

**VOLUME I OF III**

STATE OF SOUTH CAROLINA  
IN THE COURT OF APPEALS

**RECEIVED**

**Apr 14 2025**

**SC Court of Appeals**

Appeal from Horry County

Honorable William H. Seals, Circuit Court Judge

THE STATE,

RESPONDENT,

V.

MICAH PRESSLEY,

APPELLANT

APPELLATE CASE NO. 2023-001799

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## INDEX

|                                                        |     |
|--------------------------------------------------------|-----|
| INDEX .....                                            | i   |
| WAIVER HEARING TRANSCRIPT DATED JANUARY 27, 2023 ..... | 1   |
| TESTIMONY                                              |     |
| MATTHEW DOWDELL                                        |     |
| Direct Examination by Ms. Livesay .....                | 11  |
| Cross Examination by Mr. Wilson.....                   | 28  |
| Redirect Examination by Ms. Livesay.....               | 38  |
| MIRACLE GRIFFITH                                       |     |
| Direct Examination by Ms. Livesay .....                | 44  |
| Cross Examination by Mr. Wilson.....                   | 74  |
| Redirect Examination by Ms. Livesay.....               | 80  |
| ALLAN HUGGINS                                          |     |
| Direct Examination by Mr. Helms.....                   | 90  |
| Cross Examination by Mr. Wilson.....                   | 115 |
| Redirect Examination by Ms. Livesay.....               | 128 |
| GINGER POP                                             |     |
| Direct Examination by Ms. Livesay .....                | 130 |
| Cross Examination by Mr. Wilson.....                   | 136 |
| ROBERT PRICE                                           |     |
| Direct Examination by Ms. Livesay .....                | 145 |
| Cross Examination by Mr. Wilson.....                   | 154 |
| PAUL GREER                                             |     |
| Direct Examination by Ms. Livesay .....                | 159 |
| Cross Examination by Mr. Wilson.....                   | 167 |
| Redirect Examination by Ms. Livesay.....               | 170 |
| Re-Cross Examination by Mr. Wilson.....                | 172 |
| MICHELE AKERS-WOODY                                    |     |
| Direct Examination by Mr. Wilson.....                  | 179 |
| Cross Examination by Ms. Livesay .....                 | 209 |
| Redirect Examination by Mr. Wilson .....               | 239 |
| Re-Cross Examination by Ms. Livesay .....              | 240 |
| BRENDA WILSON                                          |     |
| Direct Examination by Mr. Wilson.....                  | 241 |
| Cross Examination by Mr. Helms.....                    | 252 |



|                                                  |     |
|--------------------------------------------------|-----|
| Redirect Examination by Mr. Wilson .....         | 264 |
| MAXINE BRADLEY                                   |     |
| Direct Examination by Mr. Wilson.....            | 265 |
| CLOSING STATEMENT BY MS. LIVESAY .....           | 279 |
| CLOSING STATEMENT BY MR. WILSON .....            | 285 |
| WAIVER HEARING ORDER.....                        | 294 |
| TRIAL TRANSCRIPT DATED NOVEMBER 6-9, 2023 .....  | 305 |
| MOTION TO SEVER.....                             | 327 |
| RULING OF THE COURT DENYING MOTION TO SEVER..... | 334 |
| <u>JACKSON V. DENNO</u> HEARING.....             | 341 |
| TESTIMONY                                        |     |
| NICHOLAS CONTINO (IN CAMERA)                     |     |
| Direct Examination by Ms. Livesay .....          | 342 |
| Cross Examination by Mr. Rigney.....             | 350 |
| Redirect Examination by Ms. Livesay.....         | 352 |
| ALLAN HUGGINS (IN CAMERA)                        |     |
| Direct Examination by Ms. Livesay .....          | 354 |
| Cross Examination by Mr. Wilson.....             | 364 |
| Redirect Examination by Ms. Livesay.....         | 375 |
| Re-Cross Examination by Mr. Wilson.....          | 379 |
| OPENING STATEMENT BY MR. HARRELSON .....         | 388 |
| OPENING STATEMENT BY MR. WILSON .....            | 390 |
| OPENING STATEMENT BY MR. RIGNEY .....            | 394 |
| TESTIMONY                                        |     |
| DANIEL WRIGHT                                    |     |
| Direct Examination by Mr. Harrelson .....        | 400 |
| Cross Examination by Mr. Wilson.....             | 403 |
| TYLER QUANTMEYER                                 |     |
| Direct Examination by Mr. Harrelson .....        | 404 |



|                                                  |     |
|--------------------------------------------------|-----|
| Cross Examination by Mr. Wilson.....             | 414 |
| Cross Examination by Mr. Rigney.....             | 416 |
| <b>MARK BOBBITT</b>                              |     |
| Direct Examination by Mr. Harrelson .....        | 423 |
| Cross Examination by Mr. Wilson.....             | 433 |
| Cross Examination by Mr. Rigney.....             | 439 |
| Redirect Examination by Mr. Harrelson .....      | 443 |
| <b>PERPARIM LETAJ</b>                            |     |
| Direct Examination by Mr. Harrelson .....        | 445 |
| Cross Examination by Mr. Wilson.....             | 456 |
| Cross Examination by Mr. Rigney.....             | 459 |
| Redirect Examination by Mr. Harrelson .....      | 459 |
| <b>SHAVAREA FLOYD</b>                            |     |
| Direct Examination by Ms. Livesay .....          | 460 |
| Cross Examination by Mr. Wilson.....             | 468 |
| Cross Examination by Mr. Rigney.....             | 475 |
| Redirect Examination by Ms. Livesay.....         | 476 |
| <b>MARION ROBINSON</b>                           |     |
| Direct Examination by Ms. Livesay .....          | 480 |
| Continued Direct Examination by Ms. Livesay..... | 487 |
| Cross Examination by Mr. Wilson.....             | 524 |
| Cross Examination by Mr. Rigney.....             | 544 |
| Redirect Examination by Ms. Livesay.....         | 554 |
| Re-Cross Examination by .....                    | 572 |
| <b>ALLAN HUGGINS</b>                             |     |
| Direct Examination by Ms. Livesay .....          | 575 |
| Cross Examination by Mr. Wilson.....             | 580 |
| Cross Examination by Mr. Rigney.....             | 583 |
| Redirect Examination by Ms. Livesay.....         | 584 |
| <b>GINGER POP</b>                                |     |
| Direct Examination by Ms. Livesay .....          | 585 |
| Cross Examination by Mr. Wilson.....             | 590 |
| <b>DARRIN YARBOROUGH</b>                         |     |
| Direct Examination by Mr. Harrelson .....        | 596 |
| Cross Examination by Mr. Wilson.....             | 603 |
| Cross Examination by Mr. Rigney.....             | 604 |
| Redirect Examination by Mr. Harrelson .....      | 604 |



## NYASIA WILLIAMS

|                                           |     |
|-------------------------------------------|-----|
| Direct Examination by Mr. Harrelson ..... | 606 |
| Cross Examination by Mr. Rigney.....      | 615 |

## NICOLAS CONTINO

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Ms. Livesay ..... | 617 |
| Cross Examination by Mr. Rigney.....    | 639 |

## TOMMY JOSEPH “T.J.” CARPENTER

|                                            |     |
|--------------------------------------------|-----|
| Direct Examination by Mr. Harrelson .....  | 649 |
| Cross Examination by Mr. Wilson.....       | 663 |
| Cross Examination by Mr. Rigney.....       | 672 |
| Redirect Examination by Mr. Harrelson..... | 673 |

## NIKKY BEASLEY

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Ms. Livesay .....  | 675 |
| Cross Examination by Mr. Wilson.....     | 679 |
| Redirect Examination by Ms. Livesay..... | 684 |

## AMBER LEWIS

|                                          |     |
|------------------------------------------|-----|
| Direct Examination by Ms. Livesay .....  | 686 |
| Cross Examination by Mr. Wilson.....     | 692 |
| Cross Examination by Mr. Rigney.....     | 700 |
| Redirect Examination by Ms. Livesay..... | 700 |

## BAILEY HAYNES

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Ms. Livesay ..... | 703 |
| Cross Examination by Mr. Wilson.....    | 707 |
| Cross Examination by Mr. Rigney.....    | 711 |

## MADISON WILLIS

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Ms. Livesay ..... | 712 |
| Cross Examination by Mr. Wilson.....    | 715 |

## CHRISTINE DADABO

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Ms. Livesay ..... | 718 |
| Cross Examination by Mr. Wilson.....    | 723 |

## RACHEL JOHNSON

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Ms. Livesay ..... | 726 |
| Cross Examination by Mr. Wilson.....    | 728 |

## PAUL GREER

|                                         |     |
|-----------------------------------------|-----|
| Direct Examination by Ms. Livesay ..... | 735 |
| Cross Examination by Mr. Wilson.....    | 760 |
| Cross Examination by Mr. Rigney.....    | 773 |





|                                                                                               |      |
|-----------------------------------------------------------------------------------------------|------|
| Redirect Examination by Ms. Livesay .....                                                     | 776  |
| Re-Cross Examination by Mr. Wilson.....                                                       | 781  |
| ANTHONY KNECHT                                                                                |      |
| Direct Examination by Mr. Harrelson .....                                                     | 784  |
| ALLAN HUGGINS                                                                                 |      |
| Direct Examination by Ms. Livesay .....                                                       | 787  |
| Cross Examination by Mr. Wilson.....                                                          | 847  |
| Cross Examination by Mr. Rigney.....                                                          | 859  |
| Redirect Examination by Ms. Livesay.....                                                      | 867  |
| Re-Cross Examination by Mr. Wilson.....                                                       | 886  |
| Re-Cross Examination by Mr. Rigney.....                                                       | 887  |
| Further Redirect Examination by Ms. Livesay .....                                             | 888  |
| CHARREL FLOYD                                                                                 |      |
| Direct Examination by Ms. Livesay .....                                                       | 891  |
| Cross Examination by Mr. Wilson.....                                                          | 914  |
| Cross Examination by Mr. Rigney.....                                                          | 943  |
| Redirect Examination by Ms. Livesay.....                                                      | 954  |
| Re-Cross Examination by Mr. Wilson.....                                                       | 962  |
| Re-Cross Examination by Mr. Rigney.....                                                       | 962  |
| STEVE BROWN                                                                                   |      |
| Direct Examination by Ms. Livesay .....                                                       | 963  |
| ELLEN RIEMER                                                                                  |      |
| Direct Examination by Mr. Harrelson .....                                                     | 967  |
| Cross Examination by Mr. Wilson.....                                                          | 980  |
| THE STATE RESTS .....                                                                         | 984  |
| MOTION FOR DIRECTED VERDICT AS TO BURGLARY FIRST DEGREE .....                                 | 984  |
| RULING OF THE COURT GRANTING MOTION FOR DIRECTED<br>VERDICT AS TO BURGLARY FIRST DEGREE ..... | 1005 |
| COLLOQUY WITH THE DEFENDANT REGARDING HIS RIGHT TO TESTIFY .....                              | 1006 |
| CLOSING ARGUMENT BY MS. LIVESAY .....                                                         | 1015 |
| CLOSING ARGUMENT BY MR. WILSON .....                                                          | 1033 |
| CLOSING ARGUMENT BY MR. RIGNEY.....                                                           | 1045 |
| CHARGE ON THE LAW .....                                                                       | 1056 |



|                              |      |
|------------------------------|------|
| VERDICT .....                | 1071 |
| SENTENCING .....             | 1083 |
| INDICTMENT.....              | 1085 |
| CERTIFICATE OF COUNSEL ..... | 1087 |

**THE FOLLOWING EXHIBITS ARE ON FILE WITH THIS COURT:**

**STATE’S EXHIBIT #50 (VIDEO SURVEILLANCE FROM APT. COMPLEX);  
DJJ WAIVER EVALUATION (UNDER SEAL)**



STATE OF SOUTH CAROLINA        )  
                                          )       SOUTH CAROLINA CIRCUIT COURT  
                                          )       15  
COUNTY OF HORRY                )       DOCKET NO. 2023-GS-26-01657

STATE OF SOUTH CAROLINA, )  
Plaintiff, )  
versus )  
MICAH PRESSLEY, )  
Defendant. )

H E A R I N G  
BEFORE THE HONORABLE MELISSA FRAZIER

DATE: January 27, 2023  
TIME: 9:34 a.m.  
LOCATION: South Carolina Circuit Court 15  
TRANSCRIBED BY: Mary Ragsdale

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21

22

23

24

25

1 INDEX

2

3 Proceedings..... 5

4 Certificate of Transcriber..... 302

5

6 WITNESS DIRECT CROSS REDIRECT RECROSS

7 Matthew Dowdell 21 37 47

8 Miracle Griffith 53 82 89

9 Allan Huggins 99 124 137

10 Ginger Pop 139 145

11 Robert Price 154 163

12 Paul Greer 168 176 179 181

13 Michele Akers-Woody 188 218 248 249

14 Brenda Wilson 250 261 273

15 Maxine Bradley 274

16

17 EXHIBITS

18 PARTY'S DESCRIPTION PAGE

19 PLAINTIFF:

20 Exhibit 1 Disciplinary report 24

21 Exhibit 22 Digital disc of surveillance video 57

22 Exhibit 21 DJJ event report 62

23 Exhibit 24 Document by Dr. Woody-Akers 66

24 Exhibit 23 Intake form 77

25 Exhibit 2 Shot of a capture from surveillance 101



|    |                                                             |                                  |     |
|----|-------------------------------------------------------------|----------------------------------|-----|
| 1  | Exhibit 10                                                  | Backpack                         | 158 |
| 2  | Exhibit 11                                                  | Black and color handgun          | 158 |
| 3  | Exhibit 12                                                  | Ammunition of the bullet         | 159 |
| 4  | Exhibit 13                                                  | Serial number of the bullet      | 159 |
| 5  | Exhibit 14                                                  | A black hood                     | 160 |
| 6  | Exhibit 15                                                  | Laundry rack                     | 160 |
| 7  | Exhibit 16                                                  | A pair of jeans located in house | 160 |
| 8  | Exhibit 17                                                  | Extended night stand             | 161 |
| 9  | Exhibit 18                                                  | Micah Pressley Student ID        | 161 |
| 10 |                                                             |                                  |     |
| 11 | DEFENDANT:                                                  |                                  |     |
| 12 | Exhibit 1                                                   | Report                           | 193 |
| 13 |                                                             |                                  |     |
| 14 |                                                             |                                  |     |
| 15 |                                                             |                                  |     |
| 16 |                                                             |                                  |     |
| 17 |                                                             |                                  |     |
| 18 |                                                             |                                  |     |
| 19 |                                                             |                                  |     |
| 20 |                                                             |                                  |     |
| 21 |                                                             |                                  |     |
| 22 |                                                             |                                  |     |
| 23 |                                                             |                                  |     |
| 24 | (THIS TRANSCRIPT MAY CONTAIN QUOTED MATERIAL. SUCH MATERIAL |                                  |     |
| 25 | IS REPRODUCED AS READ OR QUOTED BY THE SPEAKER.)            |                                  |     |

1 MR. WILSON: Micah Pressley.

2 THE COURT: Yes, sir.

3 MR. WILSON: And it is a waiver hearing, and the waiver  
4 hearing will probably take several hours, in my estimation,  
5 probably a minimum of three. And maybe longer.

6 They -- we were supposed to start at 9:00 this morning.  
7 Now, they're telling me that they didn't bring the right  
8 Defendant, they brought the wrong person, and they want to  
9 put it off until 11:00 or 11:30 or whenever I -- and then  
10 start it then.

11 Well, I had some other things that I had this afternoon  
12 and, you know, I -- I'm really, you know, I -- it is through  
13 no fault of mine that -- that they brought the wrong -- wrong  
14 Defendant. And it's no fault of mine that now we're talking  
15 about doing it at 11:30 today or later.

16 And -- and it's going to last for several hours, which  
17 my understanding was it was going to be at nine o'clock and  
18 then I was going to be out of here probably by one at the  
19 latest, which I had some other things planned this afternoon.

20 So, I mean, that's kind of what my concern is. And I  
21 don't want to start at 11:30 or 12:00 or whenever. And  
22 they're saying he's in Columbia. They're in Columbia now,  
23 supposedly picking him up. Well, I mean, even if they speed,  
24 then it is going to take him two and a half hours to get here  
25 from Columbia, you know, anyway that's my position on this.

1           THE COURT: All right. Yes. Who's ---

2           MS. LIVESAY: Very briefly, Judge. First of all, as  
3 far as Mr. Wilson saying that his understanding was that we  
4 were going to start at 9:00, that cannot be true. He had  
5 already scheduled something with Ms. Fox that was going to go  
6 first this morning. I believe that juvenile is back in  
7 lockup now, and that was going to be handled prior to the  
8 waiver hearing.

9           So we already knew that there was court business before  
10 the waiver started. So we already knew we were not starting  
11 at nine o'clock. The young man, or the juvenile is coming  
12 from Columbia. He is already in route now from Columbia to  
13 be here.

14          So we have the victim's family here. They're here  
15 they're from Florence because the victim, the juvenile, all  
16 of those folks are from Florence.

17          THE COURT: All right.

18          MS. LIVESAY: Just -- I'm not going to get into the  
19 facts, but they're all from Florence, but the incident  
20 happened in (inaudible).

21          The reason that's important is because numerous  
22 witnesses are going to be from Florence because that's where  
23 the search warrant was done. That's where the boy went to  
24 school at. So all that information's going to be coming from  
25 people from Florence that are already here.

1 THE COURT: All right.

2 MS. LIVESAY: They are ready to testify. We also have  
3 people that are already here in -- from Columbia that are  
4 going to testify. My understanding is Mr. Wilson,  
5 Defendant's family is from Greenville. They are present. I  
6 didn't know if you wanted to in here for this hearing, but  
7 they've been put out there in a separate area.

8 So the State's contention is we've got multiple people  
9 here from out of town that have already taken off work. One  
10 of the grandfather of the victim, Joshua McPherson, has flown  
11 here from Florida. So he's here as well today for the  
12 hearing.

13 This should not be all day hearing. I don't know what  
14 Mr. Wilson's take on it is -- it -- but the -- this is going  
15 to be pretty straightforward. There's going to be  
16 surveillance footage that shows the crats of what happened.  
17 So that's going to be the main piece of evidence.

18 THE COURT: So how long do you anticipate --

19 MS. LIVESAY: We should be started. Like I say, the  
20 boys en route ---

21 MR. HELMS: She said so how long (inaudible).

22 MS. LIVESAY: How long do you think our part will take?  
23 An hour and a half?

24 MR. HELMS: Your Honor, to be safe, I give our -- our  
25 part two hours. We have eight witnesses, but a majority of

1     those witnesses are very fast witnesses.

2             THE COURT: All right.

3             MS. LIVESAY: That's -- that's right. The (inaudible)  
4     is going to be the video. I'm just being honest with what  
5     we're going to present. And there's going to be some other  
6     witnesses, of course, about the school records, his  
7     disciplinary issues at school, but we have already met with  
8     all the folks that are going to testify.

9             So it is going to -- for our part, it's going to go up  
10    very quickly. There won't be any reason for delay. It'll be  
11    one witness right after the other. The vast majority of them  
12    will be very quick. This is not a trial. So the information  
13    that we're getting out of them will be tailored to nothing  
14    more than the Kent factors.

15            MR. HELMS: And, Your Honor, as it concerns the  
16    Defendant being brought, not being brought up by mistake,  
17    that mistake was discovered early this morning, about 7:30 by  
18    Detective Allen Huggins with the Conway Police Department.  
19    He immediately knew to tell them to take him back and bring  
20    back the right person. So that is not -- it's not like it  
21    was just discovered. We've been hours in the making here.

22            THE COURT: Okay. And we believe he's going to be here  
23    by 11 ---

24            MR. HELMS: Yes, ma'am.

25            THE COURT: --- o'clock?

1 All right. All right. I'm going to go ahead and go  
2 forward with it, Mr. Wilson. If -- if we have to finish at a  
3 certain time, is there -- how long -- how many witnesses do  
4 you anticipate calling, if any?

5 MR. WILSON: Probably four, depending on who they call.

6 THE COURT: Okay. All right. I -- I'd like to try to  
7 go ahead and get it done.

8 MS. LIVESAY: Thank you, Your Honor.

9 THE COURT: Especially since he's already on the way.  
10 If he was not on his way, then I would consider your motion  
11 for continuance.

12 MR. WILSON: Thank you, Your Honor.

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

14 THE SOLICITOR: Your Honor, this is in the interest of  
15 Tristian Waddell. He is represented by Mr. Ralph Wilson, and  
16 he is present with his grandmother, who's his legal guardian,  
17 Mildred Waddell. His understanding, his brother and his  
18 cousin are also present.

19 MS. LIVESAY: His aunt.

20 THE SOLICITOR: His aunt? Okay.

21 Your Honor, it is my understanding that he is going to  
22 plead delinquent to 2023-J-26-016, assault battery by  
23 (inaudible) second. A rule to show cause was just filed this  
24 morning. We appreciate the school district getting that to  
25 us. He was previously under attendance order, and so this is

1 decides what to do with this young man.

2 So I would just ask the Court to take all those things  
3 into consideration and -- and grant as much mercy and  
4 leniency as you can in deciding whether to send him back to  
5 DJJ for the 45-day evaluation or to maybe let him go home and  
6 spend some time with his family and do some kind of a -- of a  
7 hybrid evaluation on -- in the community.

8 THE COURT: Thank you.

9 MR. WILSON: Thank you, Your Honor.

10 THE COURT: All right. Because of the seriousness of  
11 the allegations and the company and -- and the fact that he  
12 is very easily influenced, I believe that a secure evaluation  
13 is appropriate under these circumstances together with the  
14 restraining orders that the State has -- has requested. So  
15 if you will get me a proposed order.

16 MR. WILSON: Thank you, Your Honor.

17 THE COURT: Thank you.

18 THE SOLICITOR: And disposition would be Tuesday, March  
19 the 14th.

20 THE COURT: Thank you.

21 MS. GRIFFITH: Your Honor, are you asking that he be  
22 detained after he is finished?

23 THE COURT: Yes. Until we get the Court (inaudible).

24 MS. LIVESAY: At this time the State is ready to begin.  
25 This is going to in the case of in re Micah Pressley. We are

1 here for a waiver hearing. We are trying to waive up two  
2 charges on Mr. Pressley. It's going to -- going to be  
3 burglary first degree, that's going to be 2022-JU-26-246, and  
4 as well a murder charge. That's going to be 2022-JU-26-247.  
5 We are here, we do have our witnesses present, and we are  
6 ready to move forward when the Court and Mr. Wilson are  
7 ready.

8 THE COURT: Thank you.

9 MR. WILSON: We are ready, Your Honor.

10 THE COURT: All right. Let's proceed.

11 MR. HELMS: May I please the Court, Your Honor?

12 THE COURT: Yes.

13 MR. HELMS: At this time the State would like to call  
14 their first witness. Our first witness is Mr. Matt Dowdell.

15 THE COURT: All right. If you'll come up to the Bible.  
16 Place your left hand on the Bible and raise your right.

17 MATTHEW DOWDELL,

18 having been first duly sworn, testified as follows:

19 THE COURT: All right. If you'll have a seat in the  
20 chair and please state your full name for the record.

21 THE WITNESS: Matthew Dowdell.

22 THE COURT: Say that again.

23 THE WITNESS: Matthew Dowdell, M-A-T-T-H-E-W  
24 D-O-W-D-E-L-L.

25 THE COURT: Thank you.



1 DIRECT EXAMINATION

2 BY MR. HELMS:

3 Q. Mr. Dowdell, am I saying that right?

4 A. Yes.

5 Q. Have we ever met before?

6 A. We have not.

7 Q. Okay. And with whom are you employed, sir?

8 A. Florence School District One.

9 Q. Say that one more time.

10 A. Florence School District one.

11 Q. Okay. I'm going to put the microphone a little  
12 closer (inaudible).

13 THE COURT: You'll speak a little louder for me, sir.

14 THE WITNESS: Yes, ma'am.

15 BY MR. HELMS:

16 Q. All right. With whom are you employed, sir?

17 A. Florence School District one.

18 Q. And what is your title there? What do you do for  
19 Florence School District one?

20 A. I'm the principal at West Florence High School.

21 Q. Okay. And how long have you done that, sir?

22 A. This is my fifth year.

23 Q. Okay. And as the principal, you're the man in  
24 charge of the high school pretty much, right? I mean.

25 A. Yes, sir.

1 Q. I get it.

2 A. Yes, sir.

3 Q. Do you know Mr. Micah Pressley?

4 A. I do.

5 Q. Okay. Tell the Court how you know Micah Pressley,  
6 please, sir?

7 A. He was a student at West Florence High School last  
8 school year.

9 Q. Okay. And how long have you known Mr. Pressley?

10 A. Just the one year. He was a freshman from 2021 to  
11 the spring of 2022.

12 Q. And he was a student there. Do you know if he was  
13 a student anywhere else at any other schools?

14 A. Not -- I mean, he was obviously a student before  
15 he came to West Florence High School at other schools, but  
16 no, not to my knowledge.

17 Q. You don't know the school names or where?

18 A. He was at Snead Middle School. Florence One  
19 Schools. Yes.

20 Q. Okay. Was he ever sent to an alternative school?

21 A. Not during that school year, no, sir. Not during  
22 the school year at West Florence.

23 Q. Okay. Due to your knowledge, was he ever sent to  
24 an alternative school at any time?

25 A. Not to my knowledge, no.

1           Q.    Okay.  Were you asked at any time to provide --  
2   are -- do you --, well, first and foremost, do you have  
3   access to disciplinary records as the principal of Florence  
4   District One?

5           A.    I do.

6           Q.    Okay.  And at any time were you asked to provide  
7   disciplinary records for Mr. Micah Pressley?

8           A.    I personally was not asked, my records clerk was  
9   asked to provide those.

10          Q.    Yes, sir.  Fair enough.  I'm going to show you now  
11   what's been marked for identification purpose ---

12          A.    Uh-huh.

13          Q.    --- as State's Exhibit 1.

14          A.    Yes.

15          Q.    Please take a look at that document, sir, and tell  
16   the Court if you yes or no.  Do you recognize what that  
17   document is?

18          A.    Yes, I do recognize it.

19          Q.    Okay.  Tell the Court what that document is, sir?

20          A.    This is a disciplinary report that is printed --  
21   printed out from PowerSchool, which is the school system data  
22   management system.

23          Q.    Okay.  You've seen this document before?

24          A.    I have.

25          Q.    Okay.  And since you've seen it, does that

1 document appear to have been tampered with in any way, shape  
2 or form, sir?

3 A. No, sir.

4 Q. Is that a fair and accurate representation of the  
5 disciplinary records of this person?

6 A. Yes, it is.

7 MR. HELMS: Your Honor, at this time, the State would  
8 like to -- or the Plaintiff rather, would like to enter  
9 Exhibit 1 into evidence and publish to the Court.

10 MR. WILSON: May I -- may I see it?

11 MR. HELMS: Oh, (Inaudible) time.

12 MR. WILSON: Thanks. I do, but I just want make sure  
13 that this is what I have.

14 THE WITNESS: Yes, sir.

15 MR. WILSON: I have no objections, Your Honor.

16 THE COURT: Thank you.

17 State's 1 admitted without objection.

18 (Plaintiff's Exhibit 1 admitted into evidence.)

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

20 THE COURT: You may.

21 MR. HELMS: Thank you, Your Honor.

22 BY MR. HELMS:

23 Q. Sir, I'm just going to with you because I only got  
24 one copy of this, if that's okay?

25 A. Uh-huh.

1           Q.    Tell the Court basically what this document is --  
2   just generally what is?

3           A.    Anytime there's a discipline and traction written  
4   up by a teacher assistant principal, essentially anybody  
5   within that school system we write it through what's called  
6   ABE, which is a secondary market product where we do  
7   discipline. That stuff is written up. And so any discipline  
8   infraction that he was written up for would be on this page.

9           Q.    Okay. Now, what period of time did these -- does  
10 this document cover, please?

11          A.    This covers -- his first discipline infraction was  
12 from 12/9/2014.

13          Q.    And the last?

14          A.    His last disciplinary infraction was from  
15 3/17/2022.

16          Q.    So we're talking from 2014 to 2022?

17          A.    Yes.

18          Q.    Okay. It's multiple pages, right?

19          A.    Yes, sir.

20          Q.    Five and plus pages. Five plus pages; is that  
21 fair?

22          A.    Yes, sir.

23          Q.    Okay. I want to talk to you about some of these  
24 specifics real quick, and let's start early on. Can you tell  
25 the Court, and -- and -- and if I'm not mistaken, early is in

1 the back, recent is in the front?

2 A. Yes, sir.

3 Q. So start in the back and -- and kind of tell the  
4 Court a little bit about the nature of the infractions that  
5 he was in trouble for early on.

6 A. His ---

7 Q. And you don't have to go into specifics, I just  
8 want, generally speaking ---

9 A. Yeah.

10 Q. --- the nature of the earliest.

11 A. It looks like the -- the first three back here  
12 were bus violations when he was at Briggs Elementary School.

13 Q. Uh-huh.

14 A. Continuing bus violations, disruption of class.

15 Q. And do me a favor. You're doing right, as you do  
16 that, if the year changes, inform us of that, please.

17 A. Okay. So we are in the spring of 2015 with just  
18 disruption of class. Getting into the fall of -- well, and  
19 excuse me, in the -- I guess, January 19th in 2016, he had a  
20 weapons charge.

21 After that, some bus violations, refusal to obey.  
22 Moving into 2017, same type of disruption of class. There's  
23 a bullying. Into 2018, there's a tobacco violation,  
24 violation of class rules, off limits.

25 Q. And off limits means, I was looking at that don't

1 know.

2 A. That would mean that there he was in an area of  
3 the building that wouldn't be a specified area that he should  
4 have been in, whether it was he was in a classroom and was in  
5 an alternate area.

6 Q. I understand.

7 A. Yes. 2019, some more disruption. And September  
8 of 2019, there was a larceny or theft that was at Snead  
9 Middle School.

10 Q. Okay. So initially, and -- and I'm just going to  
11 interrupt you up if you don't mind, I'm trying to keep your  
12 train of thought as I do, but we started out with some bus  
13 violations at 14 and we moved up. Now, you -- you stated  
14 some weapons violations are now stealing. So we're actually  
15 move from schooling infractions to -- to potential crimes; is  
16 that right?

17 A. Yeah, according to these, yes.

18 Q. Keep on going.

19 A. There was a -- so 2000 -- getting into 2020, it's  
20 more of that, you know, disruption of class or refusal to  
21 obey.

22 Q. Why is refusal to obey a different citation than a  
23 disruption of class? They kind of sound like 601, half a  
24 dozen of the other domain.

25 A. Again, based off of whoever's writing the referral

1 refusal to obey would be not complying with a direct order.  
2 Whereas a class disruption might be talking in class, and so  
3 it would be a different infraction.

4 Q. Tell me about that real quick. That not complying  
5 with a direct order. A direct order from who? An authority?

6 A. Yeah. It could be a teacher or assistant  
7 principal. Could be the principal, whoever's writing that  
8 referral.

9 Q. Why did the -- what's the point of writing the --  
10 I mean, let me ask it like this. Not -- not obeying a direct  
11 order. Is that something that after one time you would make  
12 a write it up or -- or is that something that would only be  
13 written up if it was a continuous situation, I mean.

14 A. Depending on the severity of what the infraction  
15 is, it could be written up after that first time. Yes.

16 Q. Fair enough. Keep going.

17 A. Inappropriate behavior in 2020 aiding others.  
18 Again, that was at Sead middle school. Truancy, which would  
19 be an attendance issue in 2021. And again, moving into 2021  
20 would be cutting class, cutting school. Into 2022, he has an  
21 aiding others, more tardies, cutting class, tobacco  
22 violation.

23 Q. At some point in that packet, there is a  
24 infraction and that infraction is labeled sexual harassment.  
25 Do you see that?



1           A.    I do, yes, sir.

2           Q.    When was that?

3           A.    That was in December of 2019.

4           Q.    Okay.   Okay.   So we kind of run the gambit here  
5 from bus infractions to disrupting class.

6           A.    Uh-huh.

7           Q.    And -- and sexual harassment.   There was a weapons  
8 violation.

9           A.    Early on.

10          Q.    You say that ---

11          A.    (Inaudible) the 16th.

12          Q.    What -- what's the more serious as a principal.

13 What's more serious of the more serious things that concern  
14 you on the right?   Anything?

15          A.    Well, the anytime you get into a major disruption,  
16 anytime you get into a sexual harassment.

17          Q.    Tell me about major disruption.   Is that its own  
18 citation?

19          A.    It is, yes, sir.

20          Q.    So major disruption is its own classification?

21          A.    Yes.

22          Q.    Major disruption is distinct from my ---

23          A.    It just your classroom disruption, yes.

24          Q.    Give me an example of a major disruption.   Tell  
25 the Court what is an example of a major disruption.

1           A.    That would be a disruption that disrupted a large  
2   group.  So it could be in a commons area when you're -- every  
3   -- all the students are there.  It could be during lunch.  It  
4   could be during an assembly where you have large gatherings  
5   of students and teachers.

6           Q.    About how many of those do you see on there?  The  
7   major disruptions, if you don't mind me asking.  I know  
8   there's five pages.

9           A.    I see three.  Three.

10          Q.    Okay.  Three major disruptions.  And when were  
11   those about?

12          A.    There's one in January of 2020.  There's one in  
13   October of 2019.  There's actually two in October of 2019.  
14   Those would be the three.

15          Q.    So when you look at his disciplinary record,  
16   there's -- are there things that concern you?

17          A.    Yes.

18          Q.    What steps, if any, did the school system take to  
19   rectify or remedy his behavioral problems?

20          A.    Well, there's all, you know, again, each school  
21   there's going to be something that would be done differently,  
22   but there's interventions that are put in place.  In this  
23   case he did have a -- an IEP.

24          Q.    Tell me what that is.

25          A.    An individualized education plan.

1 Q. Why?

2 A. For a disability.

3 Q. Okay. So he -- his specific needs were notated  
4 and addressed by the school system?

5 A. Yes.

6 Q. In that regard, I mean, you -- you ---

7 A. Yes.

8 Q. --- had an IEP.

9 A. Yes.

10 Q. Along with the IEP, is there also a behavioral  
11 plan?

12 A. He did have a behavioral plan while he was at West  
13 Florence High School, yes.

14 Q. Okay. So the behavioral plan, how does that come  
15 to be?

16 A. Through the process of the IEP, if there's a  
17 behavior that's impeding with his learning environment, then  
18 the school psychologist does a functional behavior assessment  
19 which is a 45-day assessment of the student along with parent  
20 input, teacher input, administrator input. And through that  
21 45 days, they put together a plan if necessary, called the  
22 behavior intervention plan that would put a plan together to  
23 try fixing that behavior.

24 Q. Did -- Mr. Pressley, was he subject to that 45  
25 month and a half observation period?

1 A. He was.

2 Q. Okay. And the result of that was the behavioral  
3 plan?

4 A. Yes.

5 Q. Can you tell me anything about the behavioral  
6 plan? Do you know any of the specifics offhand? If you  
7 don't, it's okay, but I'm wondering.

8 A. No, I -- his behavioral plan that was created at  
9 West Florence was for tardies and cutting class. We had an  
10 attendance issue at West Florence.

11 Q. Okay. Did he have an attendance issue at West  
12 Florence?

13 A. Yes, that's what ---

14 Q. He ---

15 A. --- he had an attendance issue.

16 Q. (Crosstalk) say generally ---

17 A. No -- no, he had an attendance issue. Of course  
18 (inaudible) surprise, he had one.

19 Q. Okay. So you put together this IEP you put  
20 together the behavioral plan and the behavioral plan, just to  
21 be clear, is distinct from the IEP?

22 A. Yeah, it's a subset of the IEP. You have to have  
23 an IEP in order to have a behavioral intervention plan.

24 Q. Let me ask you I did. Do all students with an IEP  
25 have a behavioral health plan?

1           A.    No, they did not.

2           Q.    Do all students, however, with a behavioral plan,  
3   have an IEP?

4           A.    Yes.  If it's the behavioral plan that's  
5   correlated to the IEP, yes, sir.

6           Q.    Got you.  What about outside support.  Did you  
7   meet with Mr. Pressley ever and any family members?

8           A.    Yeah.

9           Q.    Who?

10          A.    His mother at the time, it was -- she -- the  
11   enrollment process, I had to sit with her as he was enrolling  
12   at West Florence High School.  Because there was an issue  
13   with the attendance documentations or their attendance zone  
14   and where they were living at the time.

15          Q.    What issue?

16          A.    The -- in order to enroll into a school, you have  
17   to have three proofs of residency.  You have to have your  
18   mortgage or some kind of rent.  You have to have your license  
19   that matched that same date, and you have to have a utility  
20   bill.  And so during that enrollment process, one of those  
21   was not -- it did not correlate with the other two addresses.

22          Q.    And did you address this with his mother?

23          A.    Yes, and we got it.  Yeah, eventually he did get  
24   enrolled at West Florence High School.

25          Q.    Okay.  Was there an issue with residency?

1           A.    Yeah.  So the residency did not match her license  
2   or -- so that there was an issue, but we did eventually get  
3   that resolved.

4           Q.    How many times did you meet with Mr. Pressley and  
5   his mom?

6           A.    Two.

7           Q.    Do you remember those meetings?

8           A.    Yes.

9           Q.    What was your impression?

10          A.    Yeah, I mean, she obviously wanted to get him into  
11   school.

12          Q.    Uh-huh.

13          A.    And she was trying to get him to school.  The  
14   second time we met was an attendance -- attendance  
15   intervention plan because he had missed a significant portion  
16   of school.  And so it was trying to find out was it a  
17   transportation issue.  Was it -- what was the issue of him  
18   not coming to school.

19          Q.    What was the issue?

20          A.    It was a transportation issue.  He was living  
21   outside of our West Florence attendance zone, so there was no  
22   bus transportation.  And so the transportation fell within  
23   somebody bringing him to school.

24          Q.    And were they living up to that obligation?

25          A.    It -- I mean, it was definitely an ongoing process

1     that we were trying to fix.

2             Q.    You call it a struggle?

3             A.    Yes.

4             Q.    Did -- Mr. Pressley's mother, was she engaging?

5             A.    Yes.

6             Q.    Okay. Did you see any issues there with his  
7     mother bringing him to school after that?

8             A.    It was definitely an issue that it was ongoing.

9     He -- he missed 91 days of school out of the 180.

10            Q.    He missed 91 days out of how many?

11            A.    180.

12            Q.    Okay. So he missed over 50 percent of the school  
13   he was supposed to be in. And did you bring that to the  
14   attention of his mother?

15            A.    Yes, she was aware.

16            Q.    What was her reaction to that? Was she appalled?

17            A.    Well, she was, yes. But she was trying with --  
18   with -- with transportation issues, with not, you know, not  
19   having a -- a reliable vehicle. That was an ongoing issue.

20            Q.    Well, was she surprised the fact that he was not  
21   there for half of school?

22            A.    I wouldn't say she was -- she was aware of it,  
23   yes.

24            Q.    So she knew he didn't come to school for half the  
25   days?

1           A.    Yes.

2           Q.    Thank you.  While he was at school.  So the time  
3   that he was at school.

4           A.    Uh-huh.

5           Q.    What was his behavior like?  Was he engaged?  Was  
6   he interested in school learning?

7           A.    That's why we had the behavior intervention plan  
8   because he -- the tardies and the cutting class.

