIVED**Jan 17 2025****SC Court of Appeals**

Respectfully Submitted,



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT

This 17th day of January, 2025.

RECEIVED

Jan 17 2025

SC Court of Appeals

STATE OF SOUTH CAROLINA
IN THE COURT OF APPEALS

Appeal from Hampton County

Honorable Robert J. Bonds, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

WILLISTON L. OWENS,

APPELLANT

APPELLATE CASE NO. 2023-000593

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 Joshua A. Edwards, Esquire, at the primary e-mail address listed in the Attorney Information System (AIS); on this 17th day of January, 2025.



Jessica M. Saxon
Appellate Defender

South Carolina Commission on Indigent Defense
Division of Appellate Defense
PO Box 11589
Columbia, SC 29211-1589

ATTORNEY FOR APPELLANT