9           Q.    Okay.

10          A.    And so ---

11          Q.    So was he participating in school curriculum?

12          A.    When he was in the classroom and attentive, yes.  
13   But again, with the amount of times out of the classroom,  
14   that was hard to -- to do consistently.

15          Q.    What about his grades, hours, grade?

16          A.    His grades were below average for his  
17   intelligence.

18          Q.    Below average for his intelligence.  Let me ask  
19   you this how many classes was he passing?

20          A.    He -- he did not pass any classes during that  
21   year.  But that is also due to the attendance.

22          Q.    Because you got to show up to pass, right?

23          A.    Yes.  In the state you cannot miss more than 10  
24   days per semester and so.

25          Q.    So let me ask you this question.  When Florence



1     one noticed that Mr. Pressley had issues both behavioral and  
2     academic, did you engage him and his family?

3             A.     Yes.

4             Q.     Did you try to facilitate addressing these issues?

5             A.     Yes.

6             Q.     Did you do everything within your power to help  
7     Mr. Pressley become successful at Florence one?

8             A.     At West Florence High School, yes.

9             Q.     At West Florence High School?

10            A.     Uh-huh.

11            Q.     And was he ultimately successful?

12            A.     Not in that one year, no.

13            MR. HELMS:   Okay.   Thank you, sir.   Please answer any  
14     questions Mr. Wilson has for you.

15            THE WITNESS:   Uh-huh.

16            THE COURT:   Cross-exam?

17                               CROSS-EXAMINATION

18     BY MR. WILSON:

19            Q.     One of the problems would be that these people,  
20     his mom told you she didn't have a car, right?

21            A.     Yes, sir.

22            Q.     And that she didn't have reliable transportation?

23            A.     Yes, sir.

24            Q.     And they didn't live within the (inaudible) area?

25            A.     Yes, sir.

1 Q. So she had to try to get into school on her own?

2 A. Yes, sir.

3 Q. No crime to be poor, is it?

4 A. Yes, sir.

5 Q. And if you're poor and you can't afford a car, how  
6 do you get into school if you're not -- if you're going to a  
7 school that's outside the district?

8 A. That was -- that was one of the ongoing issues  
9 that we were having.

10 Q. The other thing is, let me ask you this, was there  
11 ever a time when you had this young man evaluated to  
12 determine what any neurological problems might be or any  
13 medical problems might be with him? Was -- did the school  
14 district have to do that?

15 A. Through the individual -- the every -- through the  
16 IEP, there is a three-year re-evaluation that is done every  
17 -- every third year there's a re-evaluation done on the  
18 student.

19 Q. It's okay. But my question is, did you have him  
20 see a psychiatrist or a psychologist in order to determine  
21 what was causing the behavioral issues? You -- you said to  
22 the solicitor that he was having behavioral issues for the  
23 last several years ---

24 A. Uh-huh.

25 Q. --- with his attendance. What psychological or

1     counseling efforts did you make in order to address those  
2     issues?

3             A.     We have a behavioral health counselor that is --  
4     that works for West Florence High School that was available  
5     for those services.

6             Q.     Well, you said available that -- that wasn't my  
7     question. My question is what did you do? What did you do?  
8     When was an appointment made for him to see a psychiatrist or  
9     a psychologist in order to deal with whatever his issues  
10    were? That's what I'm asking.

11            A.     Yeah.

12            Q.     Not whether you had something available.

13            A.     Yeah, I don't -- I did not have -- I did not have  
14    those records available to look to see if that was done.

15            Q.     Okay. To your knowledge ---

16            A.     Uh-huh.

17            Q.     --- to your knowledge, during the entire time that  
18    he's going through this IEP, and an IEP is an individualized  
19    education plan that's designed to change the conduct of the  
20    person who is having problems, right?

21            A.     The conduct, no. The IEP is designed to give him  
22    equal access to academics.

23            Q.     Well ---

24            A.     And so it's working more on the academic side for  
25    the IEP.

1           Q.    --- well, let's -- let's talk about that, because  
2    what you said to the solicitor earlier was that he was having  
3    trouble in school with his behavioral issues and that's why  
4    he developed the plan.

5           A.    Yeah.

6           Q.    So ---

7           A.    So the behavior intervention plan is the  
8    behavioral side.

9           Q.    Right.

10          A.    Yes.

11          Q.    So -- so the IEP was to address the behavioral  
12   situation that was going on with him, right?

13          A.    The behavioral intervention plan was -- was  
14   designed to address the -- the behaviors.

15          Q.    Right.

16          A.    Yes.

17          Q.    And -- and -- and so the -- the -- the idea was  
18   that if you develop this plan, this plan was going to -- I  
19   assume at some point try to change the conduct, right?

20          A.    Yes, sir.

21          Q.    All right. And -- and my -- my simple question  
22   is, if you have any trouble -- well, let me -- let me  
23   rephrase that and ask you this just this way. Did you ever  
24   have him tested for attention deficit disorder?

25          A.    His -- his primary disability and his IEP was

1     labeled OHI which is Other Health Impairment.

2             Q.     Okay.

3             A.     Attention deficit disorder falls underneath that  
4     category.

5             Q.     Okay. Well, did -- did -- then -- did -- once you  
6     realized that there might be an attention deficit disorder,  
7     was there any effort to get him on medication for that to  
8     deal with it?

9             A.     So the school district would not place the student  
10    -- would not give the student medication. That would be  
11    something that would be on the parent.

12            Q.     I understand that the school wouldn't give it to  
13    him, but if the school has a counselor, then the counselor  
14    would then -- could recommend that, right? That he go see a  
15    medical professional who can maybe then diagnose him as being  
16    ADH and then get a ADHD and then get him the kinds of  
17    treatment that he needs in that whole idea behind an IEP?

18            A.     So again, the IEP is diagnosing the disability.

19            Q.     Yes.

20            A.     And then putting a plan together for that  
21    disability to be successful.

22            Q.     Right.

23            A.     Medication falls within a -- a doctor's order, and  
24    so the school psychologist can recommend that, but ultimately  
25    it would be the family that has to take them to that doctor.

1           Q.    Show me anything where the school ever recommended  
2   to the mother that she take him to a psychiatrist to have him  
3   diagnosed. Show me anything that you got over those years  
4   that say that -- that -- that the school told his mother to  
5   take him and have him diagnosed.

6           A.    I -- I wouldn't -- I wouldn't have, I -- I mean,  
7   again, he's been at three different schools over the course  
8   of these many years, so I do not have that kind of  
9   documentation.

10          Q.    Let's just talk about your school.

11          A.    Yes, sir.

12          Q.    Did -- did anybody from your school do that?

13          A.    Not to my knowledge.

14          Q.    All right.

15          A.    Or at least I should say I didn't do that. I  
16   don't know if somebody else did.

17          Q.    I understand. I understand. Now, let's talk for  
18   a minute about all of these violations that you held up  
19   there. Let -- let ---

20          MR. WILSON: Can I have (inaudible) approach, Your  
21   Honor?

22          THE COURT: You may.

23          BY MR. WILSON:

24          Q.    Solicitor handed you was marked as Plaintiff's  
25   Exhibit number 1, and it has a list of infractions, I assume,

1     which took place. I think there's 106 infractions between  
2     January, I'm sorry, December of 2014 and January, I'm sorry,  
3     March of '22; is that right?

4             A.    Yes, sir.

5             Q.    All right. Now, with any of these infractions,  
6     was there ever a situation in -- in these 100 and some  
7     infractions where he struck somebody, a teacher or another  
8     student or principal anybody where he -- where he physically  
9     attacked anybody ever in any of this?

10            A.    And so, again, going through that, the only direct  
11    ones that I understand are going to be from West Florence  
12    High School. Any of those prior ones were at other schools  
13    with other administration. And so at West Florence High  
14    School, no.

15            Q.    Okay. And is there any assault, any act of  
16    violence in this 101 reported incidences that you handed to  
17    the -- that you gave to the solicitor or that you identified  
18    for the solicitor?

19            A.    I would have to look in there to see. That was  
20    Florence High School though, no.

21            Q.    Okay. So at West Florence High School, no. Any  
22    other school that you see on there? Look through the whole  
23    thing. Show me just one instance where this child physically  
24    assaulted anybody?

25            A.    There's a code hit kick push, which would be a

1 physical altercation on March 25, 2019.

2 Q. There's a what now?

3 A. It's called hit kick push.

4 Q. Hit kick ---

5 A. Hit kick push. That would be a physical  
6 altercation of some -- some kind.

7 Q. Kick hit push?

8 A. Kick hit kick push. Sorry about that.

9 Q. All right.

10 A. That was in -- that was at Briggs Elementary  
11 School.

12 Q. That was 2019?

13 A. Yes, sir.

14 Q. All right. Go ahead. What else?

15 A. There was another same -- same category of hit  
16 kick push in 2017, October of 2017.

17 Q. All right. Now, does it say whether he was the  
18 hitter or the person being hit?

19 A. It does not on -- on this page, no, sir.

20 Q. So you don't know if he was being kicked or hit or  
21 if he hit or kicked somebody, right? That's what you're  
22 telling me?

23 A. No, not by this documentation.

24 Q. Okay. All right. Fair enough.

25 A. The only other one that, again, I wouldn't know



1 from this documentation would be any of those major  
2 disruptions. Could have been those can be physical, but I  
3 would not know by this documentation.

4 Q. All right. There's nothing in there. Well, when  
5 you were talking to the solicitor, you never said that they  
6 could be physical altercations. You said, as I recall, that  
7 it would be a situation where he is being disruptive and it  
8 was more than a small group of people gathered, and that  
9 would be a major disruption. Now, you're saying, well, that  
10 could also possibly be some kind of a physical altercation,  
11 is that what you're saying?

12 A. Yes.

13 Q. All right.

14 A. Because if there was a fight in the cafeteria that  
15 was physical, that would be coded as a major disruption.

16 Q. Okay. But there is nothing in that document would  
17 suggest that that ever happened, right? That there is --  
18 that -- that was a fight, right?

19 A. No.

20 Q. Okay.

21 A. Again if -- and I don't have access to this right  
22 now, you can actually -- you can click on these to get actual  
23 descriptions of what happened.

24 Q. Okay. Well, but you knew you were coming to Court  
25 today, right?

1           A.    I -- I did.

2           Q.    All right.  And how long did you know that for the  
3   day that you were going to be here?

4           A.    I knew on Wednesday.

5           Q.    Okay.  So if you wanted to click on anything, you  
6   could click on it and brought it with you, right?

7           A.    Yes, sir.

8           Q.    All right.  Now, let me -- let me ask you about  
9   this is -- this -- and -- and I'm not sure how to -- when --  
10   when you develop an IEP for a child at your school and if the  
11   child is not responding to the IEP, what is the next step?

12          A.    So in IEP terms, there's what is called the least  
13   restrictive environment.  And so through the IDEA, you try to  
14   allow the students to be successful in what they call the  
15   least restrictive environment.

16          Q.    Okay.

17          A.    And so if in that least restrictive environment  
18   you are not successful, then you would make their environment  
19   more restrictive.

20          Q.    Okay.  Would that include, say for instance, maybe  
21   a self-contained classroom?

22          A.    Yes, sir.

23          Q.    Okay.  And -- and did you do that with this young  
24   man?

25          A.    No, he was in a resource classroom.

1           Q.    Okay.  And -- and a resource classroom the same  
2   way you get additional instruction?

3           A.    Yes.

4           MR. WILSON:  Okay.  I don't have any other questions.  
5   Thank you, sir.

6           THE COURT:  Re-direct?

7                               RE-DIRECT EXAMINATION

8   BY MR. HELMS:

9           Q.    So you did give him individualized attention based  
10  on his IEP and response to it?

11          A.    Yes, sir.

12          Q.    Okay.  So does everybody get to go into a resource  
13  classroom?

14          A.    No, only students that have an IEP that -- is at  
15  that least restrictive environment.

16          Q.    Okay.  And was that the appropriate step you  
17  thought that was -- let me ask you like this, was that a step  
18  you thought was appropriate for Mr. Pressley?

19          A.    To be in the resource classroom?

20          Q.    Yeah.

21          A.    Yes, sir.

22          Q.    Okay.  But again, about how many -- what  
23  percentage of the school term did he actually attend?

24          A.    So less than 50 percent.

25          Q.    All right.  So let me ask you this question and

1 looking back at Plaintiff's Exhibit 1, do you still have that  
2 with you, sir?

3 A. Yes, sir.

4 Q. A lot of these infractions, the result of these  
5 say suspension because right here you have behaviors in one  
6 column, right?

7 A. Uh-huh.

8 Q. And in the other column you have the actions that  
9 was taken as a result of those behaviors?

10 A. Yes, sir.

11 Q. A lot of these, and we're talking, a vast majority  
12 of them say suspension beside of them. So why do you suspend  
13 a student? I mean, generally what -- what's the purpose?  
14 Why do you suspend them?

15 A. If there's a repeated occurrence of behaviors you  
16 go through your code of conduct. And so each and every --  
17 you know, you just follow the chain of what the code of  
18 conduct says for discipline.

19 Q. And the code of conduct said that the appropriate  
20 action to take against Mr. Pressley was to remove him from  
21 your school; is that right? For those period of days, right?

22 A. Yes. For the out of school. There's also  
23 suspension in school services.

24 Q. So he -- he only attended about half the time, but  
25 even the days he did attend, a vast majority of that was in

1 individualized placement suspensions in school and out?

2 A. Within those 91 days, the out school suspension  
3 would be counted within those.

4 Q. He asked you about the hit kick punch citation.  
5 You had a couple of those in there, right?

6 A. Push, yes.

7 Q. Oh, push. I'm sorry. Do people or students get  
8 cited for being attacked? If I'm in school and I get  
9 attacked, are you going to suspend me for that?

10 A. It depends on, again, that's a -- it depends on  
11 the -- as long -- you only get written up if it's a two-sided  
12 occurrence.

13 Q. So I have to participate somehow to be a sided  
14 behavior?

15 A. Yes.

16 Q. So the fact -- given what you just said, the fact  
17 that he clearly was adverse action was taken against  
18 Mr. Pressley, does that tell you he participated in the bad  
19 behavior?

20 A. Yes.

21 Q. Okay. Now ---

22 A. I did not write these referrals that ---

23 Q. I understand.

24 A. Yeah.

25 Q. I understand. Tell me about the behavioral

1 counselor, health counselor that's made available. Is that a  
2 person that is employed with your school district?

3 A. Yes.

4 Q. And what's their purpose? Why are they there?

5 A. To meet with students that have mental illnesses  
6 or mental issues.

7 Q. Can you make students go see this counsel?

8 A. Can we make them?

9 Q. Yeah.

10 A. No.

11 Q. Okay. Who do you leave that up to?

12 A. That has to be -- documentation has to be signed  
13 off by the parent in order for them to be able to see that  
14 counselor.

15 Q. Do you have any reason to believe that  
16 Mr. Pressley's parents signed anything to allow him to see  
17 the counselor?

18 MR. WILSON: Your Honor.

19 MR. HELMS: He asked that question too, Your Honor.

20 THE WITNESS: I -- I don't know.

21 THE COURT: Let's move on.

22 MR. HELMS: Thank you, Your Honor.

23 BY MR. HELMS:

24 Q. He said he was asking you about the purpose of the  
25 IEP. Specifically, I think Mr. Wilson was confusing the

1 behavioral plan with the IEP, but what is the purpose of the  
2 IEP? Is it -- is he correct when he said was to change the  
3 conduct?

4 A. No, IEPs are created to change the academic  
5 performance. Again, when there's a conduct issue, that's  
6 when the behavior intervention plan, which is a subset of the  
7 IEP, but the IEP is created to give them equal access to the  
8 academic.

9 Q. I understand.

10 A. Yeah.

11 Q. And -- and to help him be successful academically?

12 A. Yes.

13 Q. (Crosstalk).

14 A. Which -- which could be especially with OHI, it  
15 could be organizational skills, it could be there's a whole  
16 lot.

17 Q. Let me ask you this, after that IEP was  
18 implemented, was he successful academically?

19 A. Not at West Florence High School, no.

20 Q. How about behaviorally? You actually -- you put  
21 the behavioral now is that plan, the behavioral plan, is that  
22 implemented to change conduct?

23 A. Yes.

24 Q. Did it change his conduct?

25 A. No, it did not.

1 MR. HELMS: Thank you. Nothing further.

2 MR. WILSON: Nothing further, Your Honor.

3 THE COURT: I do have a question. Why was he not in  
4 his school district? I think you said that he ---

5 THE WITNESS: They were coded as McKinney Bento.

6 THE COURT: Okay.

7 THE WITNESS: Which means the residence changed. That  
8 was the big portion of what we were trying to do. The  
9 current residence that he lived at last was in South Florence  
10 zone and we wanted the mom to enroll him at South Florence  
11 High School because bus transportation would be provided to  
12 South Florence High School.

13 THE COURT: Okay. All right. Anyone have a question  
14 as a result of my question?

15 MR. HELMS: No, Your Honor.

16 MR. WILSON: No, ma'am.

17 THE COURT: Okay. Thank you.

18 MR. HELMS: Your Honor, can -- I'm going to say  
19 (inaudible) can Mr. Dowdell be released from his subpoena?

20 MR. WILSON: No Objection, Your Honor.

21 THE COURT: Absolutely.

22 MR. HELMS: Thank you, sir. Leave this here.

23 THE COURT: And actually if you'll hand that to the  
24 court reporter, please.

25 THE REPORTER: Thank you.



1 THE COURT: Thank you, sir.

2 MR. DOWDELL: Thank you.

3 MS. LIVESAY: At this time the State will call Miracle  
4 Griffith to the stand.

5 THE COURT: All right. If you put your left hand on  
6 the Bible, raise your right.

7 MIRACLE GRIFFITH,

8 having been first duly sworn, testified as follows:

9 THE COURT: All right. If you have a seat and please  
10 state your full name for the record.

11 THE WITNESS: Miracle Griffith.

12 THE COURT: Thank you.

13 DIRECT EXAMINATION

14 BY MS. LIVESAY:

15 Q. And, Ms. Griffith, where are you employed?

16 A. With the Horry County Department of Juvenile  
17 Justice.

18 Q. And what is your position there?

19 A. I'm the county director.

20 Q. And as the county director, are you the supervisor  
21 over everybody in Horry County?

22 A. I am.

23 Q. Okay. And do you regularly come to court and  
24 handle court matters?

25 A. Yes, ma'am.

1           Q.    Okay.  And everybody in Horry County would answer  
2   to you; is that correct?

3           A.    That's correct.

4           Q.    Okay.  And what kind of training have you  
5   undergone at to be with the Department of Juvenile Justice?

6           A.    So I've been with the agency for approximately 18  
7   years.  Actually started out as a probation officer from  
8   there, became the probation supervisor, have been the county  
9   director for about 10 years.

10          So throughout this process I've experienced numerous  
11   waiver hearings.  I've attended a -- attended Court very  
12   frequently.  We've done trainings on trauma kids who are duly  
13   involved with the agency from kids who we've done training on  
14   substance abuse and just an array of services.

15          Q.    Okay.  So wonderful.  So you are familiar with the  
16   waiver practice, the records, everything that goes into the  
17   waiver hearing?

18          A.    Yes, ma'am.

19          Q.    And you are familiar clearly with Department of  
20   Juvenile Justice Records and the records they keep?

21          A.    I think so, yes ma'am.

22          Q.    Okay.  Perfect.  I'm going to show you something  
23   on -- are you familiar Mr. Pressley?

24          A.    I have not met him personally.  I've been present  
25   when he's been throughout his court hearings and so forth,

1 but I've never had a conversation with this young man.

2 Q. Okay. But you would agree that he is a juvenile?

3 A. Yes, ma'am.

4 Q. Okay. And that he is going through the process of  
5 DJJ?

6 A. Correct.

7 Q. Okay. And he has been evaluated?

8 A. That's correct.

9 Q. Okay. And Department of Juvenile Justice provides  
10 that evaluator with documents to review, to assist in the  
11 evaluation?

12 A. So our system is called JJMS, that's our  
13 electronic database. So every county office for the most  
14 part, all individuals who are involved with our -- our agency  
15 can have access to information.

16 So for us, our information we receive is uploaded into  
17 the database. Our clinicians, our social workers are allowed  
18 to see certain components of that, but is an electronic  
19 database.

20 Q. Okay. And you've got access to it to upload and  
21 look at the documents going into it?

22 A. Correct.

23 Q. Okay.

24 A. As well as all other county offices across the  
25 state as well.

1           Q.    Okay.  Perfect.  So everybody from DJJ can access  
2  it?

3           A.    Correct.

4           Q.    Okay.  And that's the way for you all to get the  
5  information to the evaluator?

6           A.    Correct.

7           Q.    Okay, perfect.  I'm going to show you now what's  
8  been marked and I've already showed it to Mr. Wilson  
9  Plaintiff's Exhibit number 22.  Do you recognize it?

10          A.    Yes, ma'am.

11          Q.    And is this a DJJ document?

12          A.    This is actually what we call a Form five.  So  
13  this outlines the use legal history with us.

14          Q.    Okay, perfect.  And was that document also  
15  uploaded to be provided to the evaluator?

16          A.    So this document is actually not uploaded.  It is  
17  actually generated by the system.  So there -- there -- this  
18  would not be uploaded.  You would click on a tab on our -- in  
19  our system legal screen and you would be able to access this.

20          Q.    Okay.  But that is something that DJJ keeps?

21          A.    Correct.

22          Q.    And that is something that you have access to on a  
23  regular basis?

24          A.    Correct.

25          MS. LIVESAY:  Your Honor, this time the State wishes to

1 put 22 into evidence.

2 THE COURT: Any objection?

3 MR. WILSON: I have no objection, Your Honor.

4 THE COURT: All right. (Inaudible) without objection.

5 (Plaintiff's Exhibit 22 admitted into evidence.)

6 MS. LIVESAY: I'm sorry (inaudible).

7 BY MS. LIVESAY:

8 Q. And is that, I'm sorry, is that a record for Micah  
9 Pressley?

10 A. It is.

11 Q. Okay. And does that record contain -- what --  
12 what does it contain?

13 A. So it actually contains the juvenile's address,  
14 parent or guardian contacts, the DJJ personnel who was  
15 actually assigned the case at the time that it's printed,  
16 whether the juvenile has offenses that will qualify for DNA  
17 testing or if the offenses require the youth to register as a  
18 sex offender. And then the last part talks about the use  
19 legal history. So it outlines all of the use history or any  
20 prior involvements with us.

21 Q. Okay. And if you don't mind, tell this Court  
22 about the youth's history and involvement with Department of  
23 Juvenile Justice?

24 A. So it looks like on June 23, 2019, this young man  
25 or Mr. Pressley was charged with a ---

1           Q.   Miss -- I hate to interrupt you, Ms. Griffith, but  
2   if you don't mind, would you start from earliest and lead us  
3   up to today's date I think that's easier.

4           A.   Okay.

5           Q.   For people to comprehend.

6           A.   Okay.

7           Q.   Thank you, ma'am.

8           A.   So on June 23, 2019, the juvenile was charged with  
9   burglary, third degree first offense that occurred in  
10   Florence County. From there the young man was placed on  
11   probation and he was ordered services as well as community  
12   service. He also received a burglary charge on July 17th of  
13   2019. That charge was dismissed on October 14, 2019. On  
14   March the 11th, 2020, in Florence County, he received an  
15   assault and battery third degree that was dismissed on  
16   6/3/2022. And then the charges which were here for today  
17   occurred on May 29, 2022. Of course those charges are murder  
18   and burglary first degree.

19          Q.   Okay. And does it say why it was dismissed?

20          A.   It does not.

21          Q.   Okay. And -- and you -- you're up in here in  
22   court on a regular basis?

23          A.   Correct.

24          Q.   Okay. And does sometimes the kid plead to one  
25   charge and the other charges dismissed as part of the

1 agreement?

2 A. Yes, ma'am.

3 Q. Okay. So we don't know why those charges were  
4 dismissed?

5 A. No, ma'am.

6 Q. Okay. But ultimately he did have to undergo some  
7 sort of probation?

8 A. Yes, ma'am. It looks like he was on probation  
9 from around October 2019, and that probation requirement  
10 ended on June 16, 2022 -- 2020.

11 Q. Okay. So he was on probation up until 2020?

12 A. Correct.

13 Q. Okay. Let me ask you something because that  
14 probation is through Department of Juvenile Justice?

15 A. That's correct.

16 Q. And are they provided with services during that  
17 time of probation?

18 A. They are.

19 Q. And what services are they provided?

20 A. Each kid is -- is given a court order that's  
21 tailored towards them. Generally speaking, kids are ordered  
22 for counseling services depending on if there's an alcohol  
23 and drug issue. They're normally referred for substance  
24 abuse counseling.

25 In his particular case, he was actually referred or

1 given community service hours. It just depends on each kid's  
2 individual needs.

3 Q. Okay. And he's evaluated and the probation is  
4 tailored to whatever his needs are?

5 A. Correct.

6 Q. Okay. Now, let me ask you this, because DJJ is  
7 very different from adult court, STDC, those kind of things.  
8 Is the probation intended to rehabilitate his behavior,  
9 rehabilitate the juvenile?

10 A. That's correct, yes.

11 Q. Okay. So everything is geared towards getting him  
12 on the right track?

13 A. Yes.

14 Q. Okay. And that was all tailored towards him in  
15 that burglary conviction?

16 A. That's correct.

17 Q. Okay. And he's also had an assault battery; is  
18 that correct?

19 A. Yes, ma'am.

20 Q. Okay. Now, let me ask you something, because  
21 you're familiar with the court system, the charges all -- all  
22 of that information, are the charges getting more serious as  
23 the years go on from 2019 until present?

24 A. Based on this Form five, it appears that they are.

25 Q. Okay. Thank you. Now, I'm going to show you



1 Plaintiff's Exhibit number 21 and I've already showed that to  
2 Mr. Wilson. He's seen it. Do you recognize what I'm showing  
3 you now?

4 A. Yes, ma'am.

5 Q. What is it?

6 A. So this is what's called a DJJ event report.

7 Q. Right.

8 A. So what happens is DJJ has a report, a event  
9 reporting system. If anything happens of any of our  
10 facilities, anything happens in any of our alternative  
11 placements, the county offices, we are required to do an  
12 event report.

13 Q. Okay. And you've seen this event report?

14 A. Correct.

15 Q. And this is a DJJ (inaudible)?

16 A. Yes, ma'am.

17 MS. LIVESAY: Okay. At this time, Your Honor, the  
18 State wishes to put number 21 into evidence.

19 THE COURT: Any objection?

20 MR. WILSON: I think I'm fine. May I see it? Just to

21 ---

22 THE COURT: You may.

23 MR. WILSON: --- make sure.

24 MR. HELMS: (Inaudible) supposed to see it.

25 MS. LIVESAY: You want to give in?

1 MR. WILSON: No objections, Your Honor.

2 THE COURT: Thank you. Plaintiff's 21 without  
3 objection.

4 (Plaintiff's Exhibit 21 admitted into evidence.)

5 BY MS. LIVESAY:

6 Q. And again, you're familiar. This is a DJJ  
7 document?

8 A. That's correct.

9 Q. Got a DJJ cell?

10 A. Uh-huh. Yes.

11 Q. Okay, perfect. If you don't mind, tell this Court  
12 where Micah was when this incident documented in this record.  
13 Where was he?

14 A. So this event looks like it took place on  
15 September the 21, 2022. The location, it has him at the DJJ  
16 detention center in a specific area in the detention center.  
17 Looks like he was on the bravo unit.

18 Q. Okay. So when this happened, there's no doubt he  
19 is in a restricted facility?

20 A. Correct.

21 Q. Okay. And if you don't mind telling this Court  
22 what involved?

23 A. So because of confidentiality purposes, there's a  
24 portion that I cannot say because of other juveniles. So it  
25 appears that the report was written by one of the

1     correctional officers. It appears that there was an  
2     altercation of some form or fashion going on between some  
3     other juveniles.

4             While those juveniles were fighting, they were given  
5     several directions to fall back. Another juvenile and Mr.  
6     Pressley began to assault juvenile and of course I can't see  
7     the juvenile's name, but they began to assault the juvenile  
8     as well.

9             Q.    Okay. So you've been in the courtroom earlier,  
10    correct?

11            A.    Yes, ma'am.

12            Q.    Okay. And you heard Mr. Wilson ask about whether  
13    or not there had been any problems with Micah Pressley  
14    assaulting a student or a juvenile. This incident he's in a  
15    confined restricted area, and the write-up says that he jumps  
16    on another juvenile; is that correct?

17            A.    Based on this report, that's correct.

18            Q.    Okay, perfect. Now, and -- and again, that's, you  
19    know, confined facility?

20            A.    Correct.

21            Q.    Okay. Now, let me ask you, there is another page  
22    that addresses kind of the punishment and the juvenile's  
23    behavior towards the correctional officer. Do you see that  
24    page?

25            A.    I do.

1           Q.    Okay.  And if you don't mind, tell the Court what  
2   that page indicates?

3           A.    So this is labeled the South Carolina Department  
4   Juvenile Justice Youth Negative Behavior Report.  The date of  
5   this report was September the 21st, 2021.  The offense --  
6   level offenses, it's a level three offense and it has marked  
7   the assault and battery and a group disturbance.  And then it  
8   goes on to talk about compliance criteria.  It says youth was  
9   not calm, youth continued to assault other youth.

10          The next section talk -- talks about cooperative.  It  
11   says, "Youth was not cooperative when given directives by  
12   myself and PSOs to stop negative behavior."  And then it  
13   talks about safe that indicates that the youth is currently  
14   safe.

15          Q.    Okay.  Okay.  So even after they told him to get  
16   off the kid that report indicates he would not?

17          A.    It indicates that he continued to assault other  
18   youth.

19          Q.    Okay.  And again, that was -- had to be DJJ  
20   facility?

21          A.    Correct.

22          Q.    Have you been to the DJJ facilities?

23          A.    I -- I have been.  From period -- from time to  
24   time we were asked to -- juveniles are being released from  
25   detention status or they've completed a sentence there.  So

1 we are asked to pick them up and assist with transporting  
2 them home. As far as going into the -- all the ins and outs  
3 of the facility, I've not gone past the administrative  
4 component.

5 Q. Okay. But let me ask you this, do you know if  
6 they're not in this correctional officers in the facility?

7 A. Yes, ma'am. It's staff 24 hours a day, seven days  
8 a week.

9 Q. Thank you, Ms. Griffith. Now, and as part of this  
10 waiver process, that you're familiar with, at some point an  
11 evaluation is done on the juvenile; is that correct?

12 A. Yes, ma'am.

13 Q. And again, we talk documents are uploaded and the  
14 evaluator reviews those documents in the course of the  
15 evaluation?

16 A. That's correct.

17 Q. Okay. And the evaluator is a DJJ employee; is  
18 that correct?

19 A. Yes, ma'am.

20 Q. Okay. So the documents are for the most part --  
21 well, really for every aspect of being shared within just  
22 Department of Juvenile Justice employees?

23 A. Correct.

24 Q. Okay. And I'm going to show you now, and you are  
25 -- you are familiar with what documents did you evaluate or

1 looked at?

2 A. Yes.

3 Q. Okay. I'm going to show you now Plaintiff's  
4 Exhibit 24. If you don't mind, look through that and let me  
5 know if those are indeed the documents that were provided to  
6 Dr. Woody-Akers for her evaluation. I'll show it to you two  
7 (inaudible).

8 A. Yes, these appear to be the documents.

9 Q. Thank you. I'm going to show this witness.

10 MR. WILSON: No objections, Your Honor.

11 THE COURT: That's Plaintiff's 24 without objection.

12 (Plaintiff's Exhibit 24 admitted into evidence.)

13 MS. LIVESAY: And I do have another notebook, so if you  
14 want bring up here.

15 MR. WILSON: That's fine.

16 BY MS. LIVESAY:

17 Q. So this is Plaintiff's evidence number 24,  
18 correct?

19 A. That's correct.

20 Q. Okay. And these are the documents that were  
21 provided by one department of Department of Juvenile Justice  
22 to the evaluator that also works at the Department of  
23 Juvenile Justice?

24 A. Yes, ma'am.

25 Q. And that is for her to do the evaluation that

1 we're here today for?

2 A. Yes, ma'am.

3 Q. Okay. Now, if you don't mind, tell this Court  
4 what items were provided to that evaluator?

5 A. So of course, the Form five, which outlines the  
6 use legal history, the June 3, 2022, Court order. Do you  
7 need me to go specifically?

8 Q. Just -- just in general.

9 A. Okay. So like a Court order from June 3, 2022.  
10 The youth was actually continued in detention. A Court  
11 ordered from June 14, 2022, the juvenile petitions for the  
12 offenses, copy of the police report, the juvenile's 2019/2020  
13 school year school records. These are -- these are  
14 disciplinary referrals for the 2019/2022 school year.

15 Q. What year was that?

16 A. At the top it says 2019/2022.

17 Q. To 2022?

18 A. 2020, sorry. 2019 to 2020.

19 Q. Okay. Good. Thank you.

20 A. There's another Form five which includes again,  
21 the June 14th Court order, which ordered the waiver motion.  
22 The -- the understanding of Court -- Family Court hit topless  
23 order, which was reviewed with the juvenile and signed by the  
24 evaluator. The waiver motion though, which was completed, a  
25 pickup order for May 31, 2022. And the last forms are DJJ

1 intake release forms.

2 Q. Okay. Tell this Court what was provided to the  
3 evaluator that was not any kind of court order.

4 A. School records, our office attempted to get  
5 counseling records for this young man at the places that we  
6 were provided that he had done counseling, the intake release  
7 forms which were completed by our office and the police  
8 report.

9 Q. Okay. So for the Court's knowledge, what was  
10 provided to the evaluator other than court orders, you know,  
11 court orders was his school records for 2019/2020 the police  
12 report?

13 A. Correct.

14 Q. And an intake form?

15 A. In the -- there's several intake forms, yes.

16 Q. Okay. Okay. And intake forms are forms that you  
17 all fill out to try to obtain records?

18 A. Correct.

19 Q. Okay. Now, let me ask you this. So, 2019 and  
20 2020 records were given to the evaluator?

21 A. That's correct.

22 Q. Okay. And do those records include disciplinary  
23 action?

24 A. According to the school records from 2019 and  
25 2020, it looks like he was in seventh grade. These school



1 records indicate recent referrals.

2 Q. Let me ask you something. How about 2019 records?

3 Let's start what we did in 2020. Let's do the 2019.

4 A. Okay.

5 Q. Were there any disciplinary problems with Mr.

6 Pressley in 2019?

7 A. On the 2019 records that I have here, only have

8 some attendance issues and his grades.

9 Q. How about the second page?

10 A. The second page has his SC ready scores and, oh,

11 sorry. And then the third page includes disciplinary

12 referrals for the 2019 school year.

13 Q. Okay. Tell the Court about the disciplinary

14 referrals for 2019?

15 A. So it looks like the first one started on August

16 27th, 2019. Micah came to breakfast at 7:45 and asked to use

17 the restroom. He did not come back around to get his book

18 bag until 8:11.

19 Q. How about the next one?

20 A. So the next one was September 13th, 2019. It's

21 labeled as a threat to a student verbal or physical.

22 Q. Hold on. So what was that again?

23 A. A threat to a student, verbal or physical.

24 Q. Okay. Okay. How about the next one?

25 A. The next one is September 23rd, 2019. It's

1     labeled as a classroom disruption.

2             Q.     Okay.

3             A.     September 24th, 2019 it's labeled as a theft.

4             Q.     As a what?

5             A.     A theft.

6             Q.     A theft.   Okay.

7             A.     And then October 1st, 2019 is labeled as a threat  
8     to a student, verbal or physical:

9             Q.     So what months are those?   What month span is  
10    that?

11            A.     From August to October 2019.

12            Q.     So August, September.

13            A.     October.

14            Q.     Okay.

15            A.     The 1st of October.

16            Q.     Okay.   So in three months we got two threats to a  
17    student and a theft?

18            A.     Correct.

19            Q.     Okay.   And how about the -- the other records?

20            A.     So for the records that start -- these actually  
21    start January 9th, 2020.   The first one is a classroom  
22    disruption.   It also looks like on that same day he was  
23    referred for a violation of class rules.   Then on January  
24    10th, 2020, he had a classroom disruption.   January 15th,  
25    2020, cutting class.   January 22nd, 2020, he had a cutting

1 class. January 23rd, 2020, defiance of authority and/or  
2 insubordinate. January 23rd, 2020, defiance of authority and  
3 or subordinate. January 24th, 2020, classroom disruption.  
4 January 28th, 2020, inciting or participating in disturbance.  
5 February 10th, 2020, inappropriate gestures in or language  
6 behavior intervention.

7       It's a little hard to read, so I'm going to -- it looks  
8 like February the 11th, 2020 horseplay. February 12th, 2020,  
9 cutting class. February 18th, 2020, inappropriate gestures  
10 and/or language. 20 -- February 20, 2020, technology  
11 acceptable use policy violation. February 27th, 2020,  
12 cutting class. February 27th, 2020, technology acceptable  
13 use policy violation. And lastly, March 11th, 2020, attack  
14 on a student.

15       Q. Okay. So in January we had, again, multiple  
16 infractions?

17       A. Correct.

18       Q. Okay. And a lot of them were improper language,  
19 gesture, that kind of thing, disobeying orders, and then by  
20 March we've got an assault or something on another student;  
21 is that right?

22       A. According to the school record, yes.

23       Q. Okay. Okay. So in the course of from August to  
24 that -- that last record is March?

25       A. Yes, ma'am. March 11th.

1 Q. Okay. Would you say a consistent violations?

2 A. It appears there are, yes.

3 Q. Okay. And at least three of them during that time  
4 period are an assault of some kind on another student there  
5 at the school?

6 A. That's correct.

7 Q. Okay. Okay. And the others are cutting class,  
8 improper language, and being disrespectful or disobedient to  
9 the teachers or whoever was at the school; is that correct?

10 A. Yes, ma'am.

11 Q. Okay. Okay. And that was for 2019 to 2020?

12 A. Yes, ma'am.

13 Q. That's right?

14 A. Yes, ma'am.

15 Q. And what did we do with the other records that  
16 we've got in evidence. Would you give Ms. Griffith?

17 A. I have my own.

18 MR. HELMS: Judge has it.

19 MS. LIVESAY: And I apologize, Judge.

20 THE COURT: No problem.

21 MS. LIVESAY: I just want these back.

22 BY MS. LIVESAY:

23 Q. So the last -- and this is, I'm looking at  
24 Plaintiff's Exhibit number 1, and the last record that you  
25 had that was provided to the evaluator was in March of 2020;

1 is that right?

2 A. Yes, ma'am.

3 Q. Okay. Okay. And that did not include all the  
4 infractions from '21 into '22; is that correct?

5 A. That's correct.

6 Q. Okay. And -- and what was the date on the assault  
7 in 2019? There was two assaults in 2019. Will you give me  
8 those dates? I apologize.

9 A. According to the school records, it looks like  
10 September 13th, 2019, and October the 1st, 2019.

11 Q. Okay. Okay. And looking at Plaintiff's Exhibit  
12 number 1, you said one of them was October 1st, 2019?

13 A. Yes, ma'am.

14 Q. Is that right?

15 A. Yes, ma'am.

16 Q. And the other one is September 13th, 2019?

17 A. Yes, ma'am.

18 Q. Okay. So tell me on this record,  
19 September 13th, 2019 is it noted anything about that  
20 infraction?

21 A. So on September 13th, 2019, it's labeled as a bike  
22 punch or spit, and it looks like the action that was taken  
23 was out of school suspension for one day.

24 Q. Okay. And how about the other assault? Did you  
25 also see that on Plaintiff's Exhibit number 1, the one from,

1 I believe you said, October?

2 A. It's labeled as October the 1st, 2019. It's  
3 labeled as inappropriate behavior and it indicates that a  
4 letter was sent to the parent.

5 Q. Okay. And what does it indicate on this other  
6 record by that inappropriate behavior?

7 A. For the -- for the September 13th, 2019, it just  
8 says, "Threat to student, verbal or physical." And for the  
9 October 1st, 2019, it says, "Threat to student, verbal or  
10 physical."

11 Q. Okay. But on that it just says inappropriate  
12 behavior?

13 A. Yes, ma'am.

14 Q. Okay. And there was another assault in '20, later  
15 on, I believe in that other record. Am I right about that?  
16 I believe 2020?

17 A. It's labeled as an attack on student.

18 Q. And what's the date?

19 A. March 11th, 2020.

20 Q. Okay. And you see that March 11th, 2020, on that  
21 record?

22 A. Yes, ma'am.

23 Q. What does it say?

24 A. It's March 11th, 2020, and it's labeled as aiding  
25 others, and it's labeled as a suspension out of school for

1 five days.

2 Q. Okay. Aiding others, as in on your form it says  
3 an assault; is that right?

4 A. It actually says an attack on student.

5 Q. Okay. And up here it just says aiding others?

6 A. Yes, ma'am.

7 Q. Thank you. Now, so you would agree that record  
8 isn't seen Plaintiff's Exhibit number 1 didn't seem to be as  
9 detailed as this school record?

10 A. Based on those records, yes, ma'am.

11 Q. Okay. And I don't know why that is. Do you know  
12 why that is?

13 A. No, ma'am, I don't.

14 Q. Okay. Now, what were any records from 20 -- when  
15 did this incident happen? The incident we're here today for  
16 (inaudible)?

17 A. May -- May of 2022.

18 Q. Okay. And was the evaluator, and she's here,  
19 which she provided with any records as to his disciplinary at  
20 school or anything to do with his school records from '21 and  
21 '22 the most recent preference?

22 A. No, ma'am.

23 Q. Okay. Okay. Now, and I know this isn't your  
24 specific responsibility, Ms. Griffith, I'm just asking you  
25 because you're the supervisor, there is an intake form; is

1     that correct?

2             A.     There is.

3             Q.     And the intake form is signed by the parent to  
4     provide DJJ with certain records; is that correct?

5             A.     Yes.

6             Q.     Okay.  And -- and what did Mr. Pressley's mother  
7     sign to give you DJJ permission to the records report?

8             A.     So if I may, so the intake process is -- is  
9     actually voluntary.  The -- the process is for us to be able  
10    to gain information about the child, to be able to come to  
11    court and make an appropriate recommendation.  Part of that  
12    is to include intake releases.  So it looks like the assigned  
13    caseworker, met with Ms. Pressley on June the 3rd.

14            Ms. Pressley did sign all the necessary documents.  The  
15    first form she signed was what's called an authorization to  
16    release records and information.  She did initial and give us  
17    permission to receive school records including IEP, 504 plan,  
18    and psych educational evaluations.  Any public or private  
19    mental health records, including psychological and  
20    psychiatric evaluations.  And lastly, public and private  
21    substance abuse treatment records.

22            Q.     Okay.  So these records are obtained by DJJ, so  
23    DJJ can review them and come in here and have an appropriate  
24    opinion for the Judge; is that correct?

25            A.     Correct.



1           Q.    Okay.  Okay.  And I'm going to show you now --  
2    what you already looked at.  Plaintiff could give it number  
3    23.  This the intake form?

4           A.    This is one of the multiple forms.

5           Q.    Okay.  At this time I'm going to ask to put that  
6    in evidence Plaintiff exhibit ---

7           MR. WILSON:  No objections, Your Honor.

8           THE COURT:  (Inaudible).

9           (PPlaintiff's Exhibit 23 admitted into evidence.)

10          MS. LIVESAY:  Okay.  I'm give this to the Judge who she  
11   look along whatever.

12   BY MS. LIVESAY:

13          Q.    And this is the same form you're looking at?

14          A.    Yes, ma'am.

15          Q.    Okay.  Now, if you don't mind, Ms. Pressley  
16   volunteered to give you -- to give, not you, but DJJ this  
17   information?

18          A.    Correct.

19          Q.    Okay.  And on line one, what did she initial for  
20   DJJ have?

21          A.    School records including IEP, 504 plan, and psych  
22   educational evaluations.

23          Q.    Okay.  And tell the Court where -- where those  
24   records obtained?

25          A.    They were not, we requested them, but we did not

1 receive them.

2 Q. Okay. So none of those records were provided to  
3 Ms. Akers, Ms. Woody-Akers?

4 A. No, they were not available at the time of the --  
5 of the evaluation.

6 Q. Okay. So the short answer is no?

7 A. Correct.

8 Q. Okay. So she did not have any records close in  
9 time to this incident?

10 A. Correct.

11 Q. Okay. And how about a second line? What did she  
12 give DJJ permission for?

13 A. So she initialed for us to receive public and  
14 private mental health records, including psychological,  
15 psych, and psychiatric evaluations.

16 Q. And were any records obtained?

17 A. Based on the information that was provided to us,  
18 we did request records from Circle Park and Peedee Mental  
19 Health. He was not a client of either one of those locations  
20 according to what we received, but the family disclosed that  
21 they were receiving counseling at a place called -- I'm not  
22 sure of the exact place. We did not request those records,  
23 so no, she did not have the records from the place where  
24 Micah and his family disclosed.

25 Q. So she had no records regarding any of that

1 information?

2 A. Correct.

3 Q. Okay. And how about the third one?

4 A. The last one talks about public and private  
5 substance abuse/treatment records.

6 Q. And were any records obtained on that?

7 A. We requested records from Circle Park, which is a  
8 local alcohol and drug provider in Florence County. There  
9 was no records. This young man was not a client there.

10 MS. LIVESAY: Okay. And if you don't -- I'm sorry,  
11 Judge, can I say (inaudible).

12 THE COURT: Uh-huh.

13 MS. LIVESAY: I apologize.

14 BY MS. LIVESAY:

15 Q. So the -- you were here when the principal  
16 testified first?

17 A. Yes, ma'am.

18 Q. Okay. And he talked about multiple infractions  
19 that led to suspensions between '21 and '22. You heard that?

20 A. Yes, ma'am.

21 Q. Okay. And none of that was provided to this site?

22 A. No, ma'am.

23 Q. Okay. And you heard him say you can click on it  
24 and get the details?

25 A. Yes, ma'am.

1 Q. Was any of that provided to this site?

2 A. No, ma'am.

3 Q. Okay. And the details of these burglary to show  
4 what the burglary entailed, who he was associating with that  
5 burglary with, was any of that sent to Ms. Woody-Akers?

6 A. It was not sent to Ms. Woody-Akers, but it was  
7 uploaded into our system. So that would -- she would be able  
8 to access that information just like she was able to access  
9 the information on his current charges.

10 Q. Okay. Do you have any reason to believe she  
11 accessed that information?

12 A. I -- I don't -- I can't answer that. I don't  
13 know.

14 Q. Okay. But you know that this is what you know of  
15 that we kept logging?

16 A. Yes, ma'am.

17 Q. Okay. And -- and I correct and that it is four  
18 pages of school records and some intake forms?

19 A. Yes, ma'am.

20 Q. Okay. And everything else is just court orders;  
21 is that right? And the police report.

22 A. And the police report.

23 Q. Okay.

24 A. Yes, ma'am.

25 Q. So the police report and about four pages of

1 school records?

2 A. Yes, ma'am.

3 Q. Okay. And the rest of it is basically Court  
4 orders and intake forms?

5 A. Yes, ma'am.

6 Q. Okay. But the -- the things that speak to his  
7 behavior are the four pages of school records and the police  
8 report?

9 A. Yes, ma'am.

10 Q. Okay. And you would agree with me with the reason  
11 why the intake form asked for all of this -- from all this  
12 information is so this lady can form an appropriate opinion  
13 to tell the Court?

14 A. The -- these forms are done on all of our kids,  
15 not necessarily that -- that the kid is going through a  
16 waiver process. These are standard forms we do for any kid  
17 that comes through is going to court.

18 So these were the things that Ms. Pressley allowed us  
19 to have permission to. If this young man had these records,  
20 this did -- when she signed them, she did not necessarily  
21 say, oh, he has all of these things. These were just the  
22 things she granted us permission to receive.

23 Q. I understand. But -- but those things are  
24 obtained by DJJ?

25 A. Yes.

1           Q.    So when DJJ comes to court, they can have an  
2 appropriate opinion about Mr. Pressley?

3           A.    Yes, ma'am.

4           Q.    Okay.  And you would agree with me that none of  
5 those items that she signed for, no records were ever  
6 obtained.

7           A.    No records were obtained for alcohol and drug  
8 services because he has not received alcohol and drug  
9 services.  We did request mental help from one of the places  
10 that we were provided.  They had no record of him, but we  
11 didn't get the records from the -- the second provider.  And  
12 then we requested school records, but did not receive the  
13 school records.  So we attempted to get the -- the records  
14 that -- that we could.

15          Q.    I understand.  So the short answer is no?

16          A.    That's correct.

17          Q.    Okay.  Good.  Now, so no records as to this young  
18 man's behavior from the most recent years up to this  
19 incident, to this murder when another young man was killed.  
20 None of that was provided to the lady that's going to come in  
21 here and give an opinion, the evaluator?

22          A.    That's correct.

23          MS. LIVESAY:  No further questions, Your Honor.

24          THE COURT:  Thank you.  Cross-examine?

25                                   CROSS-EXAMINATION

1 BY MR. WILSON:

2 Q. Well, that's not really true, is it? Because in  
3 fact you sent her the police report. Did you not?

4 A. The police report was uploaded into our system.

5 Q. Right. And in that police report, it discusses  
6 the homicide, right?

7 A. Correct.

8 Q. Okay. So there was information about that  
9 behavior and that -- that the murder or attempted murder or  
10 whatever it was, right?

11 A. Yes, sir.

12 Q. Yeah. And it's not this young man's fault that  
13 DSF, that DJJ did not get these records and send them to the  
14 doctor for her to use in her evaluation, is it?

15 A. We ---

16 Q. My question is simple. Did -- was it his fault  
17 that you didn't get the records to send to her?

18 A. No. It's not his fault.

19 Q. Right. And it wasn't his mother's fault, right?

20 A. We requested records, but there were ---

21 Q. That's not my question.

22 MR. HELMS: Judge, can you (inaudible) how to answer  
23 this question just because it's not answer.

24 MR. WILSON: (Crosstalk) responsive. I asked a simple  
25 yes or no question.

1           THE COURT: If you'll answer yes or no, and then you  
2 can explain your answer.

3 BY MR. WILSON:

4           Q. And I'll repeat the question. Was it the mother's  
5 fault that you, DJJ, didn't get these records and send them  
6 to the doctor?

7           A. No, sir.

8           Q. All right. Now, at any point in time, and -- and  
9 as I understand it from talking with solicitor, you knew --  
10 you knew, when I say you, I'm talking about DJJ, you knew  
11 that this doctor was going to do an evaluation, right?  
12 Because there's a court order requiring it?

13          A. Yes, sir.

14          Q. All right. And in spite of that, in spite of  
15 knowing that you don't get the records and -- and then you  
16 say, well, we didn't send them to her and then she does the  
17 evaluation, did you ever pick up the phone and call her and  
18 say, look, we got some additional information you might need  
19 to consider?

20          A. Our office requested alcohol and drug records.  
21 There is no history of alcohol and drug services. Our office  
22 requested mental health records from the location that was  
23 provided to us, which was Peedee Mental Health. There is no  
24 record of this young man receiving services. That  
25 information is in our system.



1           Q.   My question again, did you ever -- that is you,  
2   DJJ pick up the phone, call the doctor and say, look, we got  
3   these records here now that we didn't have in the beginning  
4   and we're going to a send them to you or you might want to  
5   redo your evaluation based on this information?

6           A.   No, sir.

7           Q.   All right.  No.  In fact, up until what, yesterday  
8   or day before yesterday, she still didn't have those records.  
9   Because you didn't send them and I say you, I mean DJJ,  
10   right?

11          A.   The only records we've received since this waiver  
12   evaluation has been completed is the update, is the most  
13   recent school records.

14          Q.   When did you get the records that you were reading  
15   here for the solicitor just a minute ago?  When did you get  
16   those records in your hands?

17          A.   I don't remember the exact date, but they were  
18   provided to us the first part of January.

19          Q.   January 1st part of January.  And it's what now?  
20   27th, 28th.  And still today you have a (inaudible).

21          A.   They're uploaded into our system.

22          Q.   Uploaded.  Well, did you call her and say, hey  
23   look, we added some new stuff here and you need to know about  
24   it so that you can do a re-evaluation before we come in here  
25   today to present information to this Court about what

1     happened?

2             A.    No, sir.  We didn't do that.

3             Q.    No, ye didn't do it.  You didn't do it.  Let me  
4     ask you this too, DJJ had this young man on probation in, I  
5     think you said 2019 what you told the solicitor, right?

6             A.    Yes, sir.

7             Q.    And that was for burglary third degree?

8             A.    Yes, sir.

9             Q.    Right?  During that time -- and -- and -- and --  
10    and you would agree with me, would you not that when an  
11    individual's on probation, if you are going to -- you can  
12    require them to do certain things, right?

13            A.    Yes, sir.

14            Q.    One of those things you can require them to do is  
15    get treatment, right?  If they got a mental illness or if  
16    they got health issues, you going to require that they get  
17    medical treatment for those things, right?

18            A.    Yes, sir.

19            Q.    All right.  Anything in that report showing that  
20    this young man was ever ordered by the Court or by DJJ to get  
21    any kind of counseling or any kind of medical treatment for  
22    his situation?

23            A.    If I may, Mr. Wilson, there -- his court order,  
24    and unfortunately I don't have a copy of it from Florence  
25    County, did order him to cooperate with any referrals as

1     deemed necessary by the Department of Juvenile Justice.

2             Q.    I agree.  And that's my question.  What did you  
3     Department of Juvenile Justice required?  Because the only  
4     thing that I'm aware of based on what you said, is that he  
5     was required to do community service, right?

6             A.    He was required to do community service.  And if I  
7     may, looking at our documentation from the Florence County  
8     probation officer.

9             Q.    Yes, ma'am.

10            A.    This young man did receive services.  He was --  
11    actually according to the documentation, was seeing a  
12    therapist at Peedee Mental Health.  However, when we  
13    requested those records, they had no record of him receiving  
14    services.  The youth and his mother indicated that he had  
15    been receiving services at a different location.

16            Q.    Okay.

17            A.    But I -- I did not supervise this young man.  Our  
18    office did not supervise this young man.  So all I had to go  
19    on was the documentation that's been provided in our system.

20            Q.    Okay.  So you're saying that -- and -- and I don't  
21    want to misquote you, my understanding is you're saying now  
22    that well, Florence County is at fault, they're the ones that  
23    didn't have him have the treatment, right?

24            A.    No, sir, that's not what I'm saying.  My office  
25    did not supervise this young man, so I can't speak to

1 everything that they had him do or did not do. But what I  
2 have seen in the system, in reviewing the documentation,  
3 there is documentation to support that at some point he did  
4 receive some counseling services.

5 Q. But did you know -- did you know that he actually  
6 completed the probationary period that was imposed by the  
7 juvenile Court in Florence?

8 A. Yes, sir. I did know that.

9 Q. Right. And he successfully completed it, correct?

10 A. Yes, sir. As far as I know.

11 Q. So he did everything that they asked him to do.  
12 They question about that in your own mind?

13 A. He did not come back to court for any violation.  
14 So in -- in my mind, he was considered successfully  
15 completing.

16 Q. That's right. He successfully completed his  
17 probationary period and the other two charges for burglary  
18 and assault, those charges were dismissed.

19 A. That's correct.

20 Q. Right. And you don't know why they were  
21 dismissed, I'm sure.

22 A. No, sir, I don't.

23 Q. Right. It could have been because they didn't  
24 have any evidence that he did?

25 A. It could have been.

1 MR. HELMS: Objection calls for speculation.

2 MR. WILSON: We're doing a whole lot of speculating  
3 here earlier on with the solicitor interrupt you.

4 THE COURT: Let's move on.

5 MR. WILSON: I understand that (inaudible) question,  
6 Your Honor, I don't have any questions.

7 THE COURT: (Inaudible).

8 RE-DIRECT EXAMINATION

9 BY MS. LIVESAY:

10 Q. So what you're testifying today to after talking  
11 to Mr. Wilson, he said indeed this young man did receive  
12 services. Micah Pressley received services?

13 A. According to documentation in our system from  
14 Florence County. He did receive services through Peedee  
15 Mental Health. However, when we requested those records,  
16 they have -- they indicated to me there was no record of this  
17 client.

18 Q. Okay. And did -- did you ever hear from the mom  
19 or anybody else that he received services?

20 A. I've never spoken to Ms. Pressley.

21 Q. Okay. So there's documentation saying that he  
22 received services, but you -- the -- the records were never  
23 gotten?

24 A. Correct.

25 Q. Okay. And the probation that he was on, that's

1     also a service correct through DJJ to try to rehabilitate  
2     this juvenile; is that correct?

3             A.    Yes, ma'am.  That's correct.

4             Q.    Okay.  And everything DJJ does is to try to  
5     rehabilitate Micah Pressley?

6             A.    Yes, ma'am.

7             Q.    And so how long did the probation last?

8             A.    So he was on probation from October 17th, 2019.  
9     And he -- I'm sorry.  I have a -- according to the Form five,  
10    he completed on June 16th, 2020.

11            Q.    Okay.  So he was on probation for about eight  
12   months?

13            A.    That's correct.

14            Q.    And every bit of that is geared towards  
15   rehabilitating the juvenile?

16            A.    Yes, ma'am.

17            Q.    Okay.  So he completes in June, 2020?

18            A.    Yes, ma'am.

19            Q.    Okay.  And does he pick up another charge after  
20   that?

21            A.    He actually picks up a charge while under  
22   supervision that occurred on March the 11th, 2020.  That was  
23   the assault and battery third degree, which was dismissed.

24            Q.    Okay.

25            A.    On June 3rd, 2022.

1           Q.    Okay.  And we don't -- okay, so it was dismissed  
2   on June 3rd, 2022?

3           A.    Correct.

4           Q.    When was he charged with a murder?

5           A.    The -- the murder occurred on May 29th, 2022.  He  
6   was actually picked up on May the 31st, 2022.

7           Q.    Okay.  So he was picked up on May 31st, 2022 for  
8   the murder?

9           A.    Yes, ma'am.

10          Q.    And then Florence turned around and dismissed that  
11   assault two days later?

12          A.    According to the Form five, yes, ma'am.

13          Q.    Okay.  And do you know what assault carries that  
14   assault charge?

15          A.    Unfortunately, I don't.

16          Q.    Okay.  Do you think he carries as much as a  
17   murder?

18          A.    No, ma'am.

19          Q.    Okay.  And that assault charge, he actually got  
20   while he was on probation being supervised, receiving  
21   service?

22          A.    That's correct.

23          Q.    Okay.  And he picked up an assault, nothing is  
24   done.  He -- then he picks up a murder?

25          A.    Yeah.

1 Q. And they turn around and dismissed the assault  
2 three days later?

3 A. Yes, ma'am.

4 Q. Okay. And during the time of the assault, he was  
5 receiving services right on?

6 A. According to what's in our system, yes, ma'am.

7 Q. Okay. And you look at those records, Plaintiff's  
8 Exhibit number 1, and was he in school in 2022?

9 A. He was prior to being detained with us in May.

10 Q. Okay. So and he was receiving whatever services  
11 the school could give him; is that correct?

12 A. Correct.

13 Q. So he's been receiving services since October  
14 2019, right up to the time you all picked him up?

15 A. Yes, ma'am.

16 Q. And does he receive services while he is at the  
17 facility at DJJ?

18 A. Unfortunately, DJJ is not a treatment facility.  
19 He has access to some services, but not all the services he  
20 would be eligible to receive in the community.

21 Q. Well, he gets some counseling, right?

22 A. He has an assigned social worker. It's not going  
23 to be to the extent he would get in the community.

24 Q. Okay. Would you notice lady on the background  
25 she's a counselor, Department of Juvenile Justice, correct?



1           A.    I don't know her.

2           Q.    Okay.  Well, would it surprise you then if she was  
3   providing him counseling while he was at DJJ?

4           A.    It would not surprise me, no.

5           Q.    Okay.  So he does receive some services, maybe  
6   counseling at Department of Juvenile Justice, correct?

7           A.    Yes, ma'am.

8           Q.    And while he was there receiving those services,  
9   you told us earlier that he picked up an assault by his, been  
10   at DJJ; is that right?

11          A.    There was an event that occurred where he  
12   assaulted another -- another individual.

13          Q.    Okay.  And when they told him to stop the record  
14   said he didn't stop; is that right?

15          A.    That's correct.

16          Q.    So he has been steady in trouble since  
17   October 2019, and during this time he's been steady receiving  
18   services through DJJ and the school system; is that correct?

19          A.    Based on what I've heard today, yes.

20          MS. LIVESAY:  No further questions, Your Honor.

21          MR. WILSON:  Your Honor, I have a motion actually, you  
22   know, I -- I -- I've been sitting here for the last couple  
23   hours listening to these records and one of the -- one of the  
24   prerequisites to having this hearing is the evaluation.  And  
25   now they're telling us that they didn't give, that is DJJ,

1 did not give the doctor the information that -- that they  
2 should have given her so that she could make an appropriate  
3 evaluation to come in here.

4           And I don't see how we can go forward when she hadn't  
5 had a chance to review whatever it is that they're talking  
6 about, whatever records they're talking about, that they're  
7 complaining about. Because there's -- on the one hand,  
8 they're saying, you know, let's go ahead, and go forward with  
9 these records, but, you know, the evaluation was done. Now,  
10 it appears that the evaluation, at least according to them,  
11 is being done in a blind. And they're setting this up simply  
12 for the reason that if her report is favorable to the  
13 Defendant. Then they can say, oh, well yeah, but she didn't  
14 consider these things.

15           So now my position is -- is -- is that this hearing has  
16 to stop and we have to have, allow her to have an opportunity  
17 to go back, review any records that she wants to review, or  
18 needs to review, or that they believe she should review  
19 because he's entitled to this before this hearing can  
20 conclude. Because otherwise you're going to ask Your Honor  
21 to make a decision based on an evaluation that's clearly  
22 going to be flawed, at least certainly in their position,  
23 that -- that's his flaw.

24           THE COURT: Isn't the evaluator here?

25           MS. LIVESAY: She is here.

1           MR. WILSON: She is here.

2           THE COURT: And can't she not be cross-examined with  
3 regard to those records?

4           MR. WILSON: Well, she can be cross-examination -- she  
5 could be cross-examined, but first time, as far as I know,  
6 the first time she's hearing this is here. I don't think  
7 that that's very fair.

8           And she certainly can't evaluate him sitting here based  
9 on -- and -- and -- and she may very well have questions for  
10 him about all of these things. I don't even know how much of  
11 these things that they're claiming are even true. That --  
12 that's the other concern that I have.

13           And the -- and the -- and the failure -- the failure,  
14 Your Honor, the abject failure of the Department of DJJ to  
15 provide these records, especially medical records and  
16 treatment records to her before her evaluation is -- is just,  
17 I mean, I don't want to use (inaudible) derelict. I mean,  
18 that is -- is --

19           THE COURT: As I understand it, the records were  
20 requested and there were none.

21           MR. WILSON: No (crosstalk).

22           THE COURT: For a good portion of those.

23           MR. WILSON: I think, Your Honor, what her -- what her  
24 situation was, as I understood it, was one place said that --  
25 one place that she contacted said no, they didn't have any

1 record of him ever being it.

2 THE COURT: The alcohol?

3 MR. WILSON: That -- that is correct. The other places  
4 she said they just never got the records. They asked, they  
5 requested them, they never got it.

6 THE COURT: I'm going to deny your motion, but you can  
7 certainly renew it after you hear the testimony of the  
8 evaluator.

9 MR. WILSON: All right. Thank you, Your Honor.

10 THE COURT: Thank you.

11 MS. LIVESAY: No further questions.

12 THE COURT: Any further questions of this witness? I  
13 think she's ---

14 MR. WILSON: No -- no, thank you, Your Honor.

15 THE COURT: All right. We're going to take a break if  
16 you can be dismissed. Let's take a break for 30 minutes.

17 MS. LIVESAY: Can we approach?

18 THE COURT: Yes, you may.

19 (Off the record.)

20 MS. LIVESAY: Judge, I've found a lady here from South  
21 Carolina Department of Corrections. I know time is ticking.  
22 And I don't know if Mr. Wilson would be willing to consent to  
23 the Court basically kind of taking recognition of this fact.  
24 The only reason we're calling her is to establish that  
25 South Carolina Department of Corrections does have

1 rehabilitation classes, schools, everything is available to  
2 an adult that is incarcerated, STDC that would be available  
3 at DJJ if not more.

4 She would testify to that as well as, YOA, Youthful  
5 Offender Act does not accept violent offenders. And that  
6 that is a program that only allows up to four years and  
7 that's just statute based right away is just youthful  
8 offender statute.

9 THE COURT: I could certainly take judicial notice of  
10 that.

11 And, Mr. Wilson, do you want to be able to  
12 cross-examine her? I certainly give you that opportunity, so  
13 ---

14 MR. WILSON: I -- I know, Judge, and I appreciate that.  
15 Thank you. Before I say yes or no, I'm just trying to get a  
16 grasp of what it is I'm agreeing to so that I know what I've  
17 agreed to. So my understanding is simply that you would take  
18 -- essentially take judicial notice that DJJ offers certain  
19 services and those same services are being offered at the  
20 Department of Corrections, is that?

21 THE COURT: Correct. And about the Youthful Offender  
22 Act.

23 MR. WILSON: That's right. And I agree with that. I  
24 certainly agree with the youthful offender act does not allow  
25 violent offenders. If that's it, then yes, ma'am.

1 THE COURT: That the extent of what you're asking?

2 MS. LIVESAY: As long as you're okay with taking  
3 judicial notice and ---

4 MR. WILSON: Yes.

5 MS. LIVESAY: --- consent, I'd like to cut this by  
6 (inaudible).

7 MR. WILSON: Yes.

8 MS. LIVESAY: Okay.

9 MR. WILSON: Based on what we on that discussion, yes.

10 MS. LIVESAY: Thank you, Judge.

11 THE COURT: Thank you.

12 MS. LIVESAY: And you agree with that promise, Ms.  
13 Wilson?

14 MS. WILSON: Yes, ma'am.

15 MS. LIVESAY: She -- for the record she said, yes,  
16 ma'am. Thank you.

17 THE COURT: Thank you.

18 MR. HELMS: Your Honor, in that case, at this time, the  
19 State would like to call Detective Allan Huggins with the  
20 Conway Police Department.

21 THE COURT: All right. You'll come up here to the  
22 Bible, sir. Put your left hand on the Bible and raise your  
23 right.

24 ALLAN HUGGINS,

25 having been first duly sworn, testified as follows:

1           THE COURT: All right. If you'll have a seat and state  
2 your full name for the record for me.

3           THE WITNESS: It's Allan, A-L-L-A-N, Huggins,  
4 H-U-G-G-I-N-S.

5           THE COURT: Thank you.

6                                 DIRECT EXAMINATION

7 BY MR. HELMS:

8           Q. Mr. Huggins, with who are you employed?

9           A. I'm currently employed with the City of Conway.

10          Q. And what do you do there?

11          A. I am assigned to the secret service as a task  
12 force officer, and I am assigned to the detective division.

13          Q. Okay. You investigate crime?

14          A. I do.

15          Q. Did you investigate this crime?

16          A. I did, sir.

17          Q. Okay. You're familiar with the case that we're  
18 here for today?

19          A. I am, sir.

20          Q. Did you assist or leave? What was your role in  
21 this investigation?

22          A. I was a primary investigator for this -- for this  
23 call.

24          Q. As part of your duties, did you obtain physical  
25 evidence?

1           A.    I did, sir.

2           Q.    Tell the Court about the physical evidence you  
3    had?

4           A.    We did a search warrant and processed the physical  
5    scene itself. We obtained digital forensic evidence from  
6    video systems, cell phones, digital records to include  
7    Facebook, Instagram, Snapchat, cellular records, cellular  
8    tower dumps, physical evidence, processing of weapons. We  
9    processed the house in Florence and conducted several  
10   interviews pertaining to this case.

11          MR. HELMS:  If I may approach?

12          THE COURT:  You may.

13   BY MR. HELMS:  "

14          Q.    Showing you now what's been marked for  
15   identification as Plaintiff's Exhibit number 2. Do you  
16   recognize what I've showed you?

17          A.    I do, sir.

18          Q.    What is it?

19          A.    It is a digital disc of surveillance video  
20   covered from building 640.

21          Q.    Okay. And was that the location of the incident  
22   in question?

23          A.    Yes, sir.

24          Q.    And where was that from? Here in Thomas?

25          A.    Yes, sir.



1 Q. Have you watched that video?

2 A. I have.

3 Q. And tell the Court in general terms what is on  
4 that video, please.

5 A. In general terms, there is a multi-family  
6 structure that contains apartments. In the early morning  
7 hours, five people arrive and shortly after five people leave  
8 in which time the crime occurs.

9 Q. Is what you just described on -- on this video?

10 A. Yes, sir.

11 Q. Has it been tampered with?

12 A. No, sir.

13 MR. HELMS: State would like to introduce -- I'm sorry,  
14 the Plaintiff would like to introduce Exhibit 2 at the  
15 evidence, Your Honor, and publish to the Court.

16 MR. WILSON: No objection. Subject to  
17 cross-examination.

18 THE COURT: Thank you. Number 2 and without objection.

19 (Plaintiff Exhibit 2 admitted into evidence.)

20 MR. HELMS: Your Honor, at this time, I'm going to turn  
21 this around so you can see it. Right here. Can ask you if  
22 that's okay with you?

23 THE COURT: Yes.

24 Okay. Can you see that Mr. Wilson?

25 MR. WILSON: Yes, ma'am.

1 THE COURT: Thank you.

2 MS. LIVESAY: Because this -- this video (inaudible).

3 THE COURT: Thank you.

4 MR. HELMS: And that -- absolutely. I want to play  
5 this one time through and then we will come back to it. So  
6 go ahead and click play.

7 (Video played - inaudible.)

8 MR. HELMS: Thank you.

9 BY MR. HELMS:

10 Q. Take if I'll ask you a lot of questions right now,  
11 but this is the code scene of the murder?

12 A. Yes, sir, it is.

13 Q. Thank you."

14 A. It's apartment 108, building 640.

15 Q. Is the time (inaudible)?

16 A. Yes, sir, it is.

17 Q. Okay. All right. Let's start it over before  
18 (inaudible). All right. Go ahead and press play and pause  
19 please. Press play one more time until we see Keith.

20 Detective, where'd you get this video from?

21 A. I got it from the internal DVR that's controlled  
22 by the housing authority or the housing complex manager.

23 Q. What's the stop?

24 A. So they have internal closet in each of the  
25 apartment buildings that contain the singular DVR that

1 encompasses the cameras for that specific building.

2 Q. All right. And so you check the time stamp of the  
3 date and that's all correct?

4 A. Correct. So the procedure of taking video  
5 evidence from the DVRs is a verification of time and that's  
6 part of the process to make sure that the actual time is the  
7 DVR time.

8 Q. So we're just shot or we're right around 20  
9 minutes prior to 6:00 a.m. or 5:29?

10 A. That's correct.

11 Q. All right. There's five people in this  
12 screenshot. Do you see that?

13 A. I do, sir.

14 Q. After you obtained this video, did you seek to  
15 identify these five people?

16 A. I did.

17 Q. Were you successful?

18 A. I was.

19 Q. Can you identify these five people?

20 A. I can.

21 Q. All right. Let's start in the very back. This  
22 appears to be a female with a white T-shirt. Do you know who  
23 that is?

24 A. That's Ms. Mack.

25 Q. Okay. This individual right here. Who is this?

1 A. Ms. Floyd.

2 Q. Do you know who this is?

3 A. Mr. Neil.

4 Q. Okay. And Fanati Neil?

5 A. Fanati Neil.

6 Q. All right. There's two gentlemen back here. It  
7 looks like both wearing black, right?

8 A. Correct.

9 Q. Who is this person right here?

10 A. That is Caitrius McDonald.

11 Q. And who's this person?

12 A. That is the -- the person here today, Micah  
13 Pressley.

14 Q. All right. Have you interviewed these people?

15 A. I have.

16 Q. Did you interview Mr. Pressley?

17 A. I did.

18 Q. Did he acknowledge that that's him in this video?

19 A. He did.

20 Q. Okay. Press play for me.

21 (Video played - inaudible.)

22 BY MR. HELMS:

23 Q. All right. Did you talk to him about what we're  
24 seeing in this video?

25 A. I did. Especially right now.

1           Q.   All right.  So tell us now -- Leslie go ahead and  
2   pause for a second.  Tell me what we're seeing?

3           A.   So as an officer, we're trained to look for body  
4   behavior and body cues.  One of the things that was  
5   considering to me is what we call indexing or padding.

6           If you'll notice, Mr. Pressley is adjusting his  
7   waistband on the right side of his body.  This indicates to  
8   me that there's something in his waistband that he's checking  
9   to make sure it's present and it's concealed.

10          Q.   All right.  Go ahead Leslie.  Now, they're  
11   knocking on the door right now.  Do you know who's on the  
12   other side of this door?

13          A.   Yes.   .

14          Q.   Can you tell the Court?

15          A.   If I'm going off memory, the two people I can  
16   remember specifically off done is the deceased Mr. McPherson  
17   and another boy that was inside the residence in the same  
18   living area Mr. Robinson.

19          Q.   Is he considered Mr. Robinson considered a -- a  
20   suspect or a witness?

21          A.   A witness.

22          Q.   Okay.  This person over here that kind of leaves  
23   this group before and does a lap towards the back -- back  
24   here, who's that?

25          A.   That is Mr. Pressley.

1           Q.    Okay.  And that's the Defendant or the -- the  
2 juvenile that's here today?

3           A.    Yes, sir.

4           Q.    All right.  Press play for me, Leslie.  Now, he's  
5 stretching right there, but as he approaches, what do you see  
6 him doing?

7           A.    Can you pause it?

8           Q.    Pause it, Leslie.

9           A.    So actually when you refer to stretching, what I  
10 see from the video and I asked him about in our interview was  
11 an extended firearm and a gun motion making shot like  
12 motions.

13          Q.    And did he acknowledge he was making those  
14 motions?

15          A.    He did.  And he couldn't give any -- or any  
16 reasoning for why he had done that.  Furthermore, you see him  
17 readjust his waistband again when approaching the crowd,  
18 padding, checking, and recovering what I believe to be by my  
19 training experience of firearm.

20          Q.    Did you at any point during your interview with  
21 Mr. Pressley ask him about his possession of a firearm?

22          A.    I did.

23          Q.    And did he at any point acknowledge he had a  
24 firearm?

25          A.    He did.

1           Q.    Press play, please.  Now, Mr. Pressley's in the  
2   back, right?

3           A.    Yes, sir.

4           Q.    Tell me what he's doing right ther.  Pause.

5           A.    The only thing that, my best guess is that he's  
6   retrieving some sort of object to help sis get in the  
7   residence.

8           Q.    From where?

9           A.    From his -- it looks like his right sock.

10          Q.    All right.  Press one.  And what is he doing now?  
11   Pause.

12          A.    It looks like he's manipulating the mechanical  
13   portions of the door to try to get it to open.

14          Q.    Okay.  Now, you interviewed Mr. Pressley and his  
15   Co-Defendant, Mr. Neil; is that correct?

16          A.    That is, sir.

17          Q.    And did you ask them for either one of them or  
18   both about him reaching into his (inaudible)?

19          A.    I did.

20          Q.    And what was the explanation you obtained?

21          A.    One provided explanation that they had an  
22   electronic key fob or they I guess RFID key fob to enter the  
23   residence.  And the other one didn't give me an explanation  
24   of how they got in.

25          Q.    So let me ask you this -- this -- this residence.

1 You say he's got an electronic lock count that we have around  
2 the Courthouse?

3 A. So -- so it's a multi -- or multi apartment in a  
4 singular cohabitating -- conjoining room. So the way the --  
5 the -- the apartment is designed is you enter the initial  
6 front door. There is two separate bedrooms that are singular  
7 owned by different people. You go further down the hallway  
8 and there is a common area which includes a kitchen and a  
9 couch area with a -- with a TV and stuff.

10 And then in that common area, there's two more bedrooms  
11 that go off of that. Each bedroom has its own bathroom  
12 inside of it. And it's basically a, you know, a building  
13 that can -- designed to have four different occupants in a  
14 singular apartment.

15 Q. But to enter this front door, do you need a key?

16 A. You do. And the key for each room will open that  
17 specific door.

18 Q. I understand. Press play for me. Now, you see  
19 him go up, as you said, manipulate the lock. Tell me what  
20 you see at the force as we go.

21 A. So somehow they gave (crosstalk) answers. The  
22 only thing that I can tell from that specific point is force.  
23 Because it looks to me that Mr. Neil is applying force with  
24 his shoulder to enter the -- enter the residence.

25 Q. All right. So after Mr. Pressley reaches into his



1     sock and pulls out whatever he pulls out and then goes to the  
2     door, did he step aside?

3             A.    He did.

4             Q.    And allow Mr. Neil to approach the door?

5             A.    Yes, sir.

6             Q.    And it appears to you Mr. Neil used his shoulder?

7             A.    He does.

8             Q.    Press one.

9             A.    And then you also notice right before he entered  
10    right there, did you see what he did?

11            Q.    Stop (inaudible). No, sir.

12            A.    Go back a little bit and watch Mr. Pressley. He  
13    again re-pads his side checking for weapon placement before  
14    entering the -- the front door. You got to back it up a  
15    little bit more.

16            Q.    It's in evidence. We'll -- we'll let the Court  
17    watch it, but I'm going to ask you this. They go in, they're  
18    all five in there right now. About how long do they stay in  
19    ballpark it for me?

20            A.    Eight to 10 minutes.

21            Q.    All right.

22            A.    Maybe a little less than that.

23            Q.    Yeah, it might be a little less than that I think.  
24    What's the next thing we're going to see detective?

25            A.    Mr. Pressley emerges from the residence and looks

1 both ways.

2 Q. Stop. How do you know that's Mr. Pressley right  
3 there?

4 A. Because of what he is wearing, he's wearing a dark  
5 hoodie with blue jeans and dark shoes and his body stature.

6 Q. What about his interview? Did he admit that's  
7 him?

8 A. He did.

9 Q. All right. What's his explanation as to why he's  
10 sticking his head out and looking on down both sides of the  
11 hallway?

12 A. He was kind of befuddled about the question and  
13 couldn't answer appropriate statement.

14 Q. That's what?

15 A. He said that I think the -- the only thing he  
16 really gave me was he had a weapon on him. He was paranoid.

17 Q. The next thing we see, who's that right there  
18 first coming out?

19 A. Mr. McDonald.

20 Q. Press play. First name?

21 A. Curtis, no.

22 Q. Satarius?

23 A. Satarius.

24 Q. The females?

25 A. It's Floyd and Mag Max first followed by Ms.

1 Floyd.

2 Q. All right. So those three leave and that's right  
3 after Mr. Pressley sticks his head out the door and inspects  
4 the grounds, right?

5 A. Correct.

6 Q. But Mr. Pressley and Mr. Neil are still in there?

7 A. That is correct.

8 Q. Now, you investigated this. What is going on  
9 right now pursuant your investigation? Is -- is ---

10 A. Some kind of potential altercation that led into  
11 the -- the homicide of Joshua McPherson, who received two  
12 gunshot wounds to the center mass of his torso, which he  
13 later bled out inside the residence and died.

14 Q. So Mr. McPherson died on scene?

15 A. He did.

16 Q. Okay. And you placed the time of death right  
17 here?

18 A. I wouldn't be qualified to make that. I know that  
19 when responding officers arrived, he was deceased and they  
20 were performing CPR.

21 Q. We see now people running out, who's running out?  
22 Have you -- have you been able to identify who's running out  
23 now?

24 A. Yes. The first person to emerge from the  
25 apartment is Mr. Pressley.

1           Q.    Okay.  Okay.  Now, Mr. Pressley is wearing -- it  
2 looks like a black hoodie, right?

3           A.    That's correct.

4           Q.    Some jeans?

5           A.    Yep.

6           Q.    Got something in his hand?

7           A.    Yes, he does.

8           Q.    All right.  And do you know what's in his hand?

9           A.    Yeah, there's a firearm.

10          Q.    Did he admit that's a firearm?

11          A.    I don't recall.

12          Q.    Did he admit he had a firearm?

13          A.    He did.

14          Q.    Go ahead and press play for me.  And behind him is  
15 who?

16          A.    That's Mr. Neil.

17          Q.    Now, is there a running, they didn't look like  
18 they were looking up at the camera and smiling.  What were  
19 they doing?

20          A.    Trying to conceal their identity.  And just to  
21 back up just a second your question kind of caught me off  
22 guard.  I had to think about my interview with them.

23          Q.    Sure.

24          A.    And he did admit that the -- the odd object in his  
25 hand was a weapon.  And the defense he gave for the -- the

1     weapon was that he heard the shot and he drew his weapon  
2     because he didn't know if someone was firing at him. So he  
3     exited the structure or the residence with the weapon in his  
4     hand.

5             Q.    Let's talk about that. When you're talking to  
6     him, where did he say he was?

7             A.    He said he was going down to Myrtle Beach for  
8     Memorial Day bike weekend.

9             Q.    From where?

10            A.    From Florence.

11            Q.    So the -- the accused told you that he drove from  
12     Florence with these folks straight to here?

13            A.    Correct.

14            Q.    From Florence, how -- how far away is Florence?

15            A.    About an hour.

16            Q.    Okay. And he said he was coming for what?

17            A.    Memorial Day bike weekend. He said ---

18            Q.    Now, when everything's going on in the house, does  
19     he explain to you where he is in the house?

20            A.    There is some conflicting statements, but yes, his  
21     general overview is that he entered the residence, was in the  
22     living room, a bathroom and potentially the laundry area,  
23     which is right inside the front door.

24            Q.    Did he tell you -- did he tell you what occurred?

25            A.    He said that he didn't knew what -- know what

1 occurred because he was in the bathroom at the time of the  
2 occurrence and ran out.

3 Q. Did you believe he was in the bathroom?

4 A. No, sir.

5 Q. Why?

6 A. Because the interview, he provided a statement  
7 that the reason why he was moving around so much at the  
8 beginning is that he had to utilize the bathroom. And the  
9 totality of the time line, if his statement was he had to use  
10 the bathroom, I would've thought he would've used it as soon  
11 as he entered the residence, but then you see him exit the  
12 residence and look around.

13 And then shortly after you see a huge body change  
14 behavior in the three individuals that left only less than a  
15 minute later. And then the next thing you see is him running  
16 out of a residence with a firearm in his hand.

17 Q. Did he explain why he was running?

18 A. Because he heard the gunshot.

19 Q. Did he say he was in -- where he was when he heard  
20 the gunshot?

21 A. He said -- I believe he said the bathroom, but I  
22 -- I could be mistaken.

23 Q. Okay. But who was the first one you said was  
24 running out of that booth by far?

25 A. It was Mr. Pressley.

1           Q.    Okay.  Do you remember the interview with Mr.  
2   Pressley?

3           A.    I do.

4           Q.    Did you threaten him in any way?

5           A.    No.

6           Q.    Did you promise him anything?

7           A.    I did not.

8           Q.    How was his demeanor during the course of the  
9   interview?

10          A.    At the beginning, I thought -- I feel like he was  
11   pretty cooperative.  He wasn't obvious.  He didn't seem like  
12   hugely concerned about the ordeal or stressed, but his  
13   demeanor did change towards the latter part of the interview  
14   when I started confronting him with some of the harder  
15   questions that he didn't have answers to.

16          Q.    Harder questions.  Do you mean inconsistencies?

17          A.    Correct.

18          Q.    Do you remember any of them?

19          A.    Sorry.

20          Q.    Do you remember any of the inconsistencies, for  
21   example?

22          A.    The bathroom story was inconsistent largely.  How  
23   they entered the residence was inconsistent.  Why they were  
24   there was inconsistent.  Why they were going to Myrtle Beach,  
25   but ended up in Conway was inconsistent.

1           Q.   When you say inconsistent, did different people  
2   you interviewed give different reasons why they were there?

3           A.   They didn't give different reasons. They just  
4   gave different time lines.

5           Q.   Okay. Okay. So Mr. Pressley's story didn't  
6   necessarily match his Co-Defendant?

7           A.   No.

8           Q.   Okay. So when you started confronting him about  
9   these inconsistencies, tell this Court how his demeanor  
10   changed.

11          A.   Frankly, I think he -- he -- at that moment, he  
12   realized that he couldn't outsmart the questioning that he  
13   was getting. And he knew that I knew what was going on. So  
14   then he just began to not be able to answer coherently, you  
15   know, why the reasoning of what things happened.

16          Q.   Were there questions you asked him he did not have  
17   an answer to?

18          A.   Why he's looking out?

19          Q.   What was his answer for that?

20          A.   That he was paranoid because he had a gun. Why  
21   he's running out from a bathroom with a gun, things like  
22   that. How he knows where people were inside the residence,  
23   but didn't go there.

24          Q.   Did you mark -- you did a report on this, right?

25          A.   I did, sir.



1 Q. Rather it lengthy, right?

2 A. Yeah.

3 Q. In the report, did you notate that at some point  
4 he started laughing at you?

5 A. I -- I can't recall, but I'm sure it's -- I --  
6 it's pretty a lengthy report, so I can't remember specifics  
7 of everyone.

8 Q. If you saw your report, would it help you refresh  
9 your memory?

10 A. Absolutely.

11 Q. So let me ask you about this. Did Mr. Pressley  
12 admit -- did he ever tell you there was some kind of  
13 altercation inside the apartment?

14 A. He did. I started a lot of questioning to -- to  
15 try to determine motive and why things happened the way they  
16 did. He had indicated that the other Co-Defendant that was  
17 seen running out with him had past dealings with the -- the  
18 deceased. And that they didn't necessarily get along because  
19 of some of maybe like the potential robberies or thefts they  
20 had done. So there were some issues there.

21 And I think at some point he alluded that there was  
22 some sort of disrespect given to Joshua, woken him up. He --  
23 I think he blew marijuana smoke in his face and smacked him.  
24 And at which point some kind of altercation potentially  
25 occurred. I didn't see any kind of physical evidence to

1 corroborate that.

2 Q. He told you somebody smacked somebody?

3 A. Yeah.

4 Q. But he was in the bathroom?

5 A. Right.

6 Q. How did he reconcile that?

7 A. Didn't.

8 Q. After all of your interviews, you elected to  
9 obtain warrants, what warrants did you obtain from Mr.  
10 Pressley?

11 A. I believe we got his Facebook or the -- the one  
12 that he provided.

13 Q. I mean, arrest warrants, I don't mean search  
14 warrants. What did you charge him with?

15 A. I charged him with murder, burglary, possession of  
16 a weapon during a violent crime, possession of a weapon or  
17 uncertain persons. And that's all I can think of offhand.

18 Q. Tell me what your probable cause was for the  
19 murder charge.

20 A. That I could see in the video body cues that gave  
21 me position that he came there with intent based on his  
22 mannerisms. Also the fact that the time line of which things  
23 occurred it was 4:40 in the morning. They all arrive at a  
24 singular location. They all drive straight to Conway to the  
25 apartment.

1           The homicide occurs within moments of arrival, and then  
2   they go straight back to Florence. To me it seems that it  
3   was singular in nature and they knew exactly why they were  
4   there.

5           Q.   Why did you arrest him for a burglary then?

6           A.   Because they didn't have a lawful right to be  
7   there. They forced entry and a crime occurred there within,  
8   during the evening hours.

9           Q.   And what about the gun charge? Why'd you charge  
10   him with a gun charge?

11          A.   Because of his age, he's not able to possess a  
12   firearm at that age, a handgun. And that the weapon was used  
13   in commission of the crime.

14          Q.   There was talk about a gun jamming during the  
15   course of your interview with Mr. Pressley. Do you remember  
16   that?

17          A.   Yes.

18          Q.   Tell me about that.

19          A.   Said that the -- the weapon that he saw was jammed  
20   in stove -- well, I think stove piped or some verbiage of  
21   that way was given where the ground didn't eject from the  
22   weapon.

23          Q.   Was that relevant to your investigation?

24          A.   It was irrelevant, because during the processing  
25   of the apartment, only a singular shell casing was located

1 for two different fire projectiles.

2 Q. How about the wounds to the victim? How many  
3 wounds did he have?

4 A. He had two.

5 Q. And we'll get into the different caliber in the  
6 victim's body, but so he had two wounds?

7 A. He did.

8 Q. And, but there was only one ejected show casing on  
9 the -- on at the scene?

10 A. Yes, sir.

11 Q. Would Mr. Pressley's explanation of the broken  
12 gun, the jam gun explain why there was only one casing?

13 A. It would.

14 Q. Okay. But again, how did he reconcile knowing  
15 that very specific detailed piece of information if he was in  
16 the bathroom?

17 A. Towards the end of the interview, I advised him  
18 that we had done a search warrant at his residence in  
19 Florence. And during that search warrant, we were -- we  
20 covered a number of things to include a firearm that matched  
21 the description of the video. And he himself indicated that  
22 that weapon was the weapon that was used in the homicide. On  
23 top of that, it wasn't his that he was holding it for the  
24 other Co-Defendant and had not gotten rid of it yet.

25 Q. Is the long and short of it this Mr. Pressley and

1 Mr. Neil point fingers at each other?

2 A. Yes.

3 Q. Okay. I asked you earlier about his demeanor, and  
4 this is your report, if that'll help you remember, refresh  
5 your memory as his demeanor. What was his demeanor whenever  
6 you confronted him with inconsistencies or inculpatory  
7 statements? Was he crying?

8 A. No. The report reads, "I then pull up the video  
9 showing" ---

10 Q. Don't read the report. You can't read the report.

11 A. Okay. I'm sorry

12 Q. If it refreshes your memory, yes or no?

13 A. It does.

14 Q. Okay. Give it back to me. So I don't want you to  
15 be tempted to read it because the little evidence are kind of  
16 particular on this matter. Tell me generally speaking what  
17 his demeanor was?

18 A. Just what I alluded towards the beginning of the  
19 interview, that he just didn't have a care, he was kind of  
20 jovial, smiling about the fact that he was there.

21 Q. Did you notate that he was smiling in your report?

22 A. I did.

23 Q. Were you smiling?

24 A. No.

25 Q. Were you jovial?

1           A.    No, sir.

2           Q.    Let me ask you this question.  When he was talking  
3 to you and you -- did you ask about possible motive?

4           A.    I did.

5           Q.    Did you get an answer from Mr. Pressley?

6           A.    No.

7           Q.    Did he talk to you about where he was from?

8           A.    He did.

9           Q.    Okay.  And how did he -- what -- what did he tell  
10 you about where he is from?  Do you remember?

11          A.    So I tried to understand kind of the dynamics of  
12 his living situation and his -- his upbringing.  He  
13 identified himself as from the west side of Florence as being  
14 a former narcotic street officer.

15          Our general understanding of like how gangs work  
16 normally have substantially changed in the past five to 10  
17 years.  Before you would see a lot of gangs grabbing colors  
18 or sets like blood crips, JX cycles, that kind of thing.  But  
19 what we're seeing now is more of a geographical based gang  
20 nature where it's more of just neighborhoods.  They don't  
21 necessarily claim a gang, a certain set, they just claim an  
22 area.  And that's why I was trying to figure out is was --  
23 was this related to his certain connection to the west side  
24 of Florence or was this -- this an isolated event.

25          Q.    Okay.  And did he ever say anything about Mr. Neil

1 and the deceased having beef?

2 A. He did. He said that the deceased and Mr. Neil  
3 had beef because Neil had been kind of labeled crudely a jack  
4 boy. He was around robbing people of their stuff. So he  
5 wasn't in good favor with the deceased based on his prior  
6 engagements that he had stolen stuff from people that he  
7 knew.

8 Q. So Mr. Pressley knew that there was hostilities  
9 between the deceased and people he was with?

10 A. That's correct.

11 Q. And he went there anyway?

12 A. He did.

13 Q. Did he have an answer for that?

14 A. No.

15 MR. HELMS: Mr. Wilson?

16 MR. WILSON: No objection. No objection, Your Honor.

17 BY MR. HELMS:

18 Q. Showing what's been marked identification as  
19 Plaintiff's 25. What is that, sir?

20 A. This is a still shot of a frame capture from the  
21 surveillance video. It's Mr. Pressley holding what looks to  
22 be a -- a glock handgun.

23 MR. HELMS: Your Honor, if I may?.

24 THE COURT: Thank you. (Inaudible).

25 BY MR. HELMS:

1 Q. Did you show Mr. Pressley that video?

2 A. I did.

3 Q. He acknowledged that stand?

4 A. Yes, sir.

5 MR. HELMS: Nothing further.

6 THE COURT: Cross-exam?

7 CROSS-EXAMINATION

8 BY MR. WILSON:

9 Q. The one thing that -- that you cannot tell us is  
10 who fired a shot in that room, right?

11 A. No, sir. I can't.

12 Q. You don't know. You weren't there?

13 A. I was not.

14 Q. All right. And so you don't know whether -- do  
15 you -- well let me -- let me ask you this. Go back one step  
16 before that. Remember on the video where you say that three  
17 people come running out of the room after Mister -- you say  
18 that Mr. Pressley looks out the door and looks both ways and  
19 then he goes back in and then two people come out?

20 A. Yes, sir.

21 Q. Do you know whether or not the shots had been  
22 fired before they came out or after?

23 A. Technically no, but by reading body language, I  
24 don't believe it has.

25 Q. So that's your theory?



1           A.    That's my opinion based on my training experience.

2           Q.    Okay.  But you don't know that?

3           A.    I don't know, sir.

4           Q.    (Inaudible).

5           A.    No, sir.

6           Q.    In fact, those shots could have been fired and  
7   this victim, Mr. Joshua could have actually been shot prior  
8   to those three individuals leaving the room.  That is  
9   possible is it not?

10          A.    It wouldn't meet the time line, sir.  Not by the  
11   other occupants of the structure.

12          Q.    Well, let's talk about that for a second, because  
13   the total amount of time that these individuals are in this  
14   room is seven and a half minutes, right?  Total.

15          A.    Yes.

16          Q.    From -- from the time the -- first, they approach  
17   the door to the time they actually walk out, the first group  
18   comes out and the time Mr. Pressley you say comes out and  
19   then Mr. Neil is seven and a half minutes total.

20          A.    Yes, sir.

21          Q.    Right.  So they're in the room for less than that  
22   because of at least all five of them are in the room for less  
23   than that time frame, right?

24          So how do you determine that the shots were fired  
25   before those three individuals left the room?  Because I --

1 I'm -- I'm perplexed, how do you know that?

2 A. By the corroborating victims. So the victim on  
3 the couch, the surviving victim says during the altercation  
4 when the shot was fired, he felt and saw the boy run out of  
5 the -- run out of the residence, which meets with  
6 corroborating evidence from the video system that shows  
7 someone running out of the residence. So to my mind by the  
8 investigator, that evidence shows me that the shots occurred  
9 when someone was running.

10 Q. Right. There -- but there were two shots?

11 A. Correct.

12 Q. Not one. So when is the individual that you're  
13 speaking of, when is -- when is it that that person says that  
14 they saw somebody that ran out? Is that after the second  
15 shot or is that after the first shot?

16 A. There was never described in any -- any statement  
17 that there was two volumes of shots.

18 Q. So nobody says that there were two shots, but we  
19 know that (crosstalk).

20 A. I'm not -- I'm not saying there's not two shots,  
21 I'm saying two different times of shooting.

22 Q. No, no, no. Two shots. What -- what we know --  
23 what we know for a fact because the autopsy report shows us  
24 that there are two bullets ---

25 A. Yes, sir.

1 Q. --- in the victim's body, right?

2 A. Yes, sir.

3 Q. One of those shots were fired while the victim is  
4 apparently lying down?

5 A. Correct.

6 Q. Correct? The second bullet is apparently as he is  
7 trying to get up, right? At least that's what the autopsy  
8 says.

9 A. So I -- I don't disagree on the positioning, I  
10 just don't know about the order of operations. I don't know  
11 which one come first.

12 Q. I understand. You don't know which one comes  
13 first. My point simply is there were two shots?

14 A. Correct.

15 Q. All right. And -- and we don't know which shot  
16 was fired first, other than based on what the autopsy would  
17 say, right?

18 A. Yes, sir.

19 Q. You would disagree with the autopsy report?

20 A. No, sir.

21 Q. All right. And you -- you've seen that?

22 A. I have seen the autopsy.

23 Q. Okay. And -- and -- and it's clear from the  
24 autopsy report that there were two shots and in fact the --  
25 the autopsy doctor specifically says in his opinion, there

1     was one shot fired while he was lying down and the second  
2     shot was fired as he was trying to get up apparently, or  
3     trying to sit up, I think is the word he used.

4             A.     Okay.

5             Q.     Now, having said all of that, my question again is  
6     how do you determine, because as I understand it, nobody has  
7     given you a statement saying that they heard two shots,  
8     right? Any -- any witness including their roommates giving  
9     you a statement saying, I heard two shots fired.

10            A.     Correct. Which I would not find unusual.

11            Q.     Okay. Nobody says that, but we know two shots  
12     were fired, right?

13            A.     Correct.

14            Q.     All right. And we don't know, do we? Which of  
15     those shots, not that it is really important, which of those  
16     shots killed the victim? We know that -- we know that he was  
17     killed by the one that went in his heart, right?

18            A.     Correct. Because I ---

19            Q.     But -- but we don't know what order they came in  
20     other than what the report says.

21            A.     I just know that they indicated that the one that  
22     was lower paralyzed him, which to me would say that he  
23     wouldn't be able to get up from there.

24            Q.     Okay. Now, as I understand your testimony, one of  
25     the occupants of the room says that as he was coming out he

1 saw an individual running, correct?

2 A. Yes, sir.

3 Q. Well, he didn't say he saw two individuals  
4 running, right?

5 A. Correct.

6 Q. There's no question based on your video that you  
7 just presented to the Court, according to you anyway, it was  
8 Mr. Pressley who came out first.

9 A. Correct.

10 Q. So this last individual coming out of that room  
11 would've been who?

12 A. Mr. Neil.

13 Q. Mr. Neil. No question about that, right?

14 A. No question.

15 Q. All right. And so we don't know if Mr. Neil had a  
16 gun, right? Because you don't see one on the video, right?

17 A. No, sir.

18 Q. Okay. But he could have had it in his pocket,  
19 right?

20 A. Yes, sir.

21 Q. So we don't know that. Now ---

22 A. There's statements that -- that he had it, but  
23 he's never self admits that he had it.

24 Q. Right. Okay. There are statements that he had.  
25 Now, let me see if I understand this part of it. You

1 actually had a conversation with -- with Mr. Pressley here --

2 -

3 A. Yes, sir.

4 Q. --- right?

5 A. Yes, sir.

6 Q. And you read him with Miranda, I'm sure?

7 A. Yes, sir.

8 Q. And you video and audio taped the conversation you  
9 had with him?

10 A. Yes, sir.

11 Q. All right. And you didn't threaten him to that  
12 name, solicitor asked you all that he, you didn't remember  
13 anything?

14 A. No, sir.

15 Q. And he gave you a statement?

16 A. Correct.

17 Q. You just didn't believe him a lot of it, but he  
18 gave you one, right?

19 A. Yes, sir.

20 Q. All right. Now, and -- and when was it that you  
21 arrested him or had him come to however it was, I think you  
22 all went out and did a search warrant in Florence. Is that  
23 what ---

24 A. So ---

25 Q. --- Florence knew what?

1           A.    We -- no, we were there.  We assisted with the  
2   probable cause and Florence executed the search warrant at  
3   the residence.

4           Q.    Okay.

5           A.    But we also, prior to the search warrant, had a  
6   DJJ pickup order for him also.

7           Q.    Okay.  All right.  So when you all went out to the  
8   house, you already had the pickup order?

9           A.    Yeah, we were looking for him.

10          Q.    Okay.

11          A.    That was -- it was a two-pronged attack.

12          Q.    Okay.  All right.  All right.  And -- and when you  
13   got the -- execute the search warrant, was he at the house?

14          A.    He was not.

15          Q.    Okay.  Did you execute the search warrant?

16          A.    We did.

17          Q.    All right.  And did you find the backpack?

18          A.    We did, sir.

19          Q.    All right.  And did you find two guns in that  
20   backpack?

21          A.    We did.

22          Q.    Okay.  And you said something earlier to the  
23   solicitor about the fact that there was a gun in that -- that  
24   had a jammed shell in it or I think it was a shell or shell  
25   casing.

1           A.    There was nothing jammed in the weapon.

2           Q.    There was nothing jammed in the weapon?

3           A.    No.

4           Q.    All right. All right. Well, you said at earlier  
5 that there was only one shell casing found at the scene?

6           A.    Correct.

7           Q.    Okay. Did you ever find the second shell casing?

8           A.    No, we didn't.

9           Q.    All right. Now, and your theory about that was  
10 what? I think you said something about a gun jamming. Is  
11 that what you said?

12          A.    A weapons malfunction.

13          Q.    Yes, a weapons malfunction. Well, what about --  
14 what about a revolver?

15          A.    That could potentially answer it too.

16          Q.    Yeah. Could somebody could have had a revolver,  
17 right?

18          A.    Yes, sir.

19          Q.    And fired the shot and then it wouldn't be a shell  
20 casing, a second shell casing?

21          A.    Correct.

22          Q.    Okay. Now, the gun, because I know it's damage to  
23 say, oh, I saw him coming out with a gun out of the room.  
24 There is absolutely no factual proof, scientific proof that  
25 the guns that you found in his backpack were the gun that



1       were -- that killed the victim.

2           A.    I believe that there are some evidence that eludes  
3       to that, but I'm not qualified to make that determination.

4           Q.    Let me ask you this way, did you not send the guns  
5       to SLED to have them tested?

6           A.    Yes, sir.

7           Q.    All right.  Because you wanted to know whether or  
8       not the gun that was in his backpack was in fact the gun that  
9       killed Mr. Joshua, right?

10          A.    Yes, sir.

11          Q.    (Inaudible).  Yes.  And SLED did not confirm that,  
12       correct?

13          A.    They did not.  Are you saying they did not confirm  
14       the weapon that we found was the weapon used?

15          Q.    That is correct.

16          A.    They did not confirm nor deny it.

17          Q.    Yeah, sorry.  That's right.  All right.  Now, let  
18       me ask you, when you arrested Mister -- Mr. Pressley, did you  
19       do a tarin test on his hands?

20          A.    No.  It would've been inappropriate.

21          Q.    Okay.  Because of time frame?

22          A.    Yes, sir.

23          Q.    And how long had it been since the shooting ---

24          A.    Three days.

25          Q.    --- (inaudible) before you arrested?

1           A.    Three days, yes, sir.

2           Q.    Okay. All right. Did he ever admit to you or to  
3 anyone else that you know of that he fired a shot while he  
4 was in that house?

5           A.    No, sir.

6           Q.    All right. Now, there were some parts of Mr.  
7 Pressley's story that you say that, you know, just didn't add  
8 up to you based on your experience. And it's not unusual is  
9 it for a Defendant when you're cross-examining them or when  
10 you're interrogating them, let me use that word, instead of  
11 cross-examining because what that's -- there's difference,  
12 right? Not much.

13          A.    Not much. Yeah. I would say there's two phases.  
14 There is an interview and interrogation portion.

15          Q.    Okay. But during the interrogation part of it he  
16 -- was some -- was cooperative with you and -- and then I  
17 think you said at some point you, he was just saying things  
18 that didn't add up?

19          A.    Yes, sir.

20          Q.    And that's not unusual, is it?

21          A.    No.

22          Q.    When -- when you're dealing with Defendants that  
23 you've arrested?

24          A.    No, I -- it's very -- very rare.

25          Q.    Fairly common, right?

1           A.    Yes, sir.

2           Q.    All right.  Most -- most of the time that's the  
3   way it's going to work out.  They're not going to just come  
4   and fess up.

5           A.    No, sir.

6           Q.    So to speak.  All right.  All right.  Did he fight  
7   you or did he resist your arrest in any way when you -- when  
8   you all approached him?

9           A.    No, he is a very cooperative young man.

10          MR. WILSON:  Okay.  All right.  Give me one second,  
11   Your Honor.

12          THE COURT:  Uh-huh.

13          BY MR. WILSON:

14          Q.    Did you have a conversation with Mr. Neil as well?

15          A.    I did, sir.

16          Q.    All right.  Did Mr. Neil admit to you that he had  
17   a gun?

18          A.    No, sir.

19          Q.    All right.  But other people who were there admit,  
20   they explained, they agreed that he did have a gun, right?

21          A.    Your client did.

22          Q.    Okay.  All right.  Anybody else?

23          A.    I don't believe there was any more statements that  
24   he -- that Mr. Neil had a weapon.

25          Q.    Okay.  All right.  Now, and I don't want to get

1 too far into this, but you said something about Mr. Neil  
2 having a beef with Mr. McPherson?

3 A. Yes, sir.

4 Q. And do you have any idea what that beef was? Did  
5 they tell you what that beef was?

6 A. So, Mr. Neil never alluded in my interview with  
7 him, the issues between him and Mr. McPherson. The only  
8 indication I had was from Mr. Pressley about the -- the  
9 issue.

10 Q. Okay. What about the other three people in the --  
11 in the car in that way in the car? Did you ever talk to  
12 them?

13 A. I did.

14 Q. Okay.

15 A. And they were pretty much the same sheet of music  
16 that they were going to Myrtle Beach for bike week. And they  
17 were there for a music video and somehow they ended up at  
18 this house in 544.

19 Q. Okay. Did anybody tell you that there was any  
20 plan to shoot somebody when they got there?

21 A. No, sir.

22 Q. Did anybody say that?

23 A. No.

24 MR. WILSON: I -- I don't have any other questions.

25 Thank you.

1 MR. HELMS: Real quick, Judge, just on that.

2 RE-DIRECT EXAMINATION

3 BY MR. HELMS:

4 Q. Mr. Wilson asked you about the circumstances  
5 around the arrest of -- of Mr. Pressley. Did you talk to  
6 him?

7 A. I did.

8 Q. And what was the substance of that conversation?

9 A. I advised her that he was wanted in questioning to  
10 have incident that occurred in Conway and that we -- she  
11 needed to bring him to us.

12 Q. Did you tell her it was a murder?

13 A. I can't recall if I did or not at the time. I  
14 think at that point I may have kept that under wraps, hoping  
15 that she wouldn't hide them from us.

16 Q. Uh-huh. And you instructed her or ask her to  
17 bring them to?

18 A. Yes.

19 Q. Did you say she would?

20 A. She did.

21 Q. Did she?

22 A. I don't know if her intent was to, but she did not  
23 physically.

24 Q. That's what I'm asking. Did she ever bring him  
25 like she said she would?

1 A. No.

2 Q. Okay.

3 A. She -- she left North Carolina and went to a  
4 lawyer's office in Florence when we were tracking her and at  
5 that point we apprehended him in the parking lot because I  
6 was tracking her.

7 Q. So you arrested him by tracking his mother's  
8 phone?

9 A. Yes.

10 Q. Okay. He -- Mr. Wilson made a big deal about  
11 revolver. It could have been a revolver. Did Mr. Preston  
12 say it was a revolver -- revolver?

13 A. No, sir.

14 Q. Did he say there was a gun? Did he (inaudible)?

15 A. Gun attempted.

16 MR. HELMS: All right. No further question.

17 THE COURT: Thank you.

18 MS. LIVESAY: We ask for him to be excused, Your Honor.

19 MR. WILSON: No objection, Your Honor.

20 MS. LIVESAY: He's got other law enforcement things.

21 THE COURT: Okay. You are excused. Thank you.

22 MR. HUGGINS: Thank you, Your Honor.

23 MS. LIVESAY: Your Honor, at this time we would call  
24 Investigator Ginger Pop.

25 THE COURT: Okay.

1 MS. LIVESAY: Thank you.

2 THE COURT: Come up to the Bible and put your left hand  
3 on the Bible and raise your right.

4 GINGER POP,

5 having been first duly sworn, testified as follows:

6 THE COURT: All right. If you'll have a seat and  
7 please state your full name for the record.

8 THE WITNESS: Ginger Pop, P-O-P.

9 DIRECT EXAMINATION

10 BY MS. LIVESAY:

11 Q. Ms. Pop, where are you employed?

12 A. With the Solicitor's Office here.

13 Q. And where's here?

14 A. The 15th Judicial Circuit Solicitor's Office.

15 Q. And how long have you been employed with the  
16 solicitor?

17 A. A little over 10 years.

18 Q. And where were you employed prior?

19 A. Prior to that in 1999, I was with the Department  
20 of Natural Resources, so with them about 10 years. And then  
21 I went to Georgetown County Sheriff's Office, was with them  
22 approximately three years, concentrated in crimes against  
23 children and then I came here.

24 Q. And what are your responsibilities here?

25 A. As an investigator here, we kind of do trial prep,

1 we get cases ready, follow up on what a previous investigator  
2 hasn't done, interviews, subpoena service, proffers, search  
3 warrants.

4 Q. Thank you. And have you assisted on the case with  
5 Micah Pressley?

6 A. Yes.

7 Q. And did you conduct an interview to assist on Mr.  
8 Pressley's head?

9 A. Yes.

10 Q. And who did you talk to?

11 A. Marian Robinson Junior.

12 Q. And who is Marian Robinson Junior?

13 A. He was an individual inside the apartment who was  
14 asleep on a chair and the victim was on the couch.

15 Q. And tell the Court what Mr. Robinson told you.

16 A. Mr. Robinson advised me that he, the victim, Josh  
17 McPherson and another individual, I can't remember his name,  
18 I think it was Trayvon had come down all together in one  
19 vehicle for a birthday party and had gone to this specific  
20 apartment.

21 And that on the night in question, he was asleep on the  
22 couch or in a chair, and the victim, Josh was on the couch.  
23 He was awakened by a guy he called Fanati who dabbed him.  
24 And I took that as a fist pump. He said he dabbed him. He  
25 put the covers kind of back over his head. He then doesn't



1 recall a time, but there was, what he says was wrestling.

2           So when he pulled the blanket down he said there was a  
3 guy wearing a black hoodie and had a black gun and was  
4 standing over by the sliding glass doors. And that he shot  
5 Josh. He said he pulled the covers back up. He felt the  
6 person run by. After that happened, he pulled the covers  
7 down, went to check on Josh, and then a girl named Shakira  
8 Rose called 911.

9           Q. Okay. And so in your conversation with him, did  
10 he say right after the shooting somebody ran past him?

11          A. Yes.

12          Q. Okay. So there's no delay between the shooting  
13 and when the person runs past him?

14          A. No, not according to his conversation with me.

15          Q. Okay. And after the person runs past him, what  
16 does he do?

17          A. He gets up and, you know, takes the covers down,  
18 goes checks on Josh. I believe he said Josh was on the  
19 floor. I can't recall exactly. And then he got Shakira to  
20 call 911.

21          Q. Okay. And how did he describe the person he saw  
22 that shot Josh McPherson?

23          A. He said he was wearing a black hoodie and that the  
24 gun was black.

25          Q. And I'm going to show you now Plaintiff's Exhibit

1 25. Is that person wearing a black hoodie and got a black  
2 gun?

3 A. Yes.

4 Q. And did he -- could he say whether or not that  
5 person was Fanati if you know?

6 A. No, he could not say that.

7 Q. Okay. So he didn't know anything about the  
8 shooter other than a black sweatshirt and a black gun?

9 A. Yes, ma'am.

10 Q. Okay. Now, did you also -- as part of your  
11 investigation did you see the evaluation done? The juvenile  
12 evaluation?

13 A. I did.

14 Q. And did that evaluation mention a man that was  
15 involved in a relationship with Micah's mother?

16 A. Yes, ma'am.

17 Q. And he had been in a relationship since Micah was  
18 five years old?

19 A. Since he was very young, yes, ma'am.

20 Q. Okay. And did he at times live at this residence  
21 with Micah?

22 A. Yes, ma'am.

23 Q. Okay. And as part of the investigation, did you  
24 look into that?

25 A. Yes, ma'am. The name in the report was a Deloran

1 Liars that -- my speculation is, that was a typo. I  
2 discovered a man by the name of Deloran Myers who confirmed  
3 that he dated Mr. Pressley's mom, Melissa Pressley since he  
4 was about the age of five or six. And he confirmed his date  
5 of birth, Social Security, and that they had lived together  
6 on and off and he'd been a part of his life since then.

7 Q. And did you use that social security and date of  
8 birth to further look into the incident?

9 A. Yes, ma'am.

10 Q. And what did you find?

11 A. I ran an NCIC on this gentleman, and it's -- it's  
12 lengthy. It's 32 pages.

13 Q. I mean.

14 A. 32.

15 Q. And does he have any pending charges now?

16 A. Unless it's been resolved, and I don't know that  
17 it's been resolved. He has a current accessory after the  
18 fact of murder from 2020.

19 Q. Okay. And he had a prior record, didn't he ask --  
20 see about 30 so pages?

21 A. 32 pages.

22 MR. WILSON: Your Honor, I -- I don't understand the  
23 relevance and maybe I'm missing something of what Mr. Liars  
24 or Myers or whatever his name is, what his record is, how  
25 does that have any value on this?

1           MS. LIVESAY: The evaluation mentions that the mother  
2     says she was engaged to this man and that they were living  
3     together, had a relationship, and the evaluator says that the  
4     mother is -- is a source of someone that she believes would  
5     contribute to the rehabilitation of Mr. Pressley.

6           And of course, our argument is that the mother has  
7     brought someone's life that -- into his life and therefore  
8     these characteristics or elements that she believes would  
9     lead to rehabilitation or that he is not a threat to the  
10    community. Our argument is those aren't yes.

11          MR. WILSON: First -- first of all, Your Honor, his  
12    mother is deceased. She is -- she died since he was  
13    arrested. So that situation doesn't even exist anymore. For  
14    her -- for him to go home to a situation where Mr. Myers  
15    would be, or Liars or whatever his name is, that's the first  
16    thing.

17          But secondly, and even more importantly, even if  
18    everything she says is correct, there acts absolutely no  
19    bearing on whether or not he committed some crime for which  
20    he is being considered for waiver.

21          THE COURT: I -- I would agree. I'm going to sustain  
22    his objection.

23          MS. LIVESAY: Thank you, Your Honor. And -- and just  
24    for the record, we were looking at the number six kid  
25    pattern.

1 MR. WILSON: The sophistication and pattern of living  
2 of the juvenile, Your Honor.

3 THE COURT: Thank you. I'm going to sustain the  
4 objection.

5 BY MS. LIVESAY:

6 Q. Ms. Pop, did the eye witness at any time indicate  
7 to you that there were two different time frames when there  
8 was a shooting?

9 A. No.

10 Q. And he indicated to you right after he sees and  
11 hears the gunshot, the person runs out?

12 A. Yes, ma'am.

13 Q. And right after that he's checked it on Joshua  
14 McPherson?

15 A. And Ms. Rose is calling 911.

16 Q. Okay. And that person had on a black hoodie and a  
17 black gun?

18 A. Yes, ma'am.

19 Q. And was he 100 percent on that?

20 A. Yes, ma'am.

21 MS. LIVESAY: No further questions, Your Honor.

22 THE COURT: Thank you. Cross-examine?

23 CROSS-EXAMINATION

24 BY MR. WILSON:

25 Q. Ms. Pop?

1           A.    Yes, sir.

2           Q.    Now, and I understand you worked for the  
3   solicitor's office and you're their investigator.

4           A.    Yes, sir.

5           Q.    But that's -- that's a second about what this  
6   witness said to you. And I know all this is hearsay and  
7   we're having to take your word for what you say he said?

8           A.    Yes, sir.

9           Q.    And I assume you recorded the conversation?

10          A.    I did not.

11          Q.    You did not. All right. Will -- did you read him  
12   Miranda before you took the statement?

13          A.    From Mr. Robinson?

14          Q.    Yes.

15          A.    No, sir.

16          Q.    So he was in the room when the shooting occurred.  
17   No question about that, right?

18          A.    There's no question about that.

19          Q.    Right. And so you don't know -- you don't have  
20   any proof that he didn't fire the shot, right? I'm just  
21   asking.

22          A.    My understanding, Mr. Wilson, based on the  
23   investigation that was done, that he wasn't charged with a  
24   crime, nor was he suspected of a crime in this case.

25          Q.    That wasn't my question. That was not my

1 question. My question was, you don't know that he -- because  
2 you said he was in the room based on what your conversation  
3 with him was, he was clear in the room when this happened.

4 A. Yes, sir.

5 Q. So he could have fired a shot, right? You don't  
6 know.

7 A. I don't know.

8 Q. All right. Okay. That's fair enough. All right.  
9 Let -- let's move on to something else. What I wanted to  
10 really ask you about is assuming Mister -- assuming Mr.  
11 Marion, what was his name?

12 A. Robinson Junior.

13 Q. Mr. Robinson. Assuming Mr. Robinson is telling  
14 you a correct version of what he says happened under his  
15 story -- under his story, he only saw one person run out of  
16 that room, right?

17 A. I don't believe he said he saw the person run out  
18 of the room. He felt the person run by him.

19 Q. Felt the person run by him?

20 A. Yes, sir.

21 Q. And run out of the room, but when -- does he ever  
22 say that there is a second person in the room when he takes  
23 the cover off of his face?

24 A. When he takes the cover off of his face after he  
25 hears wrestling, he -- is that what you're asking?

1           Q.    No, my understanding of what you told the  
2   solicitor was, was that he was laying on the couch or  
3   wherever he was laying and that there was some guy standing  
4   by the -- the window who had a gun and that guy shoots Mr.  
5   McPherson and then the guy passes him and runs out the door.  
6   That was my understanding of what you said.  If that's not  
7   correct, please correct me.

8           A.    So let me just make sure that I'm clear -- that I  
9   spoke properly.  It was my understanding that Mr. Robinson  
10  was in a chair sleeping and was awakened.  And it was a young  
11  person by the name of Fanati.  Fanati dabbed him, which I  
12  took was a knuckle punch.

13           And then he says he kind of went back to sleep and I  
14  think he had the covers over his face at that point in time.  
15  Then he hears wrestling, he pulls the covers down, he sees a  
16  person wearing a black hoodie and a black gun standing over  
17  by a sliding glass doors.  That person shoots Josh McPherson.  
18  He pulls the covers back over himself and he feels that --  
19  feels somebody run by him.  He feels ---

20           Q.    Yeah.

21           A.    --- somebody run.

22           Q.    One person, right?

23           A.    He feels -- he feels a person run by him.

24           Q.    That's right.  He feels a person.  And when he  
25  takes the cover from over his eyes, he doesn't see anybody



1     else in that room, right?

2           A.    No, he says he went to check on, I did not ask him  
3     if he saw anybody else in the room.  He said he went to check  
4     on Josh.

5           Q.    Well, wouldn't that be an important detail if he  
6     hears, if -- if one person -- if -- if -- if he hears the  
7     shots and somebody runs past him, wouldn't he want to?  
8     Wouldn't it be important at that point to one try to see who  
9     it was that run past him?  But even if you're scared when you  
10    wake up or when you take a hoodie from the cover from over  
11    your face, you want to know whether there's other person in  
12    that room with a gun trying to shoot you, right?

13          A.    I mean, I'm speculating, but he seemed like he was  
14    very scared and that's why he kept covering his face.

15          Q.    Well, but if he's scared, wouldn't he know that  
16    may be more important that he would know -- want to know that  
17    there ain't somebody else in that room with him who might do  
18    him harm if somebody just shot Mr. McPherson, right?

19          A.    I would assume that the room went quiet.  That  
20    maybe he -- but I -- I'm just speculating.

21          Q.    Yeah.  But at no time does he tell you that there  
22    was two people in the room when he pulled the cover and saw  
23    the man standing over by the window with the gun, that there  
24    were two people in the room and that two people ran out of  
25    the room.  He doesn't ever say that, does he?

1           A.    He told me he dabbed Fanati and that he saw then,  
2    you know, the next thing he saw was a person wearing a black  
3    hoodie with a black gun.

4           Q.    My question, he said -- did he ever tell you that  
5    he saw two people run out of the room or leave the room once  
6    he pulled the cover from over his face?

7           A.    He never told him he saw anybody run out of the  
8    room.

9           Q.    So now he didn't see nobody run out of the ---

10          A.    He felt somebody run out of the room.

11          Q.    He felt somebody. And so -- and he felt one  
12    person, or did he say he felt nine people?

13          MR. HELMS: Objection, Your Honor. At this point, he's  
14    badgering his asked and answered. Can we move on?

15          THE COURT: It's -- it's asked and answered. Let's  
16    move on.

17          MR. WILSON: All right, Your Honor.

18    BY MR. WILSON:

19          Q.    All right. So after Mister -- Mister ---

20          A.    Robinson?

21          Q.    Robinson. After saw Mr. Robinson pulls the cover  
22    from over his head, then he then goes to give aid to Mr.  
23    McPherson, right?

24          A.    He goes to check on him, yes, sir.

25          Q.    Okay. And -- and then they call the police?

1           A.    Yes, sir.

2           Q.    There's no evidence that anybody else came in the  
3    room that is from the outside after that point, right?  
4    Before the police got there?

5           A.    I don't have that information.  I -- I -- I'm  
6    telling you about my conversation ---

7           Q.    Okay.

8           A.    --- with Mr. Robinson.

9           Q.    Let me ask you this, did you try to show Mister --  
10   Mr. Robinson a photographic lineup?

11          A.    Did I?

12          Q.    Yes.

13          A.    No, sir.  This was a -- a phone interview on  
14   January the 9th of this year, and I believe Mr. Robinson's  
15   mother was also in the background during this conversation.

16          Q.    Okay.  All right.  So you never -- my question  
17   though is did you show him -- did you attempt to show him a  
18   lineup?

19          A.    No, sir.

20          Q.    The answer is no.  All right.  All right.  So he  
21   didn't -- he didn't say that the man that ran out of that  
22   room or ran past him, or the person that came past him was  
23   Micah Pressley?

24          A.    I may be misspeaking, but it seems like his  
25   impression is the person with the black hoodie with the black

1 gun was the person who ran by him, but I may be misspeaking.

2 Q. Okay. All right. That was your impression?

3 A. Yes, sir.

4 Q. All right. Now, did you ask him whether or not he  
5 saw any shell casings on the floor after the shot was fired?

6 A. I don't recall asking him that question. No, sir.

7 Q. The -- the other thing was -- and -- and -- and --  
8 and which I'm curious about here is, as I understand it, the  
9 person, the shooter was over by a window, right?

10 A. A sliding glass door?

11 Q. Yes, ma'am. Sliding glass door, window, whatever  
12 you want to call it.

13 A. That's his recollection, yes, sir.

14 Q. All right. How far is that sliding glass door  
15 from the couch where Mr. McPherson was?

16 A. I don't know the answer to that.

17 Q. Okay. How far was the sliding glass door and the  
18 man with the gun and the hoodie from where Mr. Marian  
19 Robinson was?

20 A. I don't know the answer to that. I can only  
21 assume it's a college apartment that it's, you know, it's not  
22 as large as the average home and they tend to be smaller, but  
23 I don't know the measurements.

24 Q. Okay. So we don't know?

25 A. I don't know.

1           Q.   All right. Well, did you ask -- you didn't -- and  
2   you -- that's not a question that you asked Mister ---

3           A.   How far was it?

4           Q.   Uh-huh.

5           A.   No, sir.

6           Q.   All right. All right. Did you ever ask him when  
7   he woke up or pulled the covers from over his face or  
8   whatever it was that he saw the man standing by the -- the  
9   glass window. Did you ever ask him, did he see or hear  
10   anybody else in the room other than the man standing by the  
11   glass window with the gun?

12          A.   I don't recall asking him that question.

13          MR. WILSON: I don't have any other questions..

14          THE COURT: Re-direct?

15          MS. LIVESAY: No further questions, Your Honor. We ask  
16   for her to be excused.

17          MR. WILSON: No objection, Your Honor.

18          THE COURT: All right. You're excused. Thank you.  
19   You have any more witnesses (inaudible)?

20          MS. LIVESAY: Yes, Your Honor. At this -- at this time  
21   the State wishes to call Ben Price.

22          THE COURT: And how many more witnesses do you all  
23   have?

24          THE SOLICITOR: Ma'am, how many more?

25          MR. HELMS: Three more, Your Honor.

1 MS. LIVESAY: (Inaudible) three witnesses.

2 THE SOLICITOR: Three.

3 MS. LIVESAY: Just trying double check, but I tell you  
4 that ---

5 MR. HELMS: That's right.

6 MS. LIVESAY: Okay. All right.

7 ROBERT BENJAMIN PRICE,

8 having been first duly sworn, testified as follows:

9 THE COURT: All right. Have a seat. And please state  
10 your full name for the record.

11 THE WITNESS: I'm sorry, I'm a little hoarse as well,  
12 but my name is Robert Benjamin Price.

13 THE COURT: Thank you.

14 DIRECT EXAMINATION

15 BY MS. LIVESAY:

16 Q. And, Mr. Price, where are you employed?

17 A. The Florence County Sheriff's Office.

18 Q. Okay. And I -- I'm not going to get all into your  
19 background, but you are a class one officer and execute  
20 search warrants and make arrest?

21 A. That's correct.

22 Q. Okay. And did you have an occasion to assist on  
23 Micah Pressley's case?

24 A. Yes.

25 Q. And as part of that assistance, did you assist in

1     executing a search warrant at Mr. Pressley's house?

2             A.     Yes.

3             Q.     And in fact, the pictures were taken to document  
4     what was taken from the home; is that correct?

5             A.     Yes.

6             Q.     Okay. Now, Mr. Wilson's looking through the  
7     pictures, but am I correct the two handguns were found?

8             A.     That's correct.

9             Q.     And am I correct that a black hoodie was found?

10            A.     That's correct.

11            Q.     And am I correct that the jeans that matched the  
12     video Mr. Pressley were located?

13            A.     I -- I -- I haven't seen the video. I just --  
14     there were some jeans that were taken.

15            Q.     Okay. And -- but a black hoodie was taken?

16            A.     Yes.

17            Q.     And a black gun was taken?

18            A.     Yes.

19            Q.     And all that was documented on the photo?

20            A.     That's correct.

21            Q.     And the photos I'm showing you now ---

22            MR. WILSON: Your Honor, just for the record, I have no  
23     objection to any of the photos that'll show the circuit, so  
24     you don't have to go through that.

25            MS. LIVESAY: All right. Thank you.

1 BY MS. LIVESAY:

2 Q. So these photos, just for the Judge's  
3 recollection, you've already reviewed all those photographs  
4 of the items we just discussed?

5 A. Yes.

6 Q. And those are the -- the photographs you all took  
7 from the search warrant?

8 A. That's correct.

9 Q. Okay. And tell this Judge here what we're looking  
10 at.

11 A. This is the front of the residence at 1804 Battle  
12 Borough Court, which is in Florence, Florence County.

13 Q. Okay. And in fact, at some point in that, ouch,  
14 you found an identification for Mr. Pressley; is that  
15 correct?

16 A. That's correct.

17 Q. And what are we looking at here?

18 A. When you walk into the front door, when you turn  
19 to the right, there is a couch that was up against the wall  
20 by the front wall. This is a TV that would be perpendicular  
21 to the end of that couch. Up under that TV is a brown and  
22 color glock handgun, I believe a model 19x.

23 Q. That's the gun you found?

24 A. Yes.

25 Q. And was it collected?



1           A.    It was.

2           Q.    And did it have ammunition in it?

3           A.    Yes.

4           Q.    Now, what are we looking at now?

5           A.    It's the bedroom.  That's -- we keep going further  
6 past that way and there's a -- a bedroom to the right.  And  
7 this is where we believe to be Mr. Pressley's room or where  
8 he slept.

9           Q.    Okay.  But this is just an overall room?

10          A.    Yes.

11          Q.    Okay.  Nothing's been touched yet?

12          A.    It doesn't appear, so.

13          Q.    Okay.  And what are you looking at here?

14          A.    It was a -- a box that was next to the bed serving  
15 as a, I guess a nightstand type situation.

16          Q.    Okay.  And -- and what sit here in the little box?

17          A.    There's some loose ammunition there.

18          Q.    And -- and what is this here?

19          A.    It appears to be a digital scale.

20          Q.    And is this what's in the box?

21          A.    That's correct.

22          Q.    And that's ammunition?

23          A.    Yes.

24          Q.    And ---

25          MR. WILSON:  Your Honor.

1 BY MS. LIVESAY:

2 Q. --- is you located in Mr. Pressley?

3 MR. WILSON: Solicitor, Your Honor, it would just be  
4 helpful to me if like when she does these pictures, if she  
5 tells me what the exhibit number is.

6 THE COURT: Sure.

7 MR. WILSON: So that I can keep up with it.

8 THE COURT: Thank you.

9 MS. LIVESAY: We're looking now at number 10.

10 (Plaintiff's Exhibit 10 was marked for identification.)

11 BY MS. LIVESAY:

12 Q. And that's a backpack that was found in Mr.  
13 Pressley's room?

14 A. Yes.

15 Q. And did you all look in the backpack?

16 A. We -- I'm sorry, yes.

17 MS. LIVESAY: And this is State's Exhibit number 11.

18 (Plaintiff's Exhibit 11 was marked for identification.)

19 BY MS. LIVESAY:

20 Q. And what do you see in the backpack?

21 A. It appears to be a black and color handgun.

22 Q. Okay. And do you take the handgun out and  
23 photograph it?

24 A. Yes.

25 MS. LIVESAY: Next picture is Plaintiff's Exhibit

1 number 12.

2 (Plaintiff's Exhibit 12 was marked for identification.)

3 BY MS. LIVESAY:

4 Q. And -- and -- and is that ammunition the bullet  
5 that came out of the gun?

6 A. I would -- I would assume so, but I can't say  
7 because I didn't actually -- I did not physically remove the  
8 gun from the backpack, so.

9 Q. I understand, but you know that that gun was  
10 collected from the house in that backpack?

11 A. Yeah, that's the gun from the backpack.

12 Q. Okay.

13 A. I saw it. I just didn't take it out.

14 MS. LIVESAY: I understand. And I'm looking at number  
15 13.

16 (Plaintiff's Exhibit 13 was marked for identification.)

17 BY MS. LIVESAY:

18 Q. Is that the serial number associated with that  
19 black gun?

20 A. Just to be sure. Can I look at my ---

21 Q. Sure.

22 A. --- notes?

23 Q. So begin.

24 A. That's correct. That's the -- this matching  
25 serial number.

1 Q. Okay. So the black gun and the hoodie xxxback?

2 A. That's correct.

3 MS. LIVESAY: Okay. And the next picture is State's  
4 Exhibit 14 -- Plaintiff's Exhibit 14.

5 (Plaintiff's Exhibit 14 was marked for identification.)

6 BY MS. LIVESAY:

7 Q. And what's that picture of?

8 A. It appears to be a -- a black hoodie.

9 Q. Okay. And you can -- can you see the little,  
10 hoodie strange right there?

11 A. Yeah.

12 MS. LIVESAY: Okay. A black hoodie. And I'm showing  
13 Plaintiff's Exhibit 15.

14 (Plaintiff's Exhibit 15 was marked for identification.)

15 BY MS. LIVESAY:

16 Q. What is this a photograph of?

17 A. It was like a -- like a laundry rack because  
18 someone would hang clothes up and it's some -- some clothing  
19 there.

20 MS. LIVESAY: Okay. And can we get the next one  
21 please? This is Plaintiff's Exhibit 16.

22 (Plaintiff's Exhibit 16 was marked for identification.)

23 BY MS. LIVESAY:

24 Q. Was that a pair of jeans that were located in the  
25 house?

1           A.    Yeah, they were on the rack and that's what the  
2   Conway Police Department was interested in those jeans.  So  
3   we took them down and placed them on the bed to photograph.

4           Q.    And that's because Conway Police Department were  
5   interested in those jeans?

6           A.    That's correct.

7           Q.    And were they also interested in the black hoodie?

8           A.    They were.

9           Q.    And were they interested in the black gun?

10          A.    Yes.

11          MS. LIVESAY:  Okay.  And I'm showing now Plaintiff's  
12   Exhibit 17.

13          (Plaintiff's Exhibit 17 was marked for identification.)

14   BY MS. LIVESAY:

15          Q.    What is that?

16          A.    It was like and beside the bed, like a I'm not  
17   really good with furniture descriptions.  I guess like an  
18   extended nightstand I guess you could say.  And it's got an  
19   ID of Mr. Pressley from West Florence High School.

20          MS. LIVESAY:  Okay.  Can you show the next one and what  
21   are we looking here Plaintiff's Exhibit number 18.

22          (Plaintiff's Exhibit 18 was marked for identification.)

23          THE WITNESS:  It's a student identification card,  
24   2021/2022 for Micah Pressley.

25   BY MS. LIVESAY:

1 Q. Okay. And so what was located at the house was  
2 Mr. Pressley's ID that correct?

3 A. That's correct.

4 Q. A black hoodie, a black gun?

5 A. That's correct.

6 Q. And some jeans?

7 A. That's correct.

8 Q. Along with another firearm?

9 A. That's correct.

10 THE COURT: Did you move those into evidence?

11 MS. LIVESAY: (Inaudible).

12 THE COURT: Thank you.

13 MR. HELMS: Did you move those into evidence?

14 MS. LIVESAY: Yes, I -- I was going to (inaudible) I  
15 thought she said no ---

16 MR. WILSON: No objection.

17 THE COURT: I think she -- okay.

18 MS. LIVESAY: Good.

19 THE COURT: Just wanted to clarify. Thank you.

20 MS. LIVESAY: Okay. Nothing further for this witness.

21 THE COURT: Cross-exam?

22 MR. WILSON: Thank you.

23 Can I see Exhibit number 15 and 13?

24 THE COURT: You going to have to use that. We don't  
25 have it on the -- we don't have (crosstalk) TV1 just ---

1           MR. WILSON: Thank you. Your Honor, I apologize. I  
2 also need 14, I'm sorry.

3           THE COURT: No, I think it's in that stack. You want  
4 me to find it.

5           MR. WILSON: Thank you.

6           THE COURT: Uh-huh.

7                               CROSS-EXAMINATION

8 BY MR. WILSON:

9           Q. Now, you keep referring to a black hoodie; is that  
10 right? And you said that State's Exhibit number 14, is this  
11 the item that you're referring to?

12          A. Yes, sir. That's correct.

13          Q. Now, is that black or is it navy blue?

14          A. It appears to be black to me.

15          Q. Appears to be black to you. All right. Now, you  
16 said it was SLED, right?

17          A. No, sir, I did not.

18          Q. Well, did you know that there are other people who  
19 live in that house other than Micah Pressley?

20          A. Yes, sir.

21          Q. All right. Do you know that there are other young  
22 men who live in that house other than Micah?

23          A. Yes, sir, I do.

24          Q. So do you know whether or not that hoodie belonged  
25 to them or to Mr. Pressley?

1           A.    I have no idea.

2           Q.    Well, and I know this is not your case, you just  
3 helping to execute a search warrant?

4           A.    That's correct.

5           Q.    All right. All right. All right. Now let me  
6 show you what's marked as State's Exhibit number 15, which  
7 appears to be some clothes hanging on a rack.

8           A.    Yes, sir.

9           Q.    All right. And -- and are those the blue jeans  
10 that you say that you took?

11          A.    The -- the ones in the middle appear to be the  
12 ones.

13          Q.    All right. And how do you know those blue jeans  
14 belonged to Mr. Pressley?

15          A.    Again, from earlier, those were the jeans that the  
16 Conway Police Department were interested in.

17          Q.    When you say those were the jeans that they were  
18 interested in, did they tell you a specific pair of jeans  
19 that they were interested in at the house?

20          A.    They would have.

21          Q.    All right. Was that the only pair of jeans at the  
22 house?

23          A.    They were other pairs of jeans.

24          Q.    Yeah. And -- and do you know whether those are  
25 even Mr. Pressley's jeans?



1           A.    I wouldn't have known who they belonged to.

2           Q.    Okay. All right. So you were told to get some  
3 jeans and those are jeans that you got?

4           A.    It was the Conway Police Department's case. They  
5 were familiar with the -- the intricacies of the case.

6           Q.    Okay.

7           A.    Not myself, so I deferred to their knowledge on  
8 the case.

9           Q.    Very well. And let me show you what's marked now  
10 as Plaintiff's Exhibit -- I'm sorry. We -- well, it says  
11 what it says Plaintiff's Exhibit -- State's Exhibit number  
12 13.

13          A.    Yes, sir.

14          Q.    Well ---

15          THE COURT: (Inaudible) 13.

16          MR. WILSON: 13.

17          THE COURT: Okay.

18 BY MR. WILSON:

19          Q.    Okay. And -- and ask you, that is a serial number  
20 that's owned the black gun; is that correct?

21          A.    That's correct, sir.

22          Q.    All right. Did you do a trace to determine who  
23 the rifle owner of that gun was?

24          A.    We wouldn't have done that.

25          Q.    Okay. Horry County, or I'm sorry, city of Conway

1 would've been responsible to do that?

2 A. That's correct.

3 Q. All right. All right. Now, the bedroom that you  
4 referred to as -- I think it -- it might have been number 15,  
5 Exhibit 15. Let's see if I can get that to you.

6 A. This is 15.

7 Q. Yeah. Now, is this supposed to be the -- the  
8 bedroom of the Defendant, Mr. Pressley?

9 A. I believe it was. I've -- I would have to go back  
10 and look at the entire house as they took it.

11 Q. Okay.

12 A. It was inside the house, I believe it was.

13 Q. Okay. All right. Now, all of these items that  
14 you collected, including the ones that were shown to you by  
15 Miss -- by solicitor, are all those items from the house  
16 itself, right?

17 A. That's correct.

18 Q. And were all of them from what you suspected or  
19 thought was Mister -- Mr. Pressley's room?

20 A. Yes, sir.

21 Q. Okay. So you didn't take any items from any other  
22 room other than what you believed to be Mr. Pressley's room?

23 A. No, that's incorrect. The -- the brown gun was  
24 not in that room, it was in the living room or the -- the  
25 main room.

1 Q. Okay. Was that in the backpack?

2 A. No, sir. The black gun was in the backpack.

3 Q. Black gun in the backpack. And the brown gun was  
4 found where?

5 A. Just under the TV.

6 Q. Okay. Did you inquire from anybody at the house  
7 who that brown gun belonged to?

8 A. There was a male at the house, I believe it  
9 would've been Mr. Pressley's brother. We did not -- myself,  
10 I did not get into any questioning with him.

11 Q. Okay. Do you know whether or not the police ran  
12 the serial number on that gun?

13 A. As far as?

14 Q. Determining who the owner was?

15 A. I -- I don't know if they did that or not.

16 MR. WILSON: Okay. I don't have any other questions,  
17 Your Honor. Thank you so much.

18 THE COURT: Thank you. Re-direct?

19 MS. LIVESAY: No further questions, Your Honor.

20 And can Mr. Price to be excused?

21 MR. WILSON: Without objections.

22 THE COURT: All right. Thank you. You're excused.

23 MR. PRICE: Thank you, Your Honor.

24 MS. LIVESAY: At this time can we call Paul Greer?

25 THE COURT: Okay.

1 MS. LIVESAY: Thank you. Appreciate it.

2 You're -- and you're excused.

3 MR. PRICE: Yeah.

4 THE COURT: Mr. Greer, if you'll go to the Bible and  
5 put your left hand on the Bible and raise your right.

6 PAUL GREER,  
7 having been first duly sworn, testified as follows:

8 THE COURT: All right. If you'll have a seat and  
9 please state your full name for the record.

10 THE WITNESS: My name is Paul Greer, G-R-E-E-R.

11 DIRECT EXAMINATION

12 BY MS. LIVESAY:

13 Q. And, Mr. Greer, where are you -- where are you  
14 employed?

15 A. I'm employed at the South Carolina Law Enforcement  
16 Division, which is commonly known as SLED.

17 Q. And what do you do at SLED?

18 A. At SLED, I am a firearms examiner in the forensic  
19 services laboratory.

20 Q. And have you been qualified as an expert in  
21 firearm?

22 A. Yes, ma'am. I have in firearms identification.

23 Q. And how many times?

24 A. Approximately 26 times.

25 Q. Okay. And in fact you were qualified just as

1 recent as Monday, correct?

2 A. Tuesday of this week, yes, ma'am.

3 Q. Tuesday. I apologize. And in fact, you went  
4 through a hearing Tuesday as well to decipher that this is an  
5 expertise and it's well recognized?

6 A. Yes, ma'am.

7 Q. Okay. And all that was found to be admissible?

8 A. The finding by the Judge in that trial found that  
9 the firearms identification and the science was admissible in  
10 the trial.

11 Q. Okay. And you were qualified as an expert in that  
12 science?

13 A. I was qualified as an expert, yes.

14 MS. LIVESAY: Do you have any questions as to him being  
15 ---

16 MR. WILSON: No objections to his qualifications, Your  
17 Honor.

18 THE COURT: All right. He is so qualified.

19 BY MS. LIVESAY:

20 Q. I'm not going to go through that line -- line of  
21 questioning. So for the Court, explain a little bit about  
22 what you do. What is firearms identification?

23 A. Yes, ma'am. Firearms identification is a  
24 discipline and forensic sciences where our main objective  
25 each day is to examine fired ammunition components, a fired

1 cartridge case, a fired bullet in order to determine if they  
2 were fired by a specific firearm.

3 Q. Okay. So let me make sure I understand that. So  
4 you can decipher, or your job is to try to decipher, was this  
5 bullet fired from this gun?

6 A. Yes, ma'am. That is part of my job.

7 Q. Okay. And as well, shell casings, the shell  
8 casing that pops out of the slide of the gun. Part of your  
9 job is to look at that and decipher whether or not this  
10 casing was fired from this gun?

11 A. That's correct. We examined fire cartridge cases  
12 in order to determine if they were fired by a particular  
13 firearm.

14 Q. Okay. Now, tell the Court, can you look at two  
15 bullets and determine whether or not those two bullets were  
16 fired from the same gun?

17 A. Yes, ma'am, that is possible. In our examination  
18 we look at the characteristics of -- of those two bullets.  
19 We look at those class characteristics to determine if they  
20 share the same type of rifling. If they do and those class  
21 characteristics are in agreement we continue on in our  
22 examination.

23 And during that examination we use a comparison  
24 microscope in order to look at the small details and  
25 scratches on those fire projectiles. I mean, during those,

1 comparing those two bullets, we determined if they have been  
2 fired by the same firearm or not.

3 Q. Okay. And did you receive the two bullets that  
4 were removed from the autopsy of the victim in this case,  
5 Josh McPherson?

6 THE WITNESS: May I refer two minutes, Your Honor?

7 THE COURT: You may.

8 THE WITNESS: Submitted to the Forensic Services  
9 laboratory, I did receive two projectiles. That was SLED  
10 item 18 and SLED item 19. Both of those on our submission  
11 paperwork as they were submitted to the SLED laboratory from  
12 the submitting agency were listed as being from a victim,  
13 Joshua McPherson.

14 BY MS. LIVESAY:

15 Q. Okay. And one bullet, am I correct, was recovered  
16 from his chest, it's listed one bullet from victim Joshua  
17 McPherson's chest. That's one bullet, correct?

18 A. Yes, ma'am. That is SLED item 18.

19 Q. Okay. And one bullet was removed from victim  
20 Joshua McPherson's spine; is that correct?

21 A. That's correct. And I believe I misspoke earlier.  
22 I said that was 19 and that's SLED item 18 is from the Joshua  
23 McPherson's chest according to the paperwork. And SLED item  
24 20 was from victim Joshua McPherson's spine according to the  
25 paperwork.

1           Q.    Okay.  And tell the Judge were -- as to your  
2   expert opinions, were those two bullets fired from the same  
3   gun or two separate guns?

4           A.    Yes, ma'am.  Based on the examinations I conducted  
5   on the fired evidence, I was able to determine that both of  
6   those items, items 18 and 20 were both consistent with being  
7   bullets loaded into some nine millimeter luger caliber  
8   cartridges.

9           Furthermore, one of the bullet SLED item 18 exhibited  
10  class characteristics that were different from the SLED item  
11  20 bullet.  So based on our examinations, we were able to  
12  turn -- to determine that those bullets were fired by  
13  separate firearms.

14          Q.    Okay.  So two bullets and they were fired from two  
15  separate firearms?

16          A.    That's correct.

17          Q.    Okay.  Now, I got another question for you and I'm  
18  not going to get too nitty gritty in the report.

19          A.    Uh-huh.

20          Q.    Did you examine Plaintiff's Exhibit 13?  I will  
21  show you this, which is the handgun with serial number ending  
22  in 329.  Did you examine that gun?

23          A.    I did receive a firearm that I determined to be  
24  one glock model 19 semi-automatic pistol and nine millimeter  
25  luger caliber with a serial number of AFSG 329, with a



1 magazine and eight unfired nine millimeter luger caliber  
2 cartridges and an accessory. That serial number does appear  
3 to match the serial number that is in this photograph.

4 Q. Okay. And what -- and what's the number? The  
5 Plaintiff's number?

6 A. And that is Plaintiff's Exhibit number 13, I  
7 believe, yes, ma'am.

8 Q. Thank you. And did you test the gun?

9 A. Yes, ma'am.

10 Q. And were there any issues with the shell casing  
11 being eject -- ejected from that particular gun?

12 A. Yes, ma'am. When I was examining the firearm it  
13 was determined that the firearm was missing several  
14 components. Those included a firing pin safety, the firing  
15 pin safety spring, an extractor, an extractor depress --  
16 depressor plunger, an extractor depressor plunger spring, and  
17 a spray loading bear -- spring loaded bearing.

18 However, I was able to test fire the firearm. It is  
19 noted in my report that during our test firing the fire  
20 cartridge case did not properly extract and eject from the  
21 firearm. That means that when I -- I fired it, I had to  
22 manually remove that cartridge from the chamber of the pistol  
23 each time and load another cartridge in to shoot the firearm.

24 Q. Okay. So just in -- in kind, I guess, regular  
25 people's terms, like mine, when -- when that gun, when you

1 fired the shell casing gets caught?

2 A. Yes, ma'am. The -- the cartridge case remained in  
3 the firearm. When I say the cartridge case was not extracted  
4 and ejected from the firearm when that cartridge case was in  
5 the chamber of the firearm, the extractor is to pull out,  
6 pull the cartridge case out of that firearm and the ejector  
7 kicks it out and that's what removes it from the firearm.  
8 And without the extractor in that pistol the firearm was  
9 unable to complete that process and I had to manually remove  
10 the cartridge case from the gun.

11 Q. So when it fired the casing, what pops out?

12 A. During my testing, the cartridge case did not, I  
13 had to remove it manually.

14 Q. Now, as to whether or not the fire bullets from  
15 the autopsy.

16 A. Uh-huh.

17 Q. As to gun serial number ASSG 329, which is  
18 Plaintiff's Exhibit 13, was your result as to that particular  
19 gun and the bullets from the autopsy, was it inconclusive  
20 that you could not tell either way whether or not that gun  
21 fired one of the bullets recovered from the victims?

22 A. That's -- that's correct. When I compared item 18  
23 with test fires from SLED item 3 and item 12, which were two  
24 other pistols, I was unable to determine if it was fired by  
25 those. However, I could say that item 18 was not fired by

1 SLED item 13, and I believe that's also Plaintiff's Exhibit  
2 number 13.

3 So item 18 was not fired by item 13 in my case, in  
4 Plaintiff's Exhibit number 13. When I compared item 20 which  
5 was the fire bullet listed as from victim Joshua McPherson's  
6 spine with item 13, SLED item 13, Plaintiff Exhibits item 13,  
7 the results of those comparisons were inconclusive.

8 That means based on the markings that I was observing  
9 under the microscope, I could not determine if item 20 was  
10 fired by that pistol that we've been discussing or not. It's  
11 possible that it was fired by the pistol, it's possible that  
12 it was fired by another firearm with similar rifling  
13 characteristics.

14 Q. Okay. So as to one bullet, you can affirmatively  
15 say this gun did not fire that bullet; is that correct?

16 A. That's correct.

17 Q. Okay. And as to the other bullet from the  
18 autopsy, it is inconclusive whether or not this gun fired?

19 A. That's correct. As for item -- SLED item 20  
20 listed as from Joshua McPherson's spine the results of those  
21 comparisons were inconclusive with that firearm.

22 Q. But you are absolute that two different guns fired  
23 the two bullets from the autopsy?

24 A. Yes, ma'am. Those two bullets exhibited different  
25 class characteristics. And in the firearms examination

1 process, if those class characteristics are not in agreement,  
2 then it's not possible for them to be fired by the same fire.

3 MS. LIVESAY: Thank you. No further questions.

4 THE COURT: Cross-exam?

5 MR. WILSON: Thank you, Your Honor.

6 CROSS-EXAMINATION

7 BY MR. WILSON:

8 Q. So what we know -- what we know is -- is that the  
9 black gun 13 -- going to show you what's marked as  
10 Plaintiff's Exhibit number 13.

11 A. Uh-huh.

12 Q. The black gun. You're saying, as I understand  
13 you, that gun did not fire the shot that was -- or the bullet  
14 that was taken from Mr. McPherson's chest.

15 A. That's correct.

16 Q. Did not?

17 A. That's correct. The -- this the firearm with this  
18 serial number and according to it matching up that  
19 information with what is in my report, what I was submitted  
20 to the laboratory this firearm with that serial number did  
21 not fire item 18, which was the fire bullet listed as from  
22 victim Joshua McPherson's chest.

23 Q. Okay. Now, let me ask you this, did the State ask  
24 you to determine based on the serial number of who the owner  
25 of that black gun is?

1           A.    That is not an examination that we perform at the  
2 forensic laboratory.

3           Q.    Okay. All right. Now, you said that you were  
4 provided a second gun?

5           A.    In total in this case I was submitted four  
6 pistols, I believe.

7           Q.    Okay. And were you provided a -- I think it was a  
8 brown ---

9           MR. WILSON: I apologize, Your Honor, but this a brown  
10 gun. Yes, ma'am.

11          THE COURT: That's actually that page.

12          MR. WILSON: Thank you.

13 BY MR. WILSON:.

14          Q.    Let me show you what's marked as Plaintiff's  
15 Exhibit number 5 and 6. Were you given those -- given that  
16 particular weapon?

17          A.    I did receive a glock model 19x to examine.  
18 However, I cannot determine the serial number in order to  
19 help me identify that more clearly to make sure that this is  
20 the firearm that I received.

21          MS. LIVESAY: May I approach, Judge?

22          THE COURT: You may.

23          MS. LIVESAY: Right there. BRGD 733. No, I'm sorry,  
24 B as in boy (inaudible).

25          MR. WILSON: Okay.

1 BY MR. WILSON:

2 Q. Can you -- I'm sorry. Let show you again what's  
3 marked as Plaintiff's Exhibit number 5. She's saying that  
4 they put exhibit serial numbers up here. Can you read that?

5 A. Let me turn.

6 Q. I can get my glasses and see if I can help you.

7 A. Yeah. According to my notes, I did receive a  
8 glock 19x with a serial number of BRGD 733. I do see the  
9 serial number there on the barrel on the slide, however, for  
10 our purposes of examination and directed by the ATF, the  
11 actual serial number of the firearm is on the frame, but I do  
12 have documentation in my notes that the pistol that I  
13 received, that I document is the official serial number of  
14 the gun, BRGD 733 exhibited that on the frame barrel and the  
15 slide.

16 Q. Okay. All right. And so my question was, once  
17 you received that, did you do a ballistics test on that gun  
18 to determine whether or not it fired either 18 or 20?

19 A. I did test fire that firearm and compare those  
20 test specimens to the submitted evidence, yes, sir.

21 Q. All right. And what were your findings?

22 A. The pistol that we were discussing was SLED item  
23 12. When I compared the SLED item 18, which was the bullet  
24 from Joshua McPherson's chest to the test specimens with item  
25 12 those results were inconclusive.

1           Again, that means that pistol could have fired that  
2   bullet or it could be another pistol with similar rifling  
3   characteristics.

4           Q.    Okay.  And what about 18, I'm sorry, 20?

5           A.    Yes, sir.  When I compared it with item 20, which  
6   was the from Joshua McPherson's spine it was determined that  
7   item 12 could not have fired that bullet.

8           Q.    Okay.  So it could not have fired the one in his  
9   spine and you're not -- you can't say that it did fire the  
10  one that was from his chest?

11          A.    That's correct.

12          MR. WILSON:  All right.  I don't have any other  
13  questions.

14          THE COURT:  Re-direct?

15          MS. LIVESAY:  Just a couple, get this cleared up.

16                               RE-DIRECT EXAMINATION

17  BY MS. LIVESAY:

18          Q.    Am I correct in that two bullets were -- were  
19  collected from the autopsy?  And in fact they were fired from  
20  two separate guns?

21          A.    Two bullets were submitted to the laboratory from  
22  an autopsy.  And it was determined that they had different  
23  class characteristics.  And so they were fired from two  
24  separate firearms.

25          Q.    Okay.  And am I correct Plaintiff's Exhibit number

1 5, the tan gun ending in serial number 733, am I correct it  
2 definitely did not fire the bullet from the spine and it was  
3 inconclusive as to the bullet recovered from the chest?

4 A. That is correct.

5 Q. Okay. So it may or may not have fired the bullet  
6 to the chest?

7 A. It's -- that's possible. It could have fired from  
8 the -- the bullet ---

9 Q. Okay.

10 A. --- from the chest.

11 Q. And there's no way it fired the other one from  
12 this spine?

13 A. That's correct.

14 Q. Okay. Then we have a second gun, Plaintiff's  
15 Exhibit 13, a black gun ending in 329.

16 A. Yes, ma'am.

17 Q. And the second gun could not have fired the bullet  
18 that was recovered from the chest, am I correct?

19 A. That's correct.

20 Q. And it may or may not have fired the bullet to the  
21 back? That's fine.

22 A. That is correct. That's fine.

23 Q. Okay. So we got two guns, correct?

24 A. Yes, ma'am.

25 Q. We got two bullets from the autopsy that were not



1 fired from the same gun?

2 A. Yes, ma'am.

3 Q. And it is inconclusive as to whether or not these  
4 are the two weapons that fired the two bullets from the  
5 autopsy?

6 A. That is also correct.

7 Q. He cannot say yes or no?

8 A. That's correct.

9 Q. But -- but we know we got two different guns,  
10 correct?

11 A. Yes, ma'am.

12 Q. And we know that these two guns are inconclusive  
13 as to the two separate bullets from the autopsy?

14 A. Yes, ma'am.

15 MR. WILSON: Your Honor, may I just have one quick ---

16 THE COURT: You can.

17 RE-CROSS EXAMINATION

18 BY MR. WILSON:

19 Q. How many -- how many other nine millimeter guns  
20 are there that could have fired those shots?

21 A. Based on the total number of firearms that are in  
22 the world, I'm unable to determine. A firearm that could  
23 have fired these bullets would have to share the same class  
24 characteristics as those that we received.

25 So they would have to share this at least the same

1     number the caliber, the same number of lands and grooves, and  
2     the same type of rifling and the direction of twists of that  
3     rifling to -- to qualify as having been fired.

4             Q.     Okay.  Would it be fair to say that there are  
5     millions of nine millimeter guns?

6             A.     Yeah.  There -- there are a lot of guns, yes, sir.

7             Q.     A lot of guns out there that are nine millimeter,  
8     and unless you examined each of them and were able to match,  
9     you wouldn't know which of those millions fired that shot?

10            A.     I -- I'm unable to look at all the firearms that  
11     are out there.  Based on the examinations that I conducted  
12     the class characteristics were in agreement.  So I compared  
13     these two bullets with the appropriate firearms.

14            Based on my examinations I determined that it could  
15     have been possible that each firearm could have respectfully  
16     fired those bullets.  Based on the examinations, I arrived at  
17     the inconclusive conclusion.  That means based on what we're  
18     seeing in the microscope, we don't know.  We're unable to  
19     determine if it was that firearm or another firearm with  
20     those similar rifling characteristics.

21            MR. WILSON:  I don't have any other questions.  Thank  
22     you, sir.

23            THE COURT:  Thank you.

24            MS. LIVESAY:  No further questions, Your Honor.

25            And can Mr. Greer be excused?

1 MR. WILSON: No objections.

2 THE COURT: You may be excuse. Thank you.

3 MR. GREER: Thank you.

4 THE COURT: Will counsel approach?

5 MS. LIVESAY: Sure.

6 (Bench conference.)

7 (Off the record.)

8 THE COURT: Mr. Wilson, you ready?

9 MR. WILSON: Yes, ma'am.

10 THE COURT: All right. You ready?

11 MR. WILSON: We're ready now. Thank you.

12 THE COURT: Yes, sir.

13 MR. WILSON: Your Honor, at this point, first I had  
14 like to renew my motion. I had made a motion early on prior  
15 to us actually taking testimony, well, actually it was asking  
16 the middle of testimony because we'd already started the  
17 process. And I'd made a motion at that point asking the  
18 Court to grant us a continuance to allow for an additional  
19 evaluation in this case so that we could make sure that the  
20 doctor had all of the medical records and mental health  
21 records regarding this Defendant. As well as the -- the  
22 disciplinary records both from the school and from DJJ.

23 And I would renew that motion and I -- I renew it, Your  
24 Honor, and -- and my grounds for that motion is -- is that  
25 the -- the statute requires the evaluation prior to having

1 the hearing.

2 The waiver hearing. Everybody's aware of that, State's  
3 aware of it, DJJ's aware of it, you know, and -- and DJJ  
4 indicates that they had some of this information in January.  
5 Of course it's still January. I don't know what day in  
6 January they got it. But even at that point and -- and this  
7 Defendant has been locked up now since May which is what?  
8 Seven months he's been incarcerated.

9 And at DJJ and they knew that, but they still failed to  
10 provide this information to the evaluators in this regard.  
11 And this evaluation was done -- well, it was the referral for  
12 the evaluation was done June the 14th of 2022.

13 And, you know, and since that time, at no point in time  
14 has DJJ provided any additional information. And -- and then  
15 they come into court and they say, well, we no -- we didn't  
16 do it, and we didn't get it, and we just got it. And so now  
17 then they come in and they parade it in front of the Court  
18 without the -- the -- the doctor having the opportunity to --  
19 to revisit this and make a -- and -- and she may very well  
20 have decided that, hey, look, it wouldn't change anything.  
21 But I don't know that, I mean, I -- I don't know that and or  
22 it may be that it would change everything and -- and might  
23 change her recommendation in some way.

24 The other thing that concerns me is -- is that, Your  
25 Honor, the -- the -- there is nothing that I've seen from any

1    mental health care provider other than this report from --  
2    from DJJ.  They -- they, you know, and -- and -- and the  
3    State, while it says, well, we sent out a letter and we asked  
4    for it.  Well -- well, they also have subpoena power.  If  
5    they need to get it through the solicitor's office, they can  
6    always subpoena something if somebody's not being cooperative  
7    and being forthcoming with information.

8           And I get subpoenaed all the time to come to court.  I  
9    mean, so they can do that if that's what they intended to do.  
10   He is -- he -- there is a petition.  None of that was done.  
11   I just think it is unfair one to me as his lawyer because it  
12   makes it difficult for me when I'm blind sided with stuff.

13           And then secondly, I think it's unfair to this  
14   Defendant to have to answer at this waiver hearing without  
15   all of those things having been provided.  And that has been  
16   consistent throughout his history, all going back to the  
17   burglary where they said, well, they gave him a community  
18   service and didn't require anything of it.

19           I just think that -- that there has to be a point where  
20   there has to be some accountability on DJJ's part and on the  
21   State part in -- in -- in regards to this case.  And to just  
22   go forward with it and say, okay, well, yeah, but they didn't  
23   do it plus that's fine.

24           Well, the problem is these are serious -- serious --  
25   serious allegations.  It's not a shoplifting, this is not a

1 larceny of a vehicle. If -- if we -- if this were that, we  
2 wouldn't be having this conversation. These are extremely --  
3 extremely serious charges. And the consequences of this  
4 hearing are extremely serious because His Honor or Her Honor  
5 will decide whether to send him to adult Court where he's  
6 facing life without parole.

7 So those things are -- are -- are important. And --  
8 and I don't take those things lightly. So anyway, I'm  
9 renewing my motion, you know, asking again for a re-  
10 evaluation and a continuance to do the re-evaluation.

11 THE COURT: Thank you. What is the State's position?

12 MS. LIVESAY: The State's position is the statute  
13 requires an evaluation. Evaluation has been done. The lady  
14 that did the evaluation has sent us a resume showing that she  
15 is an expert, certainly an expert knows what she needs and is  
16 required in order for her to do a report and have an expert  
17 opinion. She felt comfortable. She did do a report, she did  
18 issue an opinion.

19 I appreciate that Mr. Wilson does -- can pipe what she  
20 took into consideration or what she did or didn't take into  
21 consideration. At the end of the day, we can't tell Dr.  
22 Woody-Akers how to do her job. We've got to let her do it.  
23 She did do it, and she did do an evaluation.

24 So the State is ready to move forward. She has done  
25 the evaluation. She clearly has looked at what she feels is

1 comfortable to issue that opinion. Now, certainly, just like  
2 any expert, just like with Mr. Greer.

3 Cross-examination questions as to what was examined,  
4 what she looked at, what she did will go towards the weight  
5 of her ultimate opinion, not the admissibility, just like  
6 Mr. Wilson questioned Mr. Greer about what he examined, what  
7 he didn't examine, how many guns could this be compared to  
8 all that is appropriate because it goes towards the weight of  
9 Mr. Greer's testimony.

10 But certainly this lady is an expert. She's been doing  
11 it a long time. She issued an opinion, she knew when the  
12 crime happened, and she knew what was available for her to  
13 look at. She looked at it and she issued that opinion.

14 THE COURT: Thank you. I'm going to deny the motion.  
15 I think that we need to move forward, and I -- I believe that  
16 she did have enough information and she certainly is an  
17 expert, knows what she's in need of. So I am going to deny  
18 the motion. Let's move forward.

19 MR. WILSON: Thank you, Your Honor.

20 THE COURT: Thank you.

21 MR. WILSON: Your Honor, at this time we would call Dr.  
22 Akers-Woody.

23 THE COURT: Thank you.

24 MS. LIVESAY: I'm sorry.

25 MR. WILSON: Akers-Woody. I apologize

1           THE COURT: If you'll put your left hand on the Bible  
2 and raise your right.

3                           MICHELE AKERS-WOODY,  
4 having been first duly sworn, testified as follows:

5           THE COURT: All right. If you'll have a seat. And --  
6 and please state your full name for the record.

7           Yes, sir.

8           MR. WILSON: Thank you, Your Honor.

9           THE WITNESS: My name is Dr. Michele, M-I-C-H-E-L-E,  
10 Akers-Woody, A-K-E-R-S-W-O-O-D-Y.

11          THE COURT: Thank you.

12                           DIRECT EXAMINATION

13 BY MR. WILSON:

14          Q. Doctor, I -- I'm going to just call you doctor, so  
15 (inaudible).

16          A. That's fine.

17          Q. Shorten it a little bit. Let me -- let me ask you  
18 if you would you already to give us your name, tell us where  
19 you -- where you are employed?

20          A. Yes, I am employed with Department of Juvenile  
21 Justice in South Carolina.

22          Q. All right. So you work for DJJ?

23          A. I do.

24          Q. All right. And how old have you worked there?

25          A. Five and a half years.



1 Q. All right. And what is your job capacity there?

2 A. I'm a community psychologist for them.

3 Q. All right. And I just noticed from your -- from  
4 your -- I don't want to call it resume, what's the word they  
5 use nowadays?

6 A. Curriculum Vitae.

7 Q. Yes. But that you are a PhD?

8 A. Actually it's a PsyD, doctor of psychology.

9 Q. All right. Now, give us the benefit of your  
10 education background and experience prior to coming to the  
11 (inaudible).

12 A. Education, I have a bachelor's degree from the  
13 University of California Irvine in psychology and social  
14 behavior. I have a master's degree from the California  
15 School of Professional Psychology in Clinical Psychology, and  
16 I have a doctor of psychology from it -- it began as  
17 California School of Professional Psychology and then became  
18 a Light international University all in California.

19 Q. And have you worked any place other than DJJ?

20 A. Too many to list. Yes, I have.

21 Q. All right. And in what capacity were you at those  
22 other places? Always as a doctor, a psychologist?

23 A. Always within the mental health field. For the  
24 past many years it's been as a psychologist.

25 Q. Okay. And over the years, how many times would

1     you say you've testified in Courts of this State or other  
2     States?

3             A.    It's been since this position here over the last  
4     five and a half years.  And there's been several pre waiver  
5     hearings that I've testified on.

6             Q.    Okay.  All right.  Have you had any other kind of  
7     contact with courts where you've testified at hearings or  
8     anything else?

9             A.    No.

10            Q.    All right.  So and you say you've had how many  
11     waiver hearings?

12            A.    I cannot remember.  Within the double digits.

13            Q.    Okay.  All right.  And you were qualified as an  
14     expert at those hearings?

15            A.    Correct.

16            Q.    And in what field would you qualify as an expert?

17            A.    As a clinical psychologist.

18            Q.    Right.  How many evaluations would you think  
19     you've done during the course of your years in practice?

20            A.    There are various types of evaluations.  Mental  
21     health evaluation ---

22            Q.    In total?  I'm -- I'm ---

23            A.    In total?

24            Q.    Yes.

25            A.    Would that include mental health evaluations in --

1 -

2 Q. Hundreds, thousands.

3 A. Thousands. I've been in the business for 26  
4 years.

5 MR. WILSON: Okay. Your Honor, at this time we can  
6 offer this witness as an expert in the field of clinical  
7 psychology?

8 THE WITNESS: Correct.

9 THE COURT: Any objection?

10 MS. LIVESAY: No, ma'am.

11 THE COURT: All right. She's so qualified as an expert  
12 in clinical psychology.

13 MR. WILSON: Thank you, Your Honor.

14 BY MR. WILSON:

15 Q. Doctor, could you have occasion to -- to do and  
16 conduct an evaluation with Micah Pressley?

17 A. Yes.

18 Q. And do you know when or about when it was that you  
19 conducted that evaluation?

20 A. It was in August, the early dates of August, I  
21 believe it was the 3rd and 4th of 2022.

22 Q. Okay. And where did that evaluation take place?

23 A. At the Juvenile Detention Center in Columbia.

24 Q. Great. And now, when you do these evaluations, or  
25 let's stick to this one in particular, when you did his --

1     when you conducted his evaluation, how much time would you  
2     say you spent with him doing the -- the testing and whatever  
3     else that you do?

4             A.     Probably about 10 hours or so.

5             Q.     Okay. All right. Now, was this one meeting or  
6     several meetings?

7             A.     Two meetings two days in a row. Two consecutive  
8     days.

9             Q.     Now, when you conducted these evaluations or  
10    testing, was there anyone else present other than yourself?

11            A.     No.

12            Q.     And -- and obviously Mr. Pressley?

13            A.     No.

14            Q.     All right. And were these conducted in person?

15            A.     Yes.

16            Q.     Now, let me ask you if you -- based on your  
17    evaluation of him, did you draft a report?

18            A.     Yes.

19            Q.     From that evaluation? And do you have a copy of  
20    that report?

21            A.     I do.

22            MR. WILSON: All right. (Inaudible).

23            MS. LIVESAY: I have no objection. What's in the  
24    report in?

25            MR. WILSON: Yeah.

1 MS. LIVESAY: Yes, sir.

2 MR. WILSON: All right. All right.

3 MS. LIVESAY: Your Honor, do you have a copy of ---

4 THE COURT: I do. I do.

5 MR. WILSON: Then we'll just down if that's all right.

6 It'll save us a lot of time. Thank you.

7 THE COURT: All right. Defendant's 1 with no

8 objection.

9 (Defendant's Exhibit 1 admitted into evidence.)

10 BY MR. WILSON:

11 Q. I -- I'd like for you to turn to page 9 of your  
12 report. On page 9 of your report. Explain to us, you say,  
13 "That he appeared to put forth effort in testing, but  
14 exhibited difficulty with focusing and concentrating." You  
15 kind of help us understand what that means and why that's  
16 there?

17 A. My behavioral observation of -- of Mr. Pressley  
18 was that he was easily distracted. He had psychomotor  
19 agitation, he was restless. And so I found that he attempted  
20 to put forth effort.

21 However, his behavioral movements distractibility were  
22 definitely evident during both the interview, which preceded  
23 the testing. The testing was conducted the second day, and I  
24 observed those types of behaviors on both days.

25 Q. Thank you. Now, I -- I -- the very last paragraph

1 or sentence actually on page 9 of the first paragraph says,  
2 "Given the difficulty, describe the book and the fact that  
3 Micah was not taking any psychotropic medications for ADHD,  
4 the results of this evaluation may underestimate Micah's  
5 current cognitive and psychological functioning." Now, tell  
6 me what that means?

7 A. As part of my evaluation, I conducted a series of  
8 tests, one of which is an intelligence test. And due to the  
9 difficulty focusing and concentrating, it was possible that  
10 the results that I obtained from the psychological testing as  
11 well as the intelligence testing underestimated his  
12 performance. Which is oftentimes seen in children with  
13 symptoms of ADHD, especially if they're not medicated.

14 Q. All right. Now, I want you to go to page 10. If  
15 you also did some battery of tests regarding, Mr. Pressley?

16 A. Correct.

17 Q. All right. And I want you to come down to page  
18 10. And this is the second paragraph and the second  
19 sentence, I guess it is where you talked about his full scale  
20 IQ.

21 A. Correct.

22 Q. Of 77. Tell -- explain to the Court what that  
23 means. If he has a full scale IQ of 77.

24 A. That would indicate that he was at a lower  
25 functioning cognitive ability in terms of his intelligence.

1           Q.   All right.  And -- and -- and when it says, six  
2 percentile, what does that mean?

3           A.   That means that he falls into the six percentile  
4 on a kind of a bell-shaped curve.

5           Q.   Okay.  So of all the people in the world, or at  
6 least in America that we know about, he would be in the  
7 bottom 6 percent?

8           A.   Correct.

9           Q.   All right.  And that would be his ability to  
10 function?

11          A.   On an intellectual and cognitive domain.

12          Q.   All right.  Now, you also talked about his  
13 performance on the WMI.  And he did 88, right?

14          A.   The working memory index, correct.

15          Q.   All right.  And that he's in the 21 percentile?

16          A.   I'm sorry?

17          Q.   He's in the 21 percentile; is that correct?  The  
18 21st percentile.

19          A.   21st percentile.

20          Q.   All right.  I apologize.  And then it says, "PSI  
21 nine percentile."  What -- what does that mean?

22          A.   That would be -- that would be the processing  
23 speed of -- the speed of which he did some of the -- the  
24 measures on this test.

25          Q.   All right.  And when we talk about each

1 percentiles, we are comparing him to other people, other  
2 individuals?

3 A. Correct.

4 Q. In -- in -- in the -- in the ---

5 A. Minors. Minors.

6 Q. I'm sorry.

7 A. Minors.

8 Q. All right. Other minors?

9 A. Yes.

10 Q. All right. And then the -- the next pair, the  
11 next sentence says, "He demonstrated weak performance on  
12 VCI." What is VCI?

13 A. That's the verbal comprehension index.

14 Q. All right. And ---

15 A. So his verbal abilities.

16 Q. All right. And that was -- he was in the fourth  
17 percentile?

18 A. Correct.

19 Q. And that means that 96 percent of the juveniles or  
20 young people that you would be testing would do better than  
21 that?

22 A. Correct.

23 Q. All right. And at the bottom -- at the very  
24 bottom of page, just above the wide range achievement tests,  
25 there is a list of -- of -- of scores or percentile ranks.



1 And I'm looking at this, it says, "Verbal comprehension  
2 index, 73 percentile, rank four visuals." What's the visual  
3 splatter index? What is that?

4 A. Visual spatial index.

5 Q. Spatial index. What is that?

6 A. That has to do with how well somebody can process  
7 visual information.

8 Q. Okay. And so in that he is at seven percentile,  
9 correct?

10 A. Correct.

11 Q. And that is considered very low?

12 A. Correct.

13 Q. All right. Is there any range lower than very  
14 low?

15 A. No.

16 Q. Okay. So that is the lowest range area. This is  
17 very low?

18 A. Yes.

19 Q. All right. And then fluid reasoning index, he has  
20 91, his conference score is 91, and then he has a percentile  
21 rank of 27.

22 A. Correct.

23 Q. And that is determined to be average. Now explain  
24 to me what fluid reasoning index is and what that means?

25 A. Fluid reasoning really has to do with can -- are

1     you able to reason through kind of novel information.

2             Q.     Okay. All right. And that was average?

3             A.     Correct.

4             Q.     All right. Now, and -- but that was still in the  
5     bottom 27 percent?

6             A.     Correct. Which is still considered average.

7             Q.     All right. Working memory. The WMI he had 88  
8     composite score, an 88 composite score, and his percentile  
9     rank was 21. And that's considered below average?

10            A.     Correct.

11            Q.     All right. And his processing speed or PSI was 80  
12     and that put him in the bottom nine percentile?

13            A.     Correct.

14            Q.     And very low or a low average, I'm sorry. And  
15     then a full scale IQ of 77, which puts him in the percentile  
16     rank or six percentile rank, which is very low?

17            A.     Correct.

18            Q.     All right. I need you to turn over to page 11.  
19     And I want you to go to this -- the last sentence on the  
20     first paragraph where it talks about own math computations,  
21     micro earned a standard of 67?

22            A.     Yes.

23            Q.     Now, explain that to me. How -- how did you  
24     determine that? And -- because it says math computation 67  
25     and he is in the extremely low category and that's he's in

1 the bottom one percentile?

2 A. Correct. According to that achievement test, yes.

3 Q. According to that test. Now, and -- and I know  
4 that -- that we don't talk anymore about mental retardation  
5 or things like that. I mean, we -- we -- we -- we use  
6 different terms now.

7 A. Yes.

8 Q. But where does all this place Micah? When you  
9 look at all of his scores and -- and his -- his percentiles  
10 where he ranks, where does that place him in terms of his  
11 ability to function in the work?

12 A. According to the testing that I did during this  
13 evaluation it demonstrates that he's at a lower cognitive  
14 functioning. Given though that the behaviors he was  
15 exhibiting may have interfered with some of the results that  
16 I obtained that is why I previously indicated that these  
17 results may underestimate his abilities given the  
18 distractions and interference of the mental health symptoms.

19 Q. Now, I -- I -- if we go down to the middle of  
20 this, I guess it's the second pool paragraph, where it says,  
21 "It became clear that Micah required much more assistance in  
22 completing the MMPI than what was initially believed." Now,  
23 first of all, tell me what that is and -- and why that's  
24 important or not important actually?

25 A. The MMPI is the -- the Minnesota Multiphasic

1 personality -- personality inventory. And it was the  
2 adolescent restructured form that -- that we tend to utilize.  
3 Is a 241 question measure that typically a minor would read  
4 on their own and answer. I administered that initially to  
5 Micah, the first day that I was with him following our  
6 interview. I did not have access to his IEP, which would've  
7 indicated to me what their test results had been possibly.

8 I asked him if he had any issues with reading  
9 comprehension, reading abilities. Other than having no  
10 glasses that he told me that he might need, he indicated he  
11 did not. So I sat with him and allowed him to read the --  
12 the measures. I told him, please ask me any questions that  
13 you might have if you don't understand.

14 He sat and he did the measures. He asked me several  
15 questions to define and I did define certain words for him.  
16 By the time we were done, I recognized that he indeed had  
17 trouble with reading comprehension and reading. Therefore,  
18 the next day I chose to read -- minister him and I read all  
19 241 questions to him and had him answer the questions back to  
20 me.

21 He changed 20 -- 22 of his answers in response to my  
22 reading them to him as opposed to him reading them to  
23 himself. And that is what I meant by much more difficulty  
24 than what I initially understood when I gave him the first  
25 administration of the measure.

1           Q.   Having the conversations that you had with him and  
2   during the -- the -- the battery of tests that he did, do you  
3   have an opinion about his -- his reading ability, that is  
4   what grade level would you think he's reading on?

5           A.   I can't tell you that because that requires much  
6   more lengthy process. I am not a psych educational school  
7   psychologist. He definitely demonstrated reading  
8   difficulties, whether that was reading words and/or reading  
9   comprehension.

10          Q.   Further down on the same page you -- you talk  
11   about -- she says, "Therefore the following descriptions can  
12   be viewed as possible under reporting and or underestimations  
13   of the severity of the issue slash problems. The results  
14   suggest that Micah experiences a diffused pattern of  
15   cognitive complaints and attention problems, difficulties  
16   with concentration and slow speech."

17          And then you go on to describe, I guess what would be  
18   some of the I don't want to say symptoms, but some of the --  
19   the well, for lack of a better word, some of the symptoms  
20   like you say that. He is introverted or would expect that  
21   he's introverted, socially withdrawn or isolated, socially  
22   awkward." You with me on that?

23          A.   I am now. I had no idea where you're reading.  
24   Yes, I -- I found -- I found where you're reading from.

25          Q.   From page 6 approximately to 11.

1           A.    Yes.  Yes.  As part -- as part of the description  
2   from the MMPI, correct.

3           Q.    All right.  So -- so based on your -- on your  
4   assessment of him you would determine that you would believe  
5   that he would be passive.  Is that what you're saying?

6           A.    The summary from the MMPI, which you're reading is  
7   actually presented by the developers of the MMPI.

8           Q.    Okay.

9           A.    So once we get the results and -- and what he has  
10   endorsed through the measure, we're able to run that through  
11   a computer program from the developers.  And this provides an  
12   -- an analyzation of the answers that he provided.

13          Q.    Very well.  And -- and so then when you come down  
14   and say he is likely introverted, socially withdrawn, or  
15   isolated, socially awkward, maybe bullied by peers and maybe  
16   uncomfortable with the opposite sex.  All those are -- are --  
17   are things that come from that evaluation?

18          A.    From the -- from the MMPI directly test and the  
19   computerized analysis of his responses.

20          Q.    Now -- and -- and -- and when we go to page 12 of  
21   your report and this says, "Justice inventory revised."  And  
22   will you help me understand what that means?

23          A.    Yes, it's a personality inventory that we often  
24   use with many of the minors, whether it's a community  
25   evaluation or in this pre waiver evaluation that has to do

1 with juvenile offenders in specific -- specifically.

2 Q. Okay. All right. And you say that -- well, it  
3 just -- I'm going to read, it says, "Micah completed the  
4 justness inventory revised a widely used personality  
5 inventory for juvenile tenders. Although the results are  
6 considered valid, it is noted that Micah's random response  
7 scale was in the borderline range." Now, the borderline  
8 range, meaning low or borderline, meaning -- meaning between  
9 low and average?

10 A. It means borderline in -- in regards to this  
11 measure, it means borderline in terms of whether it was valid  
12 or invalid.

13 Q. Okay. All right. So -- all right. So I'm -- I'm  
14 trying to figure out what that means if -- if whether it is  
15 borderline between being valid ---

16 A. Whether the results of this measure were valid or  
17 if they were invalid.

18 Q. Okay.

19 A. Because he had an elevation in the random response  
20 scale.

21 Q. Yes.

22 A. Indicated that it was on that borderline of being  
23 valid results or invalid results.

24 Q. Okay. Now, further down in your report, you say,  
25 again, I'm still on page 12 and I'm at the middle of this

1 paragraph. You said that Micah is classified as a CFM. What  
2 does that mean?

3 A. Based upon his responses to the justice inventory  
4 revised the developers of the justice have many  
5 categorizations to help explain maybe some personality types  
6 of these juvenile offenders. And the responses that he  
7 offered fell into the classification of being the CFM, which  
8 is conformist, immature conformist. And along with that has  
9 an explanation from the developers as to what conformist --  
10 how they may appear and function in the world.

11 Q. All right. Help me with that. What -- when you  
12 -- when you say he's a conformist, an immature conformist,  
13 help me understand what that means in regular terms. Lay  
14 people terms.

15 A. This not necessarily would mean a conformist in  
16 our layman sense. This is the title that the justice  
17 developers gave for this classification of kind of  
18 personality of juvenile offenders. They go on to talk about  
19 that the conformists, according to this classification, tend  
20 to present with few gross behavioral problems, but the  
21 tendency to conform is not regarded necessarily as desirable.

22 They -- their conformity is not generally the product  
23 of mature decision making as to the appropriate behavior  
24 demanded more by a situation. So they tend to conform to  
25 possible circumstances or people around them. I can go on



1 and read the entire paragraph.

2 Q. No, that's not (inaudible).

3 A. Okay.

4 Q. Thank you though. Now, you also did a substance  
5 abuse screening inventory?

6 A. I did.

7 Q. All right. Tell us about that?

8 A. The SASE which is the Substance Abuse Subtle  
9 Screening inventory for adolescents. All of these are  
10 self-report, but again, I read this one to him. It offers a  
11 way of screening as to whether a minor may have any substance  
12 abuse issues.

13 And the results from the assessment was that none of  
14 the nine rules that this measure kind of looks at were not --  
15 they were not met, which would then indicate that he doesn't  
16 have any substance abuse issues.

17 Q. So you didn't determine, based on your testing,  
18 that he had any?

19 A. Per his verbal report with me as well as his  
20 mother's report. And then the assessment results from the  
21 SASE it appeared as if he did not have any.

22 Q. And -- and since you brought up the mother, let me  
23 ask you about that. Did you have -- did you have interaction  
24 with his mother?

25 A. She and I conducted a phone interview as part of

1     this evaluation.

2           Q.     And did she indicate to you any prior mental  
3     health issues that Micah had had?

4           A.     She did.

5           Q.     All right. Tell us about it?

6           A.     Yes. She had indicated to me that Micah had been  
7     diagnosed with attention deficit hyperactivity disorder by  
8     the family pediatrician when he was in second grade.  
9     However, he had not been prescribed any medications until  
10    about fourth grade.

11           And she indicated that he had been prescribed Adderall,  
12    which is a common stimulant medication for ADHD. She then  
13    indicated that the dosage had been increased in sixth grade.  
14    And then we did discuss symptoms of -- of ADHD that Micah has  
15    demonstrated in the past.

16           Q.     Okay. What were those symptoms?

17           A.     She talked about Micah having too much energy,  
18    exhibiting difficulty sitting still, paying attention, being  
19    impulsive. And then he noted many of the same types of  
20    symptoms.

21           Q.     Okay. Did she talk to you at all about any  
22    medical diagnosis that he had had from -- from doctors, from  
23    actual doctors or clinics regarding his ADHD?

24           A.     Other than attention deficit hyperactivity  
25    disorder, there were no other diagnoses discussed.

1           Q.   All right. Did she give you a listing of -- of  
2   medical providers or -- or -- or clinics that provided  
3   counseling for him?

4           A.   When I asked about his counseling history, it was  
5   -- it was fairly vague. She indicated to me that he had  
6   gotten counseling from a CW counseling. I don't live in the  
7   area, I don't know what CW counseling is. I did -- after  
8   having this interview, I did indicate to our DJJ community  
9   specialist that there was a CW counseling apparently that had  
10   been utilized at one time and I had requested records from --  
11   from that.

12          Q.   Did you ever receive those records that you know  
13   of?

14          A.   I have not received any mental health records.

15          Q.   All right.

16          A.   I -- I did receive notification that Rutgers had  
17   been requested from Peedee Mental Health and the response was  
18   that services had never been provided to Micah.

19          Q.   All right. All right. After you did this  
20   evaluation, did you ever receive any additional information  
21   from DJJ regarding his mental health issues? Any medical  
22   records or disciplinary records did you receive any of that  
23   after you had conducted this evaluation?

24          A.   No. And typically once I conduct the evaluation  
25   and return my report, I am done with the case typically.

1     There is -- I do not follow through and follow up at that  
2     point. So anything that accrues or occurs following my  
3     report submission, I usually am not aware of.

4             Q.    Okay. All right. And what would be the process  
5     -- what would be the process for providing you additional  
6     information after your -- your initial evaluation and report  
7     had been admitted or is there a process for that?

8             A.    There isn't typically a process.

9             Q.    Okay.

10            A.    That doesn't typically happen.

11            Q.    So if you don't get it before you do the  
12     evaluation, then you just don't get it?

13            A.    Correct.

14            Q.    All right.

15            A.    And I note that in my evaluation that the records  
16     were not obtained prior to the submission of my report.

17            Q.    Now, let's move on to page 13. And this  
18     (inaudible) summary. Now, looking at all of these and on  
19     page 13, these results, are they still in your -- in your  
20     opinion valid results?

21            A.    Yes, with the caveat of what I indicated earlier  
22     that it could be an underestimation.

23            Q.    Okay. One of the ones I want to ask you about  
24     here is the Risk Sophistication Treatment Inventory. Explain  
25     that to us and tell us what it is and what it means and what

1     you did and what his responses were?

2           A.     So the Risk Sophistication Treatment Inventory, as  
3     I will call it as the RSTI.  It's -- it -- it involves a  
4     semi-structured interview, which I incorporate many of the  
5     questions into my evaluation interview.  And then it's a  
6     rating scale that's used by clinicians to assess the  
7     functioning of juvenile offenders.

8           And it's four offenders between the ages of nine and 18  
9     and it really looks at areas such as risk for dangerousness,  
10    sophistication and maturity and then treatment amenability.

11          Q.     All right.  And -- and -- and tell us what the  
12    results of those tests were?

13          A.     There are several results.  Do you -- would you  
14    like me to read the ---

15          Q.     You may.

16          A.     Okay.  So based upon the answers that Micah had  
17    offered through the interview, and I will explain that in  
18    asking about charges and or -- or behaviors, this does not  
19    include the current charge because there's been no  
20    adjudication.

21          So the current charge is not brought into consideration  
22    when filling out the RSTI and that is an important  
23    understanding.  The RSTI is based upon everything leading up  
24    to the charge.

25          Q.     Okay.

1           A.    So the overall risk for dangerousness is -- is  
2   that how you would like me to read this?

3           Q.    Yes.  However you want it.  Just I want you to  
4   tell us what it is and then explain it.

5           A.    There are three clusters on the RSTI and the three  
6   clusters have to do with -- as I indicated before, risk of  
7   dangerous or dangerousness, sophistication maturity as well  
8   as treatment amenability.  Each of those clusters are broken  
9   down into three other areas that make up a final score.  So I  
10   will list the three different areas then discuss the overall  
11   scale.

12          Q.    Okay.

13          A.    So when it comes to the overall risk of  
14   dangerousness, the clusters kind of come down to violent and  
15   aggressive tendencies, which he fell into a middle range.  
16   There was planned and extensive criminality that fell into a  
17   lower range and then psychopathic features fell into a middle  
18   range with what that did was it gave an overall score that  
19   was considered low for overall risk for dangerousness.

20          Q.    Let's go to the next section.

21          A.    Yes.

22          Q.    Let me go back and ask you where it says, "Planned  
23   and extensive criminality."  Is that your criminal history or  
24   is that what -- what ---

25          A.    Yes, oftentimes it has to do with criminal history

1 and whether there were plans involved, premeditate types of  
2 -- of planning involved.

3 Q. Okay. And -- and then violent and aggressive  
4 tendencies would mean just what it says?

5 A. Correct. Violence. Yes.

6 Q. Now psychopathic features, what does that mean?

7 A. That really alludes to whether somebody has the  
8 ability to have empathy and remorse.

9 Q. All right. And so when you get a three which says  
10 middle, what does that mean?

11 A. That demonstrate that he fell kind of into an  
12 average range of juvenile offenders for his ability to have  
13 empathy and -- and -- and remorse.

14 Q. All right. And then at the very bottom it say,  
15 "Scale" and there overall risk for dangerousness and it says  
16 33, that low score is 33 and he falls in the fourth  
17 percentile. Explain that to us what that means?

18 A. Based upon the -- the scorings of the other three  
19 or of the clusters that make up that scale. That was the  
20 percentile that he obtained, which really, I think it's --  
21 you better look at the offender range, which is falling into  
22 kind of the lower range.

23 Q. Okay.

24 A. Compared to other juvenile offenders.

25 Q. Very well. You can go on to the next one.

1           A.    Okay.  The -- the next important area is  
2   sophistication and maturity.  And this is made up of three  
3   kind of clusters.  One is autonomy which he fell into the low  
4   range for.  The next would be cognitive capacities.

5           Q.    All right.  I apologize.  Let me ask you this.  
6   When you say autonomy what does that mean?  I mean, when --  
7   when we say he's in a low range for autonomy, does that mean  
8   taking care of himself?

9           A.    Correct.

10          Q.    Okay.

11          A.    Correct.  Or -- and also kind of awareness of  
12   oneself.

13          Q.    Okay.

14          A.    Cognitive capacities falling into the middle range  
15   and emotional maturity falling into the middle range.  So  
16   that gave an overall sophistication and maturity that also  
17   fell into the middle range.  So in the average range compared  
18   to juvenile, other juvenile offenders.

19          Q.    Okay.

20          A.    The next, on the third has to do with treatment  
21   amenability and it's made up of psychopathology, the degree  
22   and type which he actually fell into the high range for.

23   Response ---

24          Q.    Before you go for it?

25          A.    Correct.



1           Q.    Yeah.  Explain that.  When you say that he falls  
2   into the high range for psychopathology, what -- what -- and  
3   you had a low score of five and you said the offender range  
4   is high.  What does that mean in terms, again, of -- so that  
5   a lay person would understand what we are saying?

6           A.    The level of his symptoms of mental health issues.

7           Q.    Okay.

8           A.    Was high.

9           Q.    Okay.

10          A.    Psychopathology relates to mental health symptoms.

11          Q.    Okay.  Go ahead.

12          A.    Responsibility and motivation to change fell into  
13   the middle range and consideration and tolerance of others  
14   fell into the high range.  So it became an overall treatment  
15   amenability that fell into the middle range again, average  
16   compared to other juvenile offenders.

17          Q.    All right.  When you say overall amenability to  
18   treatment, explain what that -- what we referring to when we  
19   talk about that?

20          A.    Meaning his willingness to have treatment,  
21   oftentimes treatments referring to mental health treatment or  
22   any other type of rehabilitation.

23          Q.    I want to go to page 14.  It says, "Here the  
24   juvenile's level of criminal sophistication/dangerousness."  
25   And at the second paragraph, second line sentence I guess, or

1 third sentence of the first paragraph on page 14 says, "The  
2 adjudicated charge of burglary third degree was minimally  
3 dangerous. Further, Micah has demonstrated an ability to  
4 feel empathy and remorse over past behaviors that may have  
5 affected other person -- another person. Given this  
6 information, Micah's level of criminal sophistication and  
7 dangerousness appear relatively lower than others within the  
8 juvenile justice system." Now, that was your opinion. Is  
9 that your opinion or is that based on a test?

10 A. That was due to some of the interview questions  
11 that I had asked him. That -- that also that this entire  
12 page is just summarizing all the -- all the results that I  
13 just offered to you a moment ago.

14 Q. All right. And -- and let me ask you, you've been  
15 in court the entire day?

16 A. Yes.

17 Q. Since we started. Have you heard anything that  
18 changes any of these scores or tests or -- or opinions that  
19 you have given in your report?

20 A. I don't believe so.

21 Q. Okay.

22 A. I would need more -- much more information.

23 Q. All right. In the next sentence you say, "Micah's  
24 rated violent and aggressive tendencies fell within the  
25 middle range. This indicates that his tendencies to act in a

1 violent and aggressive manner was comparable to ODU within  
2 the juvenile justice system.

3 The scores regarding planned and extensive criminal  
4 criminality fell within the low range. These results suggest  
5 that Micah's level of planning regarding the intent to commit  
6 crimes is below average." Now, again, this is -- this is a  
7 summary of your opinion based on your evaluation and the  
8 testing?

9 A. Correct.

10 Q. And has that changed? Have you heard anything  
11 since you've been in this court today that changes your  
12 opinion in that regard?

13 A. Based upon everything I know leading up to the  
14 time that I wrote this report, it -- it -- it doesn't.

15 Q. It does not.

16 A. New -- new information at this point, I would need  
17 a lot more time to really process and have a better  
18 understanding of.

19 Q. I understand. Micah's risk for danger fell within  
20 the low range of the RASTI when compared to adolescent  
21 offenders. Other, I guess that means other adolescent  
22 offenders. Is that still your opinion and has anything been  
23 said that changes that?

24 A. I hold to everything that's in this report as how  
25 I would feel based upon my evaluation.

1           Q.   All right. I want to talk for a second about the  
2   -- the -- and still on page 14 we go down to juvenile's level  
3   of maturity. It says, "He appears to have difficulty  
4   engaging in forward thinking nor adequately delaying  
5   gratification. It is likely that his diagnosis of ADHD  
6   interferes with disability. Given the information Micah's  
7   level of maturity can be viewed as average compared to other  
8   male offenders." Is that still your opinion based on your  
9   evaluation?

10          A.   Yes.

11          Q.   All right. Now, this last paragraph on page 14,  
12   "Previous rehabilitation efforts and treatment amenability"  
13   says, "Micah has a history of ADHD and has received treatment  
14   in the past like a level of psychopathology degree/degree and  
15   type as well as consideration and tolerance of others fell  
16   into the high rate indicating that Micah is amenable to  
17   treatment.

18                His motivation to change fell in the middle range.  
19   Consequently, his overall treatment amenability scale fell at  
20   the top end of the middle range. This suggests that his  
21   ability to benefit from treatment efforts and motivation to  
22   change are comparable to if not slightly higher than most  
23   other adjudicated you."

24                And do I understand that to mean that based on the  
25   evaluation and the testing, that it's your opinion that of

1 all the people in the juvenile justice system that he is one  
2 of those that are more likely to benefit from the juvenile  
3 justice system?

4 A. He was -- he fell into the middle to high range.

5 Q. Right.

6 A. And that was based upon one, his level of  
7 psychopathology and mental health symptoms being high, but  
8 also his reporting of interest in wanting or conceding to  
9 having some treatment.

10 Q. I want to ask you if you -- you was in court today  
11 and you heard the testimony and I -- and I've covered this in  
12 a very vague way thus far, but I -- I need to ask  
13 specifically. You heard the testimony about his truancy  
14 records or records from the school disciplinary history at  
15 the school. I think there was one disciplinary from the --  
16 from DJJ that was also introduced.

17 And you also heard testimony about there not having  
18 been medical records or counseling records submitted to you  
19 prior to your evaluation. The fact that none of that has  
20 been done or presented to you, does that change in any way  
21 anything that you have put in your -- in your evaluation?

22 A. It -- it doesn't.

23 Q. Okay.

24 A. It would offer more information that I could  
25 present as a picture.

1 Q. Okay.

2 A. However, it does not change what I have written.

3 Q. Okay. So you stand by this evaluation and this  
4 report?

5 A. I do.

6 MR. WILSON: Thank you. Nothing else, Your Honor.

7 Thank you. Thank you. Cross-exam?

8 MS. LIVESAY: Thank you, Judge.

9 Judge, if I could -- can I get that put back  
10 (inaudible) from you? (Inaudible). I appreciate, Your Honor.

11 CROSS-EXAMINATION

12 BY MS. LIVESAY:

13 Q. Doctor, you did the evaluation on Mr. Pressley,  
14 correct?

15 A. Correct.

16 Q. And when you did it, the only items you had as Mr.  
17 Wilson pointed out was a written police report and some  
18 school records from 2019 and 2020; is that correct?

19 A. Correct.

20 Q. Okay. So about what would -- six pages of school  
21 records and the police report?

22 A. Yes.

23 Q. Is that correct? Okay. And on the school records  
24 that you looked at, they go from like I say 2019, 2020 and  
25 you talked -- you said that he was somebody that was

1 empathetic. Am I -- am I right about that? Felt bad for  
2 other people?

3 A. His response to some of the questions that I  
4 asked, I asked of him.

5 Q. Okay.

6 A. Yes. Demonstrated empathy.

7 Q. I understand. I understand. And did you know  
8 that he picked up in September 13th in 2019 a threat to a  
9 student, verbal or physical?

10 A. Yes.

11 Q. Okay. And did you know that in September 23rd he  
12 was disruptive to the class? Did you know that?

13 A. If it was in the -- if it was in the disciplinary,  
14 yes.

15 Q. (Crosstalk) he committed a theft?

16 A. Yes.

17 Q. Did you know that on October 1st he picked up  
18 another threat or verbal or physical threat to another child?  
19 Did you know that?

20 A. Yes.

21 Q. Okay. And did you know in 2020 the behavior on  
22 those records were similar and in fact in March he picked up  
23 a disciplinary for attack on a student. Do you know that?

24 A. Those were in the records that I did ---

25 Q. (Inaudible) in the records?

1           A.    Yes.   That I did not have.   Correct.

2           Q.    Sure.   So in the course of the year, he made more  
3 problems with attacking another student and you're telling me  
4 that is somebody that is sympathetic for other people?

5           A.    It can be.   I don't know the nature of those  
6 attacks.   I don't know anything in regards to what those  
7 incidences involved.

8           Q.    Did you look into it?

9           A.    That is not something we tend to do, no.

10          Q.    Okay.   So you knew that they were attacked on  
11 other kids in the school year, at least three or four, just  
12 in one -- one time period, correct?

13          A.    It can also be verbal.

14          Q.    I'm sorry.

15          A.    They can also be verbal.

16          Q.    Okay.   So either a verbal threat or putting their  
17 hands on it, but some sort of a shock towards another  
18 individual.   You knew that?

19          A.    Yes.

20          Q.    And you knew that it happened four times at one  
21 school year?

22          A.    I cannot recall that, but yes.

23          Q.    Okay.

24          A.    There were -- there were -- the disciplinary  
25 actions ---



1 Q. That what your reference said.

2 A. --- the disciplinary actions do list. And a lot  
3 of the disciplinary items are very similar to those that I  
4 see with many other juvenile offenders, especially with ADHD  
5 diagnoses.

6 Q. I understand. So that's something else. I'm glad  
7 you brought that up. So your comparison of Mr. Pressley,  
8 when you say he's empathetic, you're not saying you're  
9 comparing him to every juvenile, you're saying in comparison  
10 to these other killers at DJJ he's empathetic?

11 A. I did not say that.

12 Q. You said juvenile offenders; is that correct?

13 A. I said juvenile offenders in DJJ in total.

14 Q. Okay. What is a juvenile offender at DJJ is that  
15 somebody that has committed a crime?

16 A. Is a minor who has been charged with a crime.

17 Q. Okay. So when these results, when you're  
18 comparing him, that's who you're comparing him to, other  
19 juveniles locked up at DJJ?

20 A. Or in the community.

21 Q. I'm sorry.

22 A. Or in the community. Minors who are part of DJJ.

23 Q. That's not what your answer was to Mr. Wilson.

24 You said in comparison to other juvenile offenders ---

25 A. Correct.

1           Q.    --- he was in the low range.  He was in the middle  
2 range?

3           A.    Correct.

4           Q.    Okay.  So when you say offender, let's be clear.  
5 What do you mean?

6           A.    Any minors who are part of the juvenile, the --  
7 the DJJ system.

8           Q.    Okay.

9           A.    The Department of Juvenile Justice is a juvenile  
10 offender.

11          Q.    I understand.  So out of the other juvenile  
12 criminals, he either middle range or low range?

13          A.    Correct.

14          Q.    Not out of the general public, not comparing him  
15 to kids that are not in DJJ?

16          A.    Correct.  That is specifically for DJJ minors.

17          Q.    Okay.  And you're saying even though just in one  
18 year he picked up two or three assaults he's empathetic  
19 towards others?

20          A.    Yes.  Somebody can be empathic.

21          Q.    I understand.  Did you know he committed a  
22 burglary?

23          A.    I was aware of that.

24          Q.    Okay.  And did you know he had another assault  
25 charge?

1           A.   Possibly, yes.  If I look at my records.

2           Q.   Okay.  And all of this tells you that he is  
3 empathetic towards other people; is that right?

4           A.   Based upon my interview with him and the ways in  
5 which he answered many of the questions, he was able to  
6 demonstrate some empathy.

7           Q.   Okay.  And based on the fact that he has several  
8 assaults in one year, you looked at that as well, correct?

9           A.   Correct.

10          Q.   And after looking at that and the fact that he's  
11 committed burglaries, he is empathetic to other people?

12          A.   He definitely can be.

13          Q.   Okay.  Now, I want to look at the report on page  
14 6.  I'm going to go back just a little bit.  Now, Mr. Wilson  
15 had talked to you about his IQ, do you remember that?

16          A.   Yes.

17          Q.   And you said he had a low IQ?

18          A.   According to the results that I obtained.

19          Q.   Okay.  And how many grades did he for?

20          A.   They had indicated to me none at the time.

21          Q.   Okay.  So he -- this young man has passed every  
22 grade right at the 10th grade?

23          A.   Yeah.  Yes.

24          Q.   Okay.  So he has met whatever educational  
25 requirements in the sixth grade to move up to seventh?

1           A.    We would assume so.

2           Q.    I'm sorry.

3           A.    We would assume so.   I would assume so.

4           Q.    Okay.   So do you -- do you just assume these  
5 things in the report and come up with an opinion or do you --  
6 do you know?

7           A.    I assume that he has met the criteria to pass from  
8 grade to grade.

9           Q.    Okay.

10          A.    However, I have worked with individuals who are  
11 low functioning cognitively that have gotten passed on from  
12 grade to grade.

13          Q.    Okay.   But you have to agree with me, he's never  
14 blocked a grade?

15          A.    There were -- per report, that is correct.

16          Q.    Okay.   Okay.   So even though his -- his IQ you  
17 say, it's low functioning, certainly he is able to meet the  
18 educational requirements to move from one grade to the next?

19          A.    Up through the time that I evaluated him, yes.

20          Q.    Okay.   I want to go to page 9 and on page 9, tell  
21 me what that last sentence did as to behavioral observations?

22          A.    I'm sorry, the last sentence of the -- of that  
23 paragraph of behavioral observations?

24          Q.    Yes.

25          A.    Okay.   "Given the difficulties described above and

1 the fact that Micah was not taking any psychotropic  
2 medications for ADHD, the results of this evaluation may  
3 underestimate Micah's current cognitive and psychological  
4 functioning."

5 Q. Okay. So the test actually underestimates this  
6 juvenile's cognitive -- current cognitive and psychological  
7 functioning?

8 A. I said may. And part of that is that he's had  
9 prior psych educational testing.

10 Q. Okay.

11 A. As part of the school district. I did not have  
12 that record to know what they had found and why he had an IEP  
13 to begin with.

14 Q. Okay.

15 A. And so it is my observation that because of the  
16 behaviors I was witnessing, that there could have been an  
17 underestimation in his abilities on these -- some of these  
18 tests.

19 Q. Okay. So he's never flunked to grave and he may,  
20 this -- these results that you give in court in fact may not  
21 be accurate. In fact, they may underestimate the juvenile's  
22 current cognitive and psychological functioning; is that  
23 correct?

24 A. That is correct.

25 Q. Okay. I am going to direct you to page 11, and I

1 correct that. Here, you -- you stated, in some in this test,  
2 which you talked to Mr. Wilson about it, "Micah completed the  
3 measure in a manner in which he presented himself in an  
4 extremely positive light."

5 A. Yes.

6 Q. Okay. Do you think it's helpful for a juvenile to  
7 present himself in an extremely positive light to the  
8 evaluator that's going to come in here and give an opinion?

9 A. That was how he presented.

10 Q. I understand. Do you think, let me ask it again.  
11 I must been clear.

12 A. Uh-huh.

13 Q. Do you think it is to this juvenile benefit to  
14 present himself in a positive light to the evaluator that's  
15 going to come in here and give an opinion?

16 A. Many minors put in court ordered evaluations  
17 oftentimes will present themselves in a more favorable light.  
18 That is not uncommon.

19 Q. Okay. And do you think that is to his benefit to  
20 present himself that way to you?

21 A. Potentially could be.

22 Q. I'm sorry.

23 A. It potentially could be.

24 Q. I understand. I understand. So he at least has  
25 the ability and the sense to know when he's talking to you,

1 if somebody that's going to come in here and get his opinion  
2 to present himself in a positive light.

3 A. Correct.

4 Q. Now, I want to direct you to page 12. Now, you  
5 said earlier that you were reading him the questions. And in  
6 the report you noted again that the questions were read to  
7 him. His responses were verbal and likely not as random or  
8 careless as if he were reading them himself?

9 A. Correct.

10 Q. Okay. So to some extent, were the answers  
11 careless and random?

12 A. What I found was that he oftentimes may have  
13 answered two questions that may have been trying to elicit  
14 the same type of response. There were different answers to  
15 both of those.

16 Q. So that would indicate that the answers were  
17 careless and random, correct? That he wasn't thinking about  
18 the questions?

19 A. Or he may have not understood it and did not ask  
20 for clarification.

21 Q. Okay. Do you know which one it was?

22 A. I don't.

23 Q. Okay. So it could be careless and random?

24 A. According to the typically careless and random is  
25 when somebody's reading it themselves as opposed to being it

1 read for them because they are just randomly maybe reading as  
2 they go. I -- I took -- I took it more as it was a  
3 possibility that he didn't understand and comprehend. Some  
4 of the questions are worded in difficult ways.

5 Q. Okay. Do you know definitively?

6 A. I do not.

7 Q. Okay. So let's be definitive because this is  
8 important.

9 A. Uh-huh.

10 Q. And you don't know?

11 A. I don't -- I cannot make it definitive.

12 Q. Okay. Let's be definitive. So you don't know if  
13 these tests that you've come up with this opinion from  
14 whether or not he's answering the questions with being  
15 deliberate or whether they're just random or correct; is that  
16 correct?

17 A. That is correct.

18 Q. Okay. Now, as to -- and -- and we're going to go  
19 back through, but for now, can we look at page 14? Now, page  
20 14, am I correct when we look under previous rehabilitation  
21 efforts and treatment?

22 A. Yes.

23 Q. That you said that indeed he has received  
24 treatment in the past. Am I correct by that?

25 A. That was reported to me, yes.



1           Q.    Okay.  So if you put it in your report, and you  
2   took into consideration that indeed he had received treatment  
3   in the past?

4           A.    Correct.

5           Q.    Okay.

6           A.    The type of treatment I was -- I did not have  
7   records to be able to confirm, but both by his report as well  
8   as his mother's report, he had received some counseling.

9           Q.    Okay.  Now, as to his maturity and sophistication,  
10  that's something that you looked at as part of this, correct?

11          A.    Correct.

12          Q.    The fact that he is out committing crimes, what  
13  does that tell you about his maturity and sophistication?

14          A.    Some of the charges and crimes appear to be more  
15  of an impulsive type of decision making.

16          Q.    Okay.

17          A.    That were -- there's no forethought to them.

18          Q.    I'm glad you said that because you actually  
19  reminded me of another question very briefly.  A crime, a  
20  burglary can be impulsive or it can be planned out, correct?

21          A.    Correct.

22          Q.    Did you look at the incident report on his  
23  burglary?

24          A.    I believe I did.

25          Q.    You did?

1           A.    I -- I believe I'm -- I'm -- I'm not -- I can't  
2   recall.  I don't -- I can't recall.

3           Q.    Okay.  Well, is it we went over that this is what  
4   you looked at?

5           A.    Correct.

6           Q.    And that incident report is not in there?

7           A.    Okay.  Then I didn't.  I couldn't recall.

8           Q.    Okay.  So then how do you know if you haven't even  
9   looked at the incident report, whether this was something  
10  that was impulsive or planned out?

11          A.    I don't know.

12          Q.    Okay.  Okay.  So as to when you were talking  
13  earlier about that his crimes appeared in (inaudible), you  
14  really don't know, do you?

15          A.    Not necessarily all the crimes, but other  
16  behaviors go into play as well into this.  So some of the  
17  disciplinary actions those type of things go into looking at  
18  sophistication.

19          Q.    Okay.  Okay.  But you would agree with me that you  
20  didn't look at any of the incident reports on the school  
21  records or the burglary, correct?

22          A.    I looked at the disciplinary records of school.

23          Q.    Did you look at the incident report and the  
24  burglary?

25          A.    I did not.

1           Q.    Okay.  So you didn't look at any of the incident  
2   reports regarding the crimes that he's been charged with?

3           A.    None of the crimes that have been dismissed, no.

4           Q.    How about the one that he pled guilty to in the  
5   probation court?

6           A.    I do not have that.

7           Q.    Okay.  So the truth is you haven't looked at any  
8   of the incident reports on the crimes that he's been ---

9           A.    I do not have that.

10          Q.    Okay.  And so you don't know if those crimes are  
11   premeditated or impulsive to do?

12          A.    I don't

13          Q.    Now, so as to his sophistication and maturity, can  
14   we agree he was charged with burglary and pled guilty and did  
15   probation in I believe, 2019.  Can we agree with that?

16          A.    Yes.

17          Q.    Okay.  And do you know how old he was in 2019?

18          A.    I believe that's when he was 12.  When he first  
19   became involved in DJJ.

20          Q.    (Inaudible).

21          A.    I -- I -- I'm trying to do the math.  I believe,  
22   was he 12?  I don't have his age roughly when that occurred.

23          Q.    Okay.  So -- so in 2022 he was how old when you  
24   did this report?

25          A.    He was 15.

1           Q.    Okay.  And so in 2019, about what would that put  
2   in?

3           A.    12.

4           Q.    Okay.  So 12 years old and you have committed  
5   burglary and plead guilty to it and are on probation.  What  
6   does that say about his maturity and sophistication?

7           A.    He was 12.  At that point doesn't necessarily mean  
8   that he was very mature for his age.  It does not necessarily  
9   mean that he was sophisticated.  It was a burglary three.  So  
10   I can't tell you more about that particular charge.

11          Q.    Okay.  But we can agree at 12 years old, he had  
12   already plead for burglary and was on probation?

13          A.    Correct.

14          Q.    Okay.  So we have to -- if that's shown  
15   sophistication, correct?  I mean, he is -- this is certainly  
16   an adult type activity, wouldn't you agree burglary would be  
17   an adult type activity being on probation?

18          A.    Not always.  There are many minors that are  
19   committing these types of crimes, unfortunately, that don't  
20   have the sophistication or maturity as an adult.  In fact,  
21   minors aren't adults at that point.  So I -- this -- this  
22   specific crime or charge that he did plead guilty on, I don't  
23   have the incident to know the background on it.

24          Q.    Okay.  So the fact that he is committing a  
25   burglary at 12 years old is on probation means really nothing

1 to you about his maturity and sophistication?

2 A. I'd have to understand mental health symptoms.

3 How are they impairing? I'd have to look at other factors  
4 involved.

5 Q. And did you do that?

6 A. Yes, I take into consideration as mental health.

7 Q. Okay. So we have to agree at 12, but you're  
8 already on probation. So let's talk about some other things  
9 that go towards maturity and sophistication. Let me direct  
10 you to page 7.

11 A. Yes.

12 Q. How old was this juvenile when he started having  
13 sex?

14 A. He indicated to me he was 14. Oh, excuse me, I'm  
15 so -- I'm, excuse me. That was what his mother thought he  
16 was. He indicated he was 11.

17 Q. Okay. So by 12 years old. Okay. By 12, he's  
18 already having sex and he's already broken into somebody's  
19 house, correct?

20 A. Correct.

21 Q. And in fact he had already had 7 to 10 girlfriends  
22 and become sexually active at the age of 11, right?

23 A. That was per his report.

24 Q. Okay. So he's having sex and he's breaking into  
25 houses and he is on probation by 12?

1           A.    Yes.

2           Q.    Are those adult type behaviors?  Are those mature  
3 sophisticated adult type activity?

4           A.    Sex, yes.

5           Q.    Okay.  Good.  I'm glad I'm ---

6           A.    That's an adult activity.

7           Q.    I -- I'm it can agree on that.

8           A.    Is it -- is it performed though by minors all the  
9 time, yes.

10          Q.    Okay.  So we can agree at 12, he is definitely  
11 engaging in some adult activity.  He's having sex and he's on  
12 probation and he's already picked up a (inaudible)?

13          A.    Adult activities.

14          Q.    Okay.

15          A.    Do not, yes -- they do not necessarily mean  
16 sophistication and maturity.

17          Q.    Okay.  Okay.  But those are certainly interest of  
18 an adult, correct?

19          A.    Correct.

20          Q.    Okay.  Good.  Now, let's talk a little bit about  
21 what you looked into for the report.  Mr. Wilson had already  
22 asked you would any of it change your opinion, correct?

23          A.    Correct.

24          Q.    Did you say no?

25          A.    Correct.

1           Q.    Okay.  And you didn't know that in 2014, he was  
2   already getting in trouble at school.  Did you know that?

3           A.    I did not.

4           Q.    Okay.  Did you know that not only was he in  
5   trouble in school in 2014, but about how old would that put  
6   in 2014?

7           A.    Somewhere he was born that would put him at about  
8   eight.

9           Q.    Uh-huh.

10          A.    Eight.

11          Q.    Okay.  So about eight?

12          A.    Uh-huh.

13          Q.    So he's already getting in trouble in 2014 he's  
14   eight years old.  Okay, so in 2015, he's nine years old.  Did  
15   you know he was getting in trouble in 2015 disrupting class,  
16   things like that in 2015?

17          A.    I don't have those records, but it would not have  
18   been of -- of any surprise.

19          Q.    I understand.  So at how old in -- in 2015 he'd be  
20   about nine?

21          A.    Correct.

22          Q.    Okay.  And then that's a -- a bus -- bus -- bus  
23   violation and bullying.  So in 2015 he had gotten in trouble  
24   with bullying at 10 years old.  2016, he would've been how  
25   old?  About 11?

1           A.    Correct.

2           Q.    Did you know when he was 11 years old, he had  
3   already gotten suspended for a weapons charge at 11 years  
4   old? Did you know that?

5           A.    Yeah. I did not have -- yes, I did not have that  
6   record. I did not know that.

7           Q.    Okay. But -- but did you know at 11 years old he  
8   had already picked up a weapons charge?

9           A.    Okay.

10          Q.    Okay. And in 2017 he would've been 12. So in  
11   2017 he picked up another bullying, another assault on a  
12   student refusal to obey. Did you know that that was going on  
13   in 2017 when he was 12?

14          A.    I -- I did not.

15          Q.    Okay. In 2018, when he was 13, did you know by  
16   then he had picked up a tobacco violation? So at 13 he's  
17   smoking, he's committed burglary, and he had sex?

18          A.    Yes, per report.

19          Q.    Okay. Did you know that?

20          A.    I did not.

21          Q.    You didn't know that? Okay. And 2019, he's going  
22   to be 14, correct?

23          A.    Yes.

24          Q.    That's about right? Okay. In '20, when he is 14

25   ---



1           A.    No.

2           Q.    --- he's picked up another assault on a kid,  
3 inappropriate behavior, major disruption, and a sexual  
4 harassment at 14 years old, correct? In 20 -- 2019, 2020  
5 he's again, profanity, disrespect, inappropriate behavior or  
6 assault. Did you know that was going on in 2020?

7           A.    I had that record, yes.

8           Q.    Did you know that?

9           A.    Yes.

10          Q.    Okay. And how about 2021, did you know what was  
11 going on in 2021?

12          A.    I -- I don't know.

13          Q.    Okay. And how about 2022?

14          A.    No.

15          Q.    Okay. So the -- the time range closest to when  
16 this occurred, you had no reference for it?

17          A.    I did not.

18          Q.    Okay. And you did not know that the Defendant by  
19 the age of 13 had already picked up a weapons charge, already  
20 picked up a burglary and was sexually active. Did you know  
21 that?

22          A.    He didn't have a weapons charge through DJJ. The  
23 first time he entered DJJ was in 2019.

24          Q.    It wants to be accurate. I think that's  
25 important. So weapons charge is 2016, January, 2016.

1           A.    Correct.  It was not part of DJJ it was part of  
2   the school.

3           Q.    Right.

4           A.    Disciplinary action.

5           Q.    Did you know about that?

6           A.    I did not.

7           Q.    Okay.  So by about 13 he had already picked up  
8   these type of behaviors?

9           A.    Correct.

10          Q.    Okay.  And these records start in 2014 and he  
11   would've been about eight years?

12          A.    In elementary school, yes.

13          Q.    So he has been in steady trouble from 18 until we  
14   found ourselves here; is that correct?

15          A.    Correct.

16          Q.    Okay.

17          A.    According to school reports, yes.

18          Q.    Okay.  According to the school records.  Well, do  
19   you think these are inaccurate?

20          A.    No, I'm sure they are accurate.

21          Q.    Okay.  Okay.  So, now, let's go to -- okay, hold  
22   on one second.  I've only got a few more questions.  Okay.  
23   So let's go to page 13.  Factors relevant to waiver.  You see  
24   that?

25          A.    Correct.  Yes.

1           Q.    So these are the factors that you looked at to  
2    come in here and tell the Court your opinion about, you know,  
3    this -- the offender range, overall risk of dangerousness,  
4    right?

5           A.    Correct.

6           Q.    Okay. Did you take into account anything about  
7    the incident that we are here today for?

8           A.    No.

9           Q.    Okay. So I want to be crystal clear. I want you  
10   -- for everybody in your best interest of the child. So  
11   leading up before the murder, okay? You're telling this  
12   Court and me that you find him to be of low offender range as  
13   to overall risk for dangerousness, and since then he has killed  
14   somebody, but you're sticking with overall risk of dangerousness  
15   ---

16           MR. WILSON: That's a misstatement and -- and I object.

17           THE COURT: I would agree.

18   BY MS. LIVESAY:

19           Q.    He's charged with murder. Do you know that?

20           A.    I am aware of that.

21           Q.    Did you know that he broke into the apartment?

22   Did you know that him and four other Co-Defendants?

23           A.    According to the police report, that's what it  
24   indicates.

25           Q.    Okay. And did you know before he walked in the

1 room he was going like this?

2 A. According to the police report.

3 MS. LIVESAY: Okay. And did you know -- can I have  
4 that (inaudible)? I'm so you used to having all of it with  
5 you. I think it's going to be another heading up.  
6 (Inaudible).

7 Thank you, Judge.

8 THE COURT: Uh-huh

9 BY MS. LIVESAY:

10 Q. I'm show you now State's 25. Did you see Mr.  
11 Pressley running out of the apartment with a gun in his hand?

12 A. I see a minor.

13 Q. Okay. Were you ---

14 A. Running.

15 Q. --- earlier when Mr. Huggins testified?

16 A. I was here for that.

17 Q. Okay. And then did you hear him tell this Court  
18 that he spoke with the juvenile and the juvenile identified  
19 that as himself?

20 A. I did hear that.

21 Q. Okay. Good. So the information you have is that  
22 he's identified that as himself, he is running out of an  
23 apartment with a handgun; is that correct?

24 A. According to the testimony that I heard today.

25 Q. Look, you ain't listen to the testimony. Look

1 right here to switch (inaudible).

2 MR. WILSON: Your Honor -- Your Honor, I object. Now  
3 she's answered the question and she's wanting her to say that  
4 this him and she says she doesn't it's a juvenile.

5 THE COURT: I agree. Let's move on.

6 BY MS. LIVESAY:

7 Q. (Inaudible) she can identify it or not?

8 A. I don't know.

9 Q. You don't?

10 A. I can't tell from that.

11 Q. Okay.

12 A. According to the testimony that I heard earlier,  
13 that was what the -- the testimony indicated.

14 Q. Okay. But you didn't take that into  
15 consideration?

16 A. The minor has not been adjudicated for the  
17 charges. We do not take in these charges when we do the RSTI  
18 which is this measure. The purpose of this evaluation is to  
19 present a picture of a minor leading up to the charges for  
20 which they're being charged.

21 Q. Okay.

22 A. They do not take into account the current charges.

23 Q. So leading up to discharge, not taking any of that  
24 into account?

25 A. Correct.

1           Q.    You are saying that this overall risk for  
2 dangerousness is below?

3           A.    His demonstration of violence, which is really  
4 what this has to do with, and dangerousness was low leading  
5 up to these charges.

6           Q.    Okay.  So prior to the charge, prior to the fact  
7 we heard today, you -- your opinion is that his overall risk  
8 for dangerousness is low?

9           A.    It was low leading up to these charges.

10          Q.    Okay.  Okay.  Leading up to these charges?

11          A.    Correct.  We do not take -- I -- I nor any of the  
12 other evaluators take into consideration the charges.  The  
13 RSTI is specifically designed to not take into account  
14 because the charge has not been adjudicated.

15          Q.    Okay.  And his sophistication and mature?

16          A.    Yes.

17          Q.    Okay.  We have established by 13 he's having sex,  
18 he has a weapons charge, and that he's picked up a burglary  
19 correct?  By 13?

20          A.    Correct.

21          Q.    Okay.  And you're saying this -- that's 13 now,  
22 he's 15, that's more years under his belt, correct?

23          A.    Correct.

24          Q.    Okay.  And sophistication and maturity, you've got  
25 middle?

1           A.    Correct.

2           Q.    Okay.  Now -- okay.  Were you in here when the guy  
3   -- the man from the school testified that he had been  
4   receiving behavioral plans different, accommodating him in  
5   different ways at the school?  Did you hear that?

6           A.    I listened to that, yes.

7           Q.    Okay.  And -- and that was prior to the murder,  
8   correct?

9           A.    Correct.

10          Q.    Okay.  All that was -- and did you hear were DJJ,  
11   which is your -- your department, correct?

12          A.    Correct.

13          Q.    Put him on probation and was trying to  
14   rehabilitate him through the probation.  Did you hear that?

15          A.    I did.

16          Q.    Okay.  And in your report you've noted that he has  
17   received services?

18          A.    Yes.

19          Q.    Okay.  And ---

20          A.    I cannot attest to the types of services that he  
21   has received.

22          Q.    Okay.  And all of that is prior to what happened  
23   while we're here today, correct?

24          A.    Correct.

25          Q.    And you are saying in looking at that -- that he

1 is in the middle range?

2 A. Correct.

3 Q. Okay. But again, that is not taking into account  
4 anything today?

5 A. Correct.

6 Q. Okay. Risk and that's risk sophistication  
7 treatment?

8 A. Yes. That particular measure, yes.

9 Q. Okay. And as to juvenile level of criminal  
10 sophistication or dangerousness, you put that low range, did  
11 you take into account the charger here today?

12 A. No.

13 Q. Okay. Juvenile's level of maturity did you take  
14 into account why we're here today?

15 A. The charge for which we're here today is not taken  
16 into account for any of this.

17 Q. Okay. And how about previous rehabilitation  
18 efforts and treatment?

19 A. The current charge is not considered when filling  
20 out this measure.

21 Q. Likelihood of reasonable rehabilitation?

22 A. Yes.

23 Q. Did you take into account with the reasonably  
24 today?

25 A. No. The likelihood of reasonable -- reasonable



1     rehabilitation has to do with the history.

2             Q.     Okay.  And adequate protection of the public.  Did  
3     you take into account the charge?

4             A.     If adjudicated on this charge, yes, it does talk  
5     about adequate protection.

6             Q.     So you did take into account as to adequate  
7     protection of the public?

8             A.     If adjudicated.

9             Q.     I'm sorry.

10            A.     If adjudicated that -- that the charge for which  
11     he's here is a serious violation, yes.

12            Q.     Okay.  So you -- as to adequate protection of the  
13     public, you took into account that he was charged with  
14     murder?

15            A.     No.  It's an if, if adjudicated.  This is the  
16     discussion of how to protect the public.  He -- at this  
17     point, he's not adjudicated, so therefore anything prior in  
18     terms of rehabilitation is based upon his history going  
19     forward to adequate protection of the public has to do with  
20     if later adjudicated.

21            Q.     Okay.  So you -- you did this under the idea if he  
22     was adjudicated that he was not guilty or if he was  
23     adjudicated guilty?

24            A.     Correct.  When it comes to adequate protection of  
25     the public.

1           Q.    Okay.  So you considered both standpoint either  
2  guilty or not guilty?

3           A.    This has to do with, yes.  Later on down the line.

4           Q.    I understand, but you did not do that same test  
5  for the likelihood of rehabilitation and the dangers you  
6  didn't consider then this is if he is guilty and this is if  
7  he's not ---

8           A.    That isn't correct.  That's not what the measure  
9  is designed to do.

10          Q.    Okay.  You only did it for adequate protection of  
11  the public?

12          A.    Yes.  And this part of the adequate protection of  
13  the public is quite honestly a section that we utilize in  
14  most all of our waivers to discuss what -- what would happen  
15  if remains in juvenile or if waived above.

16          Q.    Okay.

17          A.    So it's -- it's more of a standard.

18          Q.    And you would agree with me that you looked a  
19  minute portion of these records to come up with the potential  
20  four or five pages?

21          A.    I looked at the records that were provided for me.

22          Q.    Okay.  Would you agree that was four or five  
23  pages?

24          A.    There were more than four or five pages.

25          Q.    Of what kind of records?

1           A.    Of the -- of police reports.  Of the ---

2           Q.    Police report?

3           A     --- of the minors, school record.  So there were  
4 more than four or five, but there were few.

5           Q.    And -- and of course the police report, you didn't  
6 take that into consideration, correct?  For the waiver, the  
7 things that were relevant to the waiver?

8           A.    At this point, that is not taken into  
9 consideration.

10          Q.    Okay.  So as to the documents you did take into  
11 consideration, it was about four or five pages?

12          A.    It may have been roughly that.

13          Q.    I'm sorry.

14          A.    Yes, may have been roughly that.

15          Q.    Okay.  And none of those documents were 21, 22?  
16 None of them were documents as to his behavior close in time  
17 to the incident that we are here today for?

18          A.    None of those records were.  Most of the  
19 evaluation is based upon my assessment, my interviews, and  
20 all the testing measures that were conducted my interview  
21 with Micah as well as his mother.

22          Q.    Okay.  So most of your opinion is based off what  
23 the Defendant and his mom tells you?

24          A.    Many of it, yes.

25          Q.    Okay.  And do you think by any chance him and his

1 mother have a reason to answer those questions in a certain  
2 way, knowing that you're going to give this Court your  
3 opinion?

4 A. That could be a possibility.

5 Q. Okay. Did you receive a subpoena from our office?

6 A. I did.

7 Q. And did you write me back and tell me you couldn't  
8 come?

9 A. Correct.

10 Q. And did you receive a subpoena from Mr. Wilson's  
11 office?

12 A. I did.

13 Q. And then did you of course appear today?

14 A. I did. After -- after speaking to you. I had  
15 requested to do it Webex.

16 THE COURT: Re-direct?

17 RE-DIRECT EXAMINATION

18 BY MR. WILSON:

19 Q. (Inaudible) questions. Let me ask you this, if  
20 DJJ and the State had sent you more records, including his  
21 school records, would you have considered those?

22 A. That would be part of the review, yes.

23 Q. Okay. And if they had sent you his disciplinary  
24 record from school, would you have considered that in your  
25 evaluation?

1 A. That would've been reviewed as well.

2 Q. They didn't send that to you, did they?

3 A. I did not receive those.

4 MR. WILSON: Thank you.

5 MS. LIVESAY: Just one question, Judge.

6 THE COURT: One question.

7 MS. LIVESAY: I promise you.

8 RE-CROSS EXAMINATION

9 BY MS. LIVESAY:

10 Q. So Wilson asked you would you take all that into  
11 consideration and you answered you would, correct?

12 A. I would review it.

13 Q. Okay. So would you take it into consideration or  
14 not?

15 A. Yes.

16 Q. Okay. And today you've been presented with all of  
17 it and you've answered it would not change your opinion?

18 A. It would not.

19 Q. Okay. So why does it matter whether you received  
20 that additional information or not if your opinion was not  
21 going to change?

22 A. It would present more information regarding mental  
23 health history, mental health treatment, IEP more in terms of  
24 history, which is what my evaluation is to do as well, is  
25 present a picture of a minor prior to accruing these charges,

1 it would allow more information under those sections. My  
2 opinion would not have changed.

3 MS. LIVESAY: No further question.

4 MR. WILSON: Nothing further. And I ask this witness  
5 be excused, Your Honor.

6 THE COURT: Any objection?

7 MR. HELMS: No, Your Honor.

8 MS. LIVESAY: No.

9 THE COURT: All right. You may be excused. Thank you.  
10 If counsel will approach?

11 (Bench conference.)

12 MR. WILSON: Your Honor, at this time I would call Ms.  
13 Brenda Wilson.

14 THE COURT: Ms. Wilson, if you'll come up to the Bible,  
15 put your left hand on the Bible and raise your right hand.

16 BRENDA WILSON,  
17 having been first duly sworn, testified as follows:

18 THE COURT: All right. If you'll have a seat and state  
19 your full name for the record, please.

20 THE WITNESS: My name is Brenda Wilson, B-R-E-N-D-A  
21 W-I-L-S-O-N.

22 DIRECT EXAMINATION

23 BY MR. WILSON:

24 Q. Ms. Wilson, you have very soft voice, so I need  
25 you to speak right into that microphone. Just kind of yell

1 at us so we can't hear and you have to say.

2 A. Oh, I can yell.

3 Q. (Inaudible) so.

4 A. Yeah, Brenda, B-R-E-N-D-A, last name Wilson,  
5 W-I-L-S-O-N.

6 Q. All right. We're not related are we?

7 A. No, sir.

8 Q. All right.

9 A. You never know.

10 Q. But anyway, let me ask you, ma'am, where are you  
11 employed?

12 A. Department of Juvenile Justice at the detention  
13 center.

14 Q. Okay. And how long have you been employed at DJJ?

15 A. 14 months, sir.

16 Q. 10 months?

17 A. 14.

18 Q. 14 months. All right. And where did you work  
19 before you went to DJJ?

20 A. I was a Los Angeles police officer. I retired  
21 from it.

22 Q. Which, I'm sorry?

23 A. Los Angeles police department.

24 Q. (Inaudible)?

25 A. Yes, I retired from it, yes, sir.

1           Q.   (Inaudible) Los Angeles police -- police  
2   department for how many years?

3           A.   I got injured on duty, so I retired with 15 years  
4   on, sir.

5           Q.   Okay. And you were injured on duty and retired?

6           A.   Yes, sir.

7           Q.   (Inaudible) that.

8           A.   Yes, sir.

9           Q.   And you moved to South Carolina?

10          A.   I became a -- a -- I became a therapist and I  
11   moved to South Carolina.

12          Q.   Okay. All right. And was this your first job as  
13   a therapist working at DJJ?

14          A.   At DJJ, yes.

15          Q.   Okay. All right. Tell me about your -- your  
16   education first. You said that you worked at the Los Angeles  
17   police department for 15 years. Prior to that, what did you  
18   do?

19          A.   I went to nursing school, then I was in the Navy  
20   Reserves and I became a police officer. I was also an  
21   instructor in a nursing school as well.

22          Q.   You were instructor in nursing school?

23          A.   Yes, sir.

24          Q.   Very well. And when did you get your degree, you  
25   know, your clinical psychology degree?



1           A.    2020.

2           Q.    2020?

3           A.    May, 2020.

4           Q.    All right.  Where'd you graduate from?

5           A.    From California Baptist University with my

6   master's degree.

7           Q.    Okay.  So you have a master's in clinical

8   psychology?

9           A.    It is counseling and psychology with an emphasis

10   in marriage and family therapist.

11          Q.    Okay.  All right.  And have you ever testified in

12   court before?

13          A.    As a -- as a therapist ---

14          Q.    Yes.

15          A.    --- is my fourth time.  As an officer, I did ---

16          Q.    Fourth time testifying as a clinician?

17          A.    Correct, sir.

18          Q.    And you testified multiple times as a police

19   officer?

20          A.    Correct, sir.

21          Q.    All right.  And the area that you testified in

22   would've been in what -- what area did you testify in those

23   four times?  Did you say you testified?

24          A.    Waiver hearing, sir.

25          Q.    You testified at four waiver hearings?

1           A.   Four, yes.  Waivers, yes.

2           Q.   What would you consider your field of expertise?

3   Clinical psychology what?

4           A.   Yeah, 'I -- I like trauma mainly, but I do a lot of  
5   counseling like therapy with families.  Now, at the  
6   Department of Juvenile Justice, it's kind of hard to do  
7   therapy that much because we are overloaded.  So  
8   unfortunately I wish I could be doing more of what I love  
9   that he's doing therapy.

10          Q.   When you say you're overloaded, what -- what does  
11   that mean?

12          A.   Well, DJJ, the Juvenile Detention Center, we're  
13   right now one of "the only ones opening the whole South  
14   Carolina.  So we have a capacity of 72 kids we're at  
15   sometimes at 130, we're gathering nearly the amount of kids  
16   that we have.

17          Q.   So you're -- you're -- you have a capacity of 72,  
18   did you say?

19          A.   70, 72, yes, sir.

20          Q.   But you have actually 130 ---

21          A.   Right -- right now I think yesterday we had 110.

22          Q.   All right.  And now explain to us what you do  
23   there at DJJ and how you got had contact with this particular  
24   young man?

25          A.   Every time a kid comes into the -- to DJJ, they --

1     they give us a list the following day and they're -- assigned  
2     us certain amount of kids.

3             So right now we're three clinicians only, so our  
4     caseloads are quite high. And so we just do the intake,  
5     which is like asking questions, the regular questions, you  
6     know, sex, school, background, they like, you know, it's  
7     like, takes like few minutes. Then we let them talk to the  
8     parents.

9             We usually do not -- we do not look at their charges  
10    because at that point we're not there too. Like we just  
11    don't care about that that much. We just care about like,  
12    just do the treatment if there's any safety concerns when it  
13    comes to suicidal thoughts or suicidal ideations. So we  
14    focus mainly on that or the wellbeing of the kid while he's  
15    with us or she's with us at DJJ.

16            Q.    Okay. And let -- let me ask you while you were  
17    working there at DJJ, how many times would you say you've had  
18    contact with, Mr. Pressley?

19            A.    As counseling, like we don't do counseling that  
20    much, we just see them sometimes. We do -- we provide phone  
21    calls with probation officers. We call attorneys if needed.  
22    We do like if any -- the kid is asking you, I need to speak  
23    with my mom, or please can you do certain thing, we'll do  
24    that as well.

25            It is really hard to do like a full session of 45

1 minutes because I have close to sometimes 50 kids on my  
2 caseload, so I cannot dedicate that much time, but we do  
3 provide like phone calls or things like that with the kid.  
4 Yes, I was with -- with him when his mom passed away. We  
5 tried to do more counseling or we have a chaplain as well  
6 that they can go and talk and pray with her.

7 Q. Okay. All right.

8 THE COURT: Can we get an answer as to how many times  
9 she met with him. I didn't get ---

10 MR. WILSON: (Inaudible).

11 THE WITNESS: See if we have like, he been there for  
12 seven months, probably like -- like all my case over 14 times  
13 probably that I -- I was able to see him that I would see  
14 them constantly because we're in the wings. I go in and out  
15 to see the case or they're like, I say hi to the kids. Do  
16 you need anything? No. Okay. But that I was able to see  
17 one on one with him probably like 14 times if that, like in  
18 eight months that not too much.

19 BY MR. WILSON:

20 Q. So let me ask you this, during the -- during the  
21 times that you were in contact with him, tell me about him  
22 and the kind of individual that he was based on your  
23 observation of him as -- were you assigned -- were you --  
24 well, let me back up. Were you assigned to him as his  
25 counselor?

1           A.    Yes, sir.

2           Q.    Okay. All right. And now there is a counselor  
3 who is inside the facility, which -- meaning DJJ. Is there  
4 also a counselor outside?

5           A.    We are called clinicians while we're in there. So  
6 we're clinicians. So there's one that is inside that we do  
7 our work and then there's like a representative that is  
8 called intake counselor, but they are not counselors. It's  
9 more like, could be a probation officer that works from the  
10 community side with the parents and the family.

11          Q.    Okay. All right. But at DJJ you were assigned as  
12 his counselor?

13          A.    Inside the detention center, sir, yes.

14          Q.    Now, so tell me about him as -- as the one of the  
15 individuals you're counseling, about his behavior and about  
16 his -- his ability to conform to the surroundings there at  
17 DJJ?

18          A.    His behavior towards me is -- is great, his  
19 behavior is outstanding. I mean, when he's at DJJ I don't  
20 have an issue with when it comes to that. Yes, there was a  
21 Irma's report that happened in September. I'm not sure the  
22 -- the details of what really happened. I know there was a  
23 big fight that -- that time and that was when we were like  
24 overcrowded that wing has like 12 rooms. One kid per room is  
25 supposed to be.

1           So they're supposed to have that have 30 kids at that  
2   time that we were like really running really high and it's  
3   really hard for a kid to stay, not get -- not being in  
4   trouble over there. When it comes to fight. We have like  
5   threats. Like if they kids don't jump other kids, they're  
6   going to be jump themselves.

7           Sometimes when kids are assigned to our room and then  
8   we have the new kids coming in, the kids that are assigned  
9   because if we have so many -- the room, I mean the wing that  
10   the kids are in, probably just this area.

11          So we have 30 kids just in the -- in this area only.  
12   So when new kids come in, usually they tend to fight because  
13   they're like, they put them sometimes 22 hours inside a room  
14   that is like small like this.

15          So for preventing fights, the kids jump, you know, it  
16   becomes really like chaotic, you know, so for a kid to be not  
17   involved in one fight is -- it is really hard because my  
18   office is literally inside one of the wings, so I have to  
19   separate fights too. So I get, you know, so it's really hard  
20   not to the -- the amount of violence we are having in there  
21   is -- is high.

22          Q.    Okay. And other than that one instance, are you  
23   aware of any violence committed by -- by Micah while he was  
24   there with you?

25          A.    No, and we had -- I only saw that -- that happened

1 back in I think September, October. I don't recall when it  
2 happened because I get the emails sometimes that we have  
3 Irma's so you just read which of the kid was involved, but I  
4 never had the staff complaining about him or never came --  
5 nobody came to tell me, hey, you know, we have a trouble kid.  
6 He been in the same wing since he got there. Which usually  
7 when the kid is very aggressive, they tend to move them to a  
8 more aggressive wing or with kids that are a little bit older  
9 because of the aggression, but that was not his case.

10 Q. So and when you say that they tend to move them if  
11 they're aggressive or if they're violent and when they come  
12 in -- well, let me ask you this way. What section -- what --  
13 what section was he in, B?

14 A. He's in Bravo unit, yes, sir.

15 Q. He's in Bravo unit?

16 A. Yes, sir.

17 Q. Okay. Is that the unit that when you come in, you  
18 come into that unit?

19 A. No.

20 Q. All right. Where do you come into?

21 A. We have six different units. So we have six  
22 different wings. One is a female wing and then the other  
23 five are males. So the -- usually the E wing where my office  
24 is and F winging is the one the kids that are like older are  
25 like more violent sometimes, but then we have D, C is usually

1     when we have the younger kids and then we have B. So this  
2     goes between B, C, and D mainly. Unless if it's your very --  
3     if you're violent, they usually will put you up with a, you  
4     know, in -- in a different way with the other kids.

5           Q.    Okay. So if you're violent, they don't usually  
6     keep you in B is what you're saying?

7           A.    Yes. Or they put you on B, C, which is a -- a  
8     protective custody or confinement, which is 23 hours in one  
9     you come out with for one hour to take a shower and then you  
10    go back inside that room for 23 hours.

11          Q.    Okay. And based on -- on -- on your interactions  
12    with Mr. Pressley and based on your knowledge of the system,  
13    has he been in that situation where he was placed in solitary  
14    confinement, I guess for like ---

15          A.    No -- no, sir.

16          Q.    Has -- during the times that you've met with him,  
17    has he ever been disrespectful to you or -- or refused to  
18    obey any order that you gave him or any directive that you  
19    gave him?

20          A.    No, not at all. No, he's usually, he -- he does  
21    -- he doesn't talk that much. He's -- he's quiet. He's very  
22    like, polite, you know, he's, you know, and -- and we never  
23    had an issue with him.

24          Q.    One last question. You said that you worked for  
25    the Los Angeles police department for 15 years. What did you



1 do there?

2 A. I was a -- I was a police officer. I was a  
3 training officer in South Central.

4 Q. Okay. So you are a training officer?

5 A. Yes, sir.

6 MR. WILSON: I don't have any other questions. Thank  
7 you, ma'am.

8 THE WITNESS: You're welcome, sir.

9 THE COURT: Thank you. Cross-examine?

10 MR. HELMS: Yes, ma'am.

11 CROSS-EXAMINATION

12 BY MR. HELMS:

13 Q. Is South Central a high crime rate area?

14 A. Yes, sir.

15 Q. So you're used to a lot of crime in your career?

16 A. Yes, sir.

17 Q. You've dealt with a lot of bad people?

18 A. Yes, sir.

19 Q. In fact, most of the people you deal with are bad  
20 people, right?

21 A. I wouldn't -- not everybody.

22 Q. People accused of crimes?

23 A. Yes.

24 Q. People convicted of crimes?

25 A. Yes.

1           Q.    So when you deal or counsel someone or you --  
2   they're signing and -- and you're comparing them, you're  
3   comparing them to other people charged with crimes; is that  
4   fair to say?

5           A.    I mean I don't compare people, everybody comes. I  
6   -- I -- to be honest with you, sir, like I don't try to judge  
7   a book by its cover.

8           Q.    Sure.

9           A.    Because I was on the field. So we all come from  
10  different backgrounds and me from -- me -- from different  
11  countries. Right. I had to, you know, realize that we're  
12  all different. So when working South Central, that's a  
13  different world, you know, so when you go to a house, I can't  
14  compare when I was working Hollywood or close to Beverly  
15  Hills with like a \$10 million home that they somebody will  
16  call us for like they stole their diamond ring to go to South  
17  Central in the project when somebody got killed or raped.

18          So I cannot compare, you know, I just have to see the  
19  whole circumstance how it is. Crime is crime and we all pay  
20  for it. It's just the fact like I can't compare one person  
21  to the other one because we're all different.

22          Q.    But when Mr. Wilson was asking you questions about  
23  when the juveniles come in, you were talking about how  
24  they're housed together and it's very hard for them all not  
25  to get in fights you -- you ---

1           A.    It is hard, yes.

2           Q.    You're comparing them to each other, right?  It's  
3   hard in that.

4           A.    I'm not comparing, I'm saying that it's hard not  
5   to get in fights.

6           Q.    In there.  But it is -- it is hard for the  
7   juveniles in custody.  It's not hard for juveniles out in the  
8   world to not get in fights, right?  That's not your  
9   contention, right?

10          A.    No.  We're talking about the juvenile detention  
11   center right now.

12          Q.    So when we're talking about juveniles in your  
13   world, we're talking about juvenile offenders, right?

14          A.    Yes.

15          Q.    Okay.

16          A.    Because I'm in the detention center.  Yes.

17          Q.    Does the fact -- let me ask you this, are there  
18   people that come into DJJ that don't get into fights?

19          A.    Yes.  Some of them, yes.

20          Q.    So it's possible to go ---

21          A.    It is ---

22          Q.    --- into the Department of the Juvenile Justice  
23   and not fight people?

24          A.    No, because they usually get jumped.  A lot of  
25   them.

1 Q. They usually get jumped. Is that what happened to  
2 him?

3 A. He never got jumped that I know of.

4 Q. He never got jumpèd, did he?

5 A. No.

6 Q. Okay. I know. Let me ask you this question.  
7 You're from California?

8 A. Yes, sir.

9 Q. The other doctor was from California. Does  
10 everybody from DJJ ---

11 A. I didn't know her.

12 Q. Okay. I just wondering -- you heard the other  
13 doctor testify?

14 A. Yes, sir.

15 Q. And she testified that there were a lot of the --  
16 the gist of it is there are a lot of records she didn't have?

17 A. That's what I heard, sir. Yes.

18 Q. Is that what you gathered from that?

19 A. Yes, sir.

20 Q. Did you have more records than she had?

21 A. I have no records.

22 Q. Oh, you have no records?

23 A. I don't read the -- I don't go into JJMS looking  
24 for kids' information background because what they tell us is  
25 like, you just don't want to get involved in the kids'

1 background because I'm not, that's not my job duty when I'm  
2 in there.

3 Q. I understand.

4 A. My job duty in there is they're safeguard their --  
5 their mental behavior.

6 Q. Yes, ma'am.

7 A. Their mental health. I make sure like we  
8 facilitate anything that we have to like call in attorneys  
9 ---

10 Q. (Inaudible)?

11 A. Yes, sir.

12 Q. We're in a hurry. So your job is to look after  
13 the well-being of the -- of the juvenile?

14 A. Correct, sir.

15 Q. And you take your job serious?

16 A. Yes, sir.

17 Q. Do you do your job?

18 A. I trust as much as I can.

19 Q. You try to be good at your job?

20 A. I am.

21 Q. Does that mean you're trying to be good at your  
22 job right now?

23 A. Yes, sir.

24 Q. Okay. And you're still taking his well-being into  
25 consideration?

1           A.   Everyone's well-being.

2           Q.   You want what's best for him, don't you?

3           A.   For everybody.

4           Q.   For everybody?

5           A.   We got -- we lost someone and we have a kid in  
6 here, so we're losing two lives at the same time.

7           Q.   Uh-huh.

8           A.   So I care about everything. I don't care about  
9 what the person commit. I just care about the people are  
10 okay.

11          Q.   That's fair. You don't care what he did, do you?

12          A.   Not at this point, no. I'm -- no.

13          Q.   No. Okay. I understand that completely. Now,  
14 let me ask you this, since you don't have any records, right?

15          A.   Yes, sir.

16          Q.   Your entire opinion is based on what that young  
17 man says to you, right?

18          A.   About what? The kids?

19          Q.   Anything. Well, you're here today to say that  
20 he's a good young man; is that right?

21          A.   Well, he's -- his actions towards me, yes.

22          Q.   Okay. But that's all you can base your opinion on  
23 that you're representing to this Court is his interactions  
24 with you?

25          A.   I'm -- his behavior at the detention center.

1           Q.    Let's talk about that.  At the detention center,  
2   are you free to do whatever you want?  Can you go and come as  
3   you please?

4           A.    The kids, no.

5           Q.    Okay.  So do you eat when you're told?

6           A.    They have to, yeah.

7           Q.    Yeah.  Do -- do you go to school when you're told  
8   class when you're told?

9           A.    Yes.

10          Q.    So you're guarded?

11          A.    Mostly, yes.  Yes.

12          Q.    So your behavior is really kind of dictated by the  
13   people around you, isn't it?

14          A.    I wish, yes, but ---

15          Q.    So isn't it safe to say that his behavior  
16   logically would be better in DJJ than it would be when he's  
17   free out on the street?

18          A.    Probably because he -- they're watched, right?

19          Q.    Yeah.  No, that makes perfect sense.  I agree with  
20   you.  You're overloaded.  That's the word you used.

21          A.    We are.

22          Q.    Okay.  And you said you cannot dedicate much time  
23   to him.  You said you've seen him about 14 times?

24          A.    Probably like one, like talking.  Yeah.

25          Q.    Would you like to see him more?

1           A.    I would like to see all of my kids more.  That's

2   ---

3           Q.    But I'm talking about him.  Would you like to see  
4   him more?

5           A.    If I could, yes, of course.

6           Q.    Why?

7           A.    Because I want to provide him to -- when he comes,  
8   hopefully one day he comes out, I can change their behavior  
9   or their thought pattern to change their behavior.

10          Q.    So (crosstalk)?

11          A.    That's why they're there for that to behavior to  
12   be rehab them regardless of what they did, to be able to  
13   provide them with something better.  So when they come back  
14   into society, they don't harm anyone.  That's the idea of,  
15   like, for me, that's why I wanted to be a therapist, to be  
16   able to change something in them.

17          Q.    And if he -- you said to keep him from harming  
18   anyone?

19          A.    Correct.

20          Q.    Well -- well let me ask you this.  Why -- why is  
21   it important not to harm anyone?

22          A.    Because I saw too many dead people on the streets,  
23   and I don't want that.  I was tired.  I wanted to be an  
24   attorney and I got so tired of seeing that people on the  
25   streets that I wanted to be something different.  And that's



1 the reason I -- I became a therapist to help others.

2 Q. You want to make a difference though?

3 A. Yes, sir.

4 Q. You -- you have an agenda, you want to make a  
5 difference, right?

6 A. It is on an agenda. It's -- I have something in  
7 that.

8 Q. You have a goal?

9 A. I want to do. I have a goal.

10 Q. To make a difference?

11 A. Yes.

12 Q. Are you here today to make a difference?

13 A. I'm here just to testify, sir.

14 Q. Okay. I understand. You said that you knew him  
15 when his mother passed away?

16 A. Yes.

17 Q. Yeah. Did you know his mother?

18 A. Yes. She will come on -- she will come mostly  
19 Wednesdays when they reopen the visitation.

20 Q. Uh-huh.

21 A. They will come on Wednesdays. Sometimes she --  
22 she will come and see her son.

23 Q. And you knew her -- you knew when she passed away?  
24 You met with him after she passed away?

25 A. Yeah. Yes. Like a week later, two weeks later

1     when after she passed away, I met him.

2             Q.     That was not easy for him, I'm sure.

3             A.     Yeah, they told me she -- I was in -- I wasn't in  
4     town. I met him on Friday.

5             Q.     Yes, ma'am.

6             A.     Right before his mom passed away, not knowing that  
7     she was going to passed away. I was out of town for two  
8     weeks. When I came back, that's when they told me that his  
9     mom passed away. And I met with him to see how -- to check  
10    on him.

11            Q.     And you met with him, you talked about it with  
12    him?

13            A.     Uh-huh.

14            Q.     And did -- did you sympathize with him?

15            A.     Yeah. Of course.

16            Q.     You felt bad for him?

17            A.     Yes.

18            Q.     Do you still feel bad for him?

19            A.     I feel bad for anyone that loses their mother.  
20    Like I -- I'm upset that somebody lost their son.

21            Q.     Yes, ma'am. I understand. What about his other  
22    family members? Have you ever talked to them?

23            A.     I talked to the grandmother once, yes.

24            Q.     So you know how -- you talked to them once?

25            A.     No -- no. Couple of times. Because once the mom

1     passed away.

2             Q.     Yes, ma'am.

3             A.     The grandmother calls to check on the son -- some  
4     or the grandson. So that's why I know them.

5             Q.     Yes, ma'am.

6             A.     And the aunt. I'm sorry, what.

7             Q.     And the aunt, yes, ma'am.

8             A.     And the aunt came to see him once.

9             Q.     When you all were talking in the hall, what were  
10     you all talking about out there?

11            A.     Like what was going on, you know, what was going  
12     on with the case? What happened?

13            Q.     But you didn't stop and talk to me, did you?

14            A.     You didn't not talk to me either.

15            Q.     No, I did not. No.

16            A.     Uh-huh.

17            Q.     Because we don't know each other we ---

18            A.     Exactly, we don't know each other.

19            Q.     But you did know them?

20            A.     I don't -- I didn't know two of them.

21            Q.     But you ---

22            A.     I only knew -- what -- because I introduced  
23     myself.

24            Q.     Okay. Why do you introduce yourself to them?

25            A.     Because they were all together and I know two of

1     them and I said, hi, this is Ms. Wilson and I didn't know you  
2     sir. I said, what -- how are you related? I said ---

3             Q.    Yes, ma'am.

4             A.    That was it.

5             Q.    You testified you've been to four waiver hearings,  
6     right?

7             A.    Yes, sir.

8             Q.    This is your fourth?

9             A.    This is my fourth.

10            Q.    You testified at three other waiver hearings?

11            A.    Yes, sir.

12            Q.    When you testified at those hearings, did you --  
13     and today you're here at the behest of the defense, "correct?"

14            A.    Yes, sir.

15            Q.    When you testified at those other three waiver  
16     hearings, who did you come to?

17            A.    It was always for the defense attorney, sir.

18            Q.    Always for the defense. Let me ask you this.

19     When you testified at those hearings, did you -- was just  
20     substance of your testimony virtually the same thing it is  
21     today. You want people to get better, you're sympathetic,  
22     you want to help?

23            A.    Yeah. The difference was that when I was in the  
24     other cases, we were -- we -- we were not supposed to stay  
25     inside the room. They make us all wait outside.

1           Q.    Okay.  Okay.  So you -- you've testified at four  
2   waiver hearings and all four was for that side?

3           A.    Anybody can subpoena me.  I'm not getting paid for  
4   it, so.

5           MR. HELMS:  That's true.  They -- they could.

6           I don't think I have anything further.  Thank you.

7           THE WITNESS:  You're welcome sir.

8                         RE-DIRECT EXAMINATION

9   BY MR. WILSON:

10          Q.    Have you -- in those four cases, were you ever  
11   subpoenaed by the State to come and tell the truth?

12          A.    No, sir.

13          MR. WILSON:  No other questions.

14          THE COURT:  Thank you.  All right.

15          MR. WILSON:  Your Honor, I'd ask you to be excused?

16          MR. HELMS:  No objection.

17          THE COURT:  All right.  Thank you.  You may be excused.

18          MS. WILSON:  Thank you.

19          MR. WILSON:  We'll call Ms. Maxine Bradley.

20          THE COURT:  Ms. Bradley, if you'll go to the Bible and  
21   put your left hand on the Bible and raise your right.

22                         MAXINE PRESSLEY BRADLEY,

23   having been first duly sworn, testified as follows:

24          THE COURT:  All right.  If you'll have a seat and  
25   please state your full name for the record once you sit down.

1 THE WITNESS: Okay.

2 MS. LIVESAY: Just for the record. We do object to  
3 this testimony, but we understand that's Court rule.

4 THE WITNESS: Okay. My name is Maxine Pressley  
5 Bradley.

6 DIRECT EXAMINATION

7 BY MR. WILSON:

8 Q. Ms. Bradley, let me ask you, first of all, what is  
9 your relationship to Micah Pressley?

10 A. He's my grandson.

11 Q. All right. And his -- how is he your grandson?

12 A. His mother was my daughter.

13 Q. All right. His mother was your -- was your  
14 daughter?

15 A. Yes.

16 Q. And your mother -- and his mother died when?

17 A. November.

18 Q. Okay. And let me ask you about Micah for a minute  
19 before we talk more about his mother. You raised Micah from  
20 a baby till third grade?

21 A. Yes, he lived with me.

22 Q. So he lived with you and you took care of him all  
23 that time?

24 A. All that time.

25 Q. All right. And he went to live with his mother

1 after third grade?

2 A. Yes, he did.

3 Q. Is that fair?

4 A. Uh-huh.

5 Q. All right. So when -- after he left your home to  
6 go live with his mom, tell us what contact you had with Micah  
7 during that -- during that period from third grade till  
8 obviously his arrest here?

9 A. Well, normally I see him like on a weekly basis,  
10 sometime every other day and most on the weekends.

11 Q. Okay.

12 A. And then we go on trips and go on places together.

13 Q. All right.

14 A. So I always was seeing him.

15 Q. All right. Have you always been involved in his  
16 life?

17 A. Yes. Yes. Because he was playing sports and  
18 stuff over here in Florence and I always come to his games.  
19 Even when he was playing all star and everything and we  
20 travel, I went through his games and traveled everywhere he  
21 went.

22 Q. Okay. Now, when Micah was living with you from  
23 age -- from, well from birth actually till third grade, why  
24 was he living at your home?

25 A. Well ---

1 Q. Not with his mother?

2 A. My mother, I mean my daughter was in North  
3 Carolina and then when she came back here and then she was  
4 staying with me for a while until she got a job here in  
5 Florence and a place to stay. So then I, you know, had them  
6 registered in like, you know, well I run -- run a daycare.  
7 So he was in my daycare.

8 Q. Okay.

9 A. And then ---

10 Q. You were in the daycare center?

11 A. Yes.

12 Q. In Florence?

13 A. Back in -- in Williamsburg County.

14 Q. In Williamsburg County?

15 A. Yes.

16 Q. And -- and he went to that daycare center?

17 A. Yes. And then once he got like three, then we had  
18 like her lens head start, then I put him in school there and  
19 would take him there in the morning time and pick him back up  
20 in the afternoon.

21 Q. Okay. All right. Now, during those formative  
22 years from birth to third grade, did you ever have any  
23 difficulty with him in terms of behavior?

24 A. No -- not, you know, except mostly I know it was  
25 when he was like, it took him about two and a half years



1 before he could really learn how to talk.

2 So that's when I was telling my daughter that you  
3 probably needed to take him, you know, somewhere to check to  
4 see what was his, you know, taking him so long for her to  
5 talk, but then we were having, you know, a lot of time he  
6 would be slow in doing different things and so I said we need  
7 to get him mentally evaluated or something to see what's  
8 going on with him.

9 Q. Okay. Well, did you all ever take him to a  
10 psychiatrist or a clinical psychologist to have him evaluated  
11 to try to determine what if any, mental health issues he had?

12 A. Well, no more than to his physician. And then  
13 they were said, just give him time, you know, he would grow  
14 out of that different things, give him time.

15 Q. And you said he was two and a half years old  
16 before he started to speak?

17 A. Mostly.

18 Q. (Inaudible).

19 A. Yes, he did.

20 Q. All right. Now, at some point in time you said  
21 that he left your home and he went to live with his mother,  
22 but actually his mother moved back from North Carolina here?

23 A. Yes.

24 Q. And she got her own place?

25 A. Yes.

1           MR. WILSON: And, Your Honor, I apologize, I'm just  
2   trying to speed this up. I kept going a little faster.

3   BY MR. WILSON:

4           Q. And so once his mother moved back here, how close  
5   were you all houses? I mean, where you lived versus where  
6   she lived?

7           A. About 40 miles ---

8           Q. All right.

9           A. --- apart.

10          Q. All right. So ---

11          A. I live in Williamsburg County. She was over here  
12   in Florence County.

13          Q. Okay. So you lived in Williamsburg, she lived in  
14   Florence?

15          A. Uh-huh.

16          Q. Okay.

17          A. And then, although I was working over here because  
18   I worked at the hospital.

19          Q. Okay. So you work at (inaudible)?

20          A. At MUSC Carolinas.

21          Q. All right. (Inaudible)?

22          A. Switchboard operator and work at Bruce Hall.

23          Q. Okay.

24          A. As a tech.

25          Q. And what's Bruce Hall like that?

1           A.    Alcohol and drugs.

2           Q.    Okay.  You worked there as a detective?

3           A.    Yes.

4           Q.    All right.  How long did you work there?

5           A.    10 years.

6           Q.    Okay.  All right.  And so let me ask you about his  
7   father.  Where was his father during the time that you had  
8   him living with you?

9           A.    North Carolina.

10          Q.    Okay.  And now, was his father and mother living  
11   together in North Carolina?

12          A.    No, they wasn't.

13          Q.    They weren't together ---

14          A.    (Crosstalk), but they were all in North Carolina.

15          Q.    Tell me what happened to his father?

16          A.    His father, he works on cars and stuff,  
17   automobiles.  And he was working under a car and the car  
18   exploded and he got burned real bad.

19          Q.    All right.

20          A.    And he was in the hospital there in Virginia at  
21   the burn center.  And so we went up there, you know, I didn't  
22   go, but then my daughter took -- came and took Micah there to  
23   see him.  And it was like, she told me it was, "Mama I don't  
24   know how Micah stand it."

25          Q.    What -- so did he die?

1           A.    Yes, he died.

2           Q.    All right.  And did he die shortly after the visit  
3   that Micah?

4           A.    Yes.  Right after that.

5           Q.    (Inaudible).

6           A.    Uh-huh.

7           Q.    Tell me how that affected Micah.  Tell me how that  
8   changed his pattern of behavior.  And before you do that,  
9   when are we talking about what year, if you recall that he  
10   died?

11          A.    2018.

12          Q.    Okay.

13          A.    And '19 is when he start changing.

14          Q.    Okay.

15          A.    Because during this three or four days before that  
16   my mother died, which is his great-grandmother and it was  
17   very close to her too.

18          Q.    Okay.  So his father dies in 2000 ---

19          A.    2018.

20          Q.    --- and -- and then his behavior starts to change  
21   ---

22          A.    Change then.

23          Q.    --- after that?

24          A.    Uh-huh.

25          Q.    All right.  And did you ever go to the school with

1 your daughter to talk to the school people about his IEP or  
2 what's going on with the ADHD or -- or.

3 A. Yes, I did, you know, when he was there at, you  
4 know, Williamsburg County School, I did.

5 Q. All right. And tell me about those conversations  
6 that you had with the school people about him and what was  
7 going on?

8 A. Well, they were just talking about, you know, how  
9 his reading was low and math and stuff, and we would -- we  
10 were trying to get, you know, like someone to come and help,  
11 you know, while I was in the daycare there. And then I had  
12 teachers and stuff to come in to work and help with him to  
13 see whether that would help. They would bring his grade  
14 level or reading and stuff up.

15 Q. Okay. Now, was he in special education classes?

16 A. Not because mostly of the time, you know, by me  
17 having someone come in to work with him, then he was doing  
18 good.

19 Q. Okay. There was some ---

20 A. I think it was one time.

21 Q. --- whether he passed all of his grades, but he  
22 actually didn't pass all grades?

23 A. He did not, because some of the classes and stuff  
24 he did not pass. We had to pay for him to go to summer  
25 school and used to take him to summer school so he could stay

1 up with his grade level.

2 Q. Okay.

3 A. He would go to summer school.

4 Q. So he would pass some courses and then flunk some  
5 other courses?

6 A. Yes. And then we put them in summer school.

7 Q. You sent him to summer school to try to make up?

8 A. Yes.

9 Q. Keep him ---

10 A. Uh-huh.

11 Q. --- going forward.

12 A. Right.

13 Q. All right. And did that continue throughout the  
14 -- the years from after third grade on up? Is that ---

15 A. Yes. Because her -- his mother when she -- he  
16 came over here, her elementary, you know, the bridge and was  
17 in the third grade, then she would do the same thing here at  
18 had in summer school.

19 Q. Okay. Did you know -- did you -- were you aware  
20 that his mom wasn't able to get him to school?

21 A. Yes.

22 Q. And he was missing a lot of days?

23 A. You right. And many times I would come over here  
24 early in the morning, you know, if I didn't have to work and  
25 then I would take, you know, him to school and stuff.

1     Because a lot of times she didn't have transportation. Well,  
2     if she had transportation, her car would be broken or  
3     something and I would drive over here and pick him up and  
4     take him.

5             Q.     Okay. What kind of work did she do?

6             A.     She did home health.

7             Q.     Okay.

8             A.     Yes.

9             Q.     And -- and -- and that's where you go to different  
10     people?

11            A.     Yes.

12            Q.     And provide services ---

13            A.     Right.

14            Q.     --- to them?

15            A.     Uh-huh.

16            Q.     All right. And -- and tell me about your  
17     daughter's education. Did she have college degree or  
18     anything?

19            A.     Yes. She had a college degree.

20            Q.     All right.

21            A.     From St. Augustine, Raleigh. And then she had her  
22     daycare director and licensed too for that. And she was a --  
23     a master, you know, got a master's degree in daycare  
24     directory.

25            Q.     Okay. All right. And tell me about when the

1 burglary that Micah gotten arrested or charged as you  
2 (inaudible) with a burglary. Do you recall that?

3 A. I didn't know that until I read it.

4 Q. Okay.

5 A. Uh-huh. So I guess he was trying to keep --  
6 didn't want me to be aware of some of the things that he was  
7 doing here and like in Williamsburg County, he wasn't, you  
8 know, he didn't do that. It was -- I found out later.

9 Q. So she -- so your daughter never told you ---

10 A. Yeah.

11 Q. --- that he was charged with that burglary and  
12 that ---

13 A. She mentioned she talked about it a little, but I  
14 said, what are you talking about? And then she said, "No, my  
15 mama never mind."

16 Q. All right. All right. So you didn't -- you  
17 didn't have any knowledge about his probation and all of  
18 that?

19 A. No.

20 Q. When he was going through that?

21 A. Not -- no, not then.

22 Q. And let me ask you what kind of -- during the --  
23 during the years from eighth, ninth, 10th grade, just kind of  
24 tell me what kind of relationship you had with him and what  
25 kind of child he was during that time frame?



1           A.    Well, I always had a good relationship with him,  
2    you know, because he's always glad to see me and give me a  
3    hug and kiss every time you see me. "Grand mama love you."  
4    I said, "I love you too." And then I said, "How you doing in  
5    school?" "I'm not doing too good in school, but I'm -- I'm  
6    making it."

7           Q.    Now his mom died of what, what caused her death?

8           A.    She committed suicide.

9           Q.    And -- and that was when?

10          A.    November, November the 5th.

11          Q.    Okay. That was this past November?

12          A.    Yes.

13          Q.    All right. She committed suicide. And have you  
14    had conversations with Micah since that time?

15          A.    Yes, I talked to him on the phone.

16          Q.    Tell me about how has -- how has her death and  
17    suicide affected him?

18          A.    It really affected him. Really, you know, bad. I  
19    was hurt for him. And we talk on the phone, he cry, I cry  
20    and I said, "Well, Micah," I call him Micah. "Micah, we just  
21    have to pray and things will change and get better." He  
22    said, "But how can I live without my mama? I can't live  
23    without my mother." I said, "Well, I know." I said, "It's  
24    hard for me just to think about that. It's my daughter."  
25    And I said, "But between the two of us, we will make it."

1 And I said, "I'm your mother. I'm going to be your mother  
2 and I'll be your grandmother."

3 Q. Okay.

4 A. So I said, "You can lean on me."

5 Q. Let me ask you about that now. All right? Is it  
6 your plan to step in the parental role for Micah?

7 A. Yes.

8 Q. All right.

9 A. Uh-huh.

10 Q. And you are willing to assume that responsibility?

11 A. Yes.

12 Q. (Inaudible) me one second, please. I just have a  
13 couple more things. Let me ask you this, you said that your  
14 daughter moved from North Carolina back over here to South  
15 Carolina. And -- and at that time she took Micah to live  
16 with her, right?

17 A. Yes.

18 Q. Did -- did they stay in Florence the entire time  
19 or did they move around? Were they always ---

20 A. They were -- were here in Florence.

21 Q. Okay.

22 A. Yes.

23 Q. Okay.

24 A. They were here in Florence.

25 Q. All right. So once they moved to Florence, that

1 mobile home, they stayed in the mobile home? Is that what

2 ---

3 A. Well, the first time it was on Darlington Street,  
4 I think. Darlington.

5 Q. Yes.

6 A. Uh-huh. No, Darlington Street. I think it's on  
7 West Darlington.

8 Q. Right. Did they ever live in a Stateville house  
9 or was it always more?

10 A. They -- they were always in a home, like an  
11 apartment complex. And one time she was in a break home.

12 Q. Okay.

13 A. With one of my cousins. And then that's the last  
14 time she moved into that mobile home.

15 Q. Now, Micah has a sibling?

16 A. Yes.

17 Q. Brother?

18 A. Brother.

19 Q. All right. And the brother's older?

20 A. Yes.

21 Q. All right. How much older?

22 A. He's 19.

23 Q. All right. So he's four years older ---

24 A. Yes.

25 Q. --- than -- than Micah.

1           A.    Yes.

2           Q.    All right.  And where is the brother now?  Does he  
3 live with you?

4           A.    He's with me.

5           MR. WILSON:  Okay.  I -- I don't have any other  
6 questions, Your Honor.

7           THE COURT:  Thank you.  Cross-exam?

8           MS. LIVESAY:  No questions, Your Honor, for this  
9 witness.

10          THE COURT:  Okay.  Thank you.  You may be excused,  
11 ma'am.

12          MS. BRADLEY:  Okay.  Thank you, ma'am.

13          MR. WILSON:  Your Honor, that'd be our show.

14          THE COURT:  All right.  Thank you.  All right.

15          MS. LIVESAY:  Your Honor, at this time I think we are  
16 going to ask, I know time is (inaudible) I'm going to try to  
17 keep it short, but we are going to ask that Mr. Pressley be  
18 waived up on the murder as well as the burglary.

19               First, I think the facts that we have presented are  
20 almost to beyond a reasonable doubt there the video showing  
21 the Defendant going in in a black hoodie (inaudible) up there  
22 so I can stay on it.

23               Number one, is the seriousness of the alleged offense.  
24 Again, I think we are almost getting to the place of beyond a  
25 reasonable doubt.  The video shows him walking around

1 outside, getting something at his site, going to the door to  
2 manipulate the door to break in.

3 It is dead nighttime. It is in 5:30, 5:40 in the  
4 morning. He's 15 years old, breaking into a residence in  
5 Conway. Went straight from Florence to Conway with -- with  
6 four other boys. He's clearly got a gun on him. He goes in.  
7 The eye witness says that he -- the shooter has a black  
8 hoodie on, and a gun and runs past him after the shots are  
9 fired.

10 We see Mr. Pressley coming out with a hoodie and the  
11 gun. Clearly he is running out. This is, you know, as  
12 serious as he gets. The young man that was killed was 17  
13 years old. He was shot twice. He was doing nothing wrong.  
14 He was in an apartment with his friends asleep. Nobody has  
15 contested that on the couch when they broke in and shot him  
16 twice and killed him at 17 years old. So there's nothing any  
17 more serious than the loss of a life.

18 Number two, is whether the alleged defense was  
19 committed, an aggressive, violent, premeditated, or willful  
20 manner. There is no doubt that this is aggressive, violent,  
21 and premeditated. These people gathered up in firearms and  
22 drove an hour directly to this location and broke in already  
23 armed gun, already loaded and shot this young man.

24 The merit of the complaint, again, we believe that we  
25 had -- we are bordering on beyond a reasonable doubt that

1     this young man not only broke in, but he was a shooter. Two  
2     people fired, two people ran out at the same time. He had a  
3     gun in the center, the gun, the black hoodie, everything was  
4     found at his home. There was no doubt that not only Micah  
5     Pressley, but Anita Fanati Neil fired guns, which ultimately  
6     hit and ended Joshua McPherson life.

7             Mr. Greer was clear two different guns were fired.  
8     There were only two people in there when the shots were fired  
9     and ran out. And that's Micah Pressley. And that is Fanati  
10    Neil and I'm not going to get into the details.

11            There was one shell casing found. Why that's important  
12    is when Mr. Greer testified the gun that came from Micah  
13    Pressley's house, there was something wrong with it, so that  
14    casing got caught up and you had to manually remove it, which  
15    explains why there was only one shell casing found.

16            Now, the desirability of trial and disposition of the  
17    entire offense in one Court. For me, that's why we're doing  
18    this hearing this juvenile is one of the shooters. Five  
19    people are charged, including the two women that are only  
20    charged with burglary first. Burglary first still carries 15  
21    to life. That means every adult that is charged in  
22    connection with this crime is charged with something that  
23    carries life without parole.

24            This juvenile is a -- not only a participant, but a  
25    principal participant that fired a shot. So it is definitely

1 for us desirable to have the principal of the crime in  
2 general sessions to move forward with all the Co-Defendants.

3 The sophistication and maturity of the juvenile  
4 determined by its home, environmental situation, attitude,  
5 pattern of living, you know, I have a strongly disagree with  
6 the lady that did the evaluation. Micah Pressley was already  
7 engaging in adult behavior at 12 or 13 years old. He was  
8 having sexual relations. He was breaking into homes. He had  
9 already gotten a weapons charge at 13 years old. He was  
10 already on probation.

11 At school, the same thing. You see him working his way  
12 up into the place that we are today, but clearly this young  
13 man is mature. And he clearly lives a lifestyle that is one  
14 that is an adult type lifestyle. He is running around in the  
15 middle of the night with three grownups driving from Florence  
16 to Conway. And why is he doing that? He's doing that  
17 because since he was 13, he was breaking into houses and  
18 living an adult lifestyle.

19 So the State contends that he's definitely mature  
20 enough and he has been mature for quite some time. Record  
21 and previous history of the juvenile. You know, we cannot  
22 get around the fact that even the doctor had to admit that he  
23 has been in trouble since he was eight years old. We're  
24 talking about a kid that has worked his way from bus  
25 violations, to weapons charges, to assaults, to burglaries,

1 to now murder.

2 So the record is showing him climbing the ladder slow  
3 and sure. And all during this time, DJJ is putting him on  
4 probation. The school is trying to do behavioral plans. All  
5 this time, he is getting efforts to rehabilitate him or  
6 change that behavior. And it is clearly not only not  
7 deterring him, but again he is progressing from much  
8 violations to assaults, to burglaries, to now or murder.

9 The prospect for adequate protection of the public and  
10 the likelihood of reasonable rehabilitation of the juvenile,  
11 you know, the victims are here, a lot of them are here.  
12 Their son again, he was doing nothing wrong. He was with his  
13 friend somewhere where he was allowed to be asleep on the  
14 couch.

15 He had no reason to believe anything bad was going to  
16 happen. A lot of us live like that. And they broke in when  
17 he was at his most vulnerable, he was asleep. It was during  
18 the nighttime hours when he couldn't fight back. And they --  
19 they (inaudible). And like Mr. Wilson said, he brought up  
20 thinking the autopsy that showed one shot was fired while he  
21 was laying down. Shoot one of them, whether it was Mr.  
22 Pressley or not, I don't know, but one shot was fired while  
23 he was laying down when he tried to get up, the second shot  
24 was fired.

25 So he either shot him when he was laying down asleep or



1     when the young man tried to get up and fight for his life  
2     because that's going to be human instinct. He fired that  
3     shot to make sure that the young man couldn't get help. He  
4     couldn't walk. He either shot him while he was laying down  
5     asleep or he shot him while he got up and he was trying to  
6     fight for his life. But either way -- either way, this is an  
7     individual that cannot be anything other than a threat to  
8     everybody in the community. And it's never right. Murder is  
9     never acceptable, but a lot of the cases we have, the victim  
10    is engaged in illegal activity.

11           And whether we think that should be said or not, the  
12    victim and some part of us believes if you weren't engaged in  
13    this activity, this wouldn't happen. You would be safe if  
14    you weren't a drug dealer. You would be safe if you weren't  
15    trafficking drugs, but this -- this gentleman has robbed you.  
16    Okay? This is somebody that preys on other criminals and we  
17    have it all the time robbing them for drugs and telling them  
18    this is not at all what we have here.

19           This is something that speaks to the people in this  
20    courtroom. People that are not out, people that are not  
21    doing drugs, people that are not engaging in anything  
22    illegal. People that are at home at 5:00 a.m. asleep where  
23    they should be and he was killed.

24           This man is a threat not to just drug dealers. In  
25    fact, probably not to drug dealers. He's a threat to the

1 people in this courtroom. The people that live lives where  
2 they're asleep at 5:30 and they're not engaging in illegal  
3 acts. That is who he is a threat to. Thank you, Judge.

4 THE COURT: Thank you.

5 Mr. Wilson, will you, please?

6 MR. WILSON: Thank you, Your Honor. Again, I -- I --  
7 let me reiterate the motion that I made and on the same  
8 grounds that I made it on earlier. And I understand the  
9 Court's ruling in that regard.

10 Let me say, Kent sets out these eight factors that  
11 ought to be considered by the Court. Now, what it doesn't  
12 say is that there's any one particular factor that's greater  
13 than the others, but that the Court should consider all eight  
14 of these factors.

15 And I think the most compelling thing in -- in this  
16 case is one, yes, this Defendant had a gun and he came out of  
17 the room. What is compelling is -- is -- is that the second  
18 person to come out of the room if he -- if -- because it  
19 doesn't make sense otherwise. If he fired the shot that  
20 killed Mr. McPherson, then why is he coming out first? And  
21 -- and the -- the -- the -- the -- the young man, Mr.  
22 Robinson, I think was his name, Marian Robinson, says there  
23 is no evidence that two people left that room when he took  
24 the covers from over his head or whatever.

25 According to him, there was one man who was standing by

1 the window and that man fired a shot. And then he felt  
2 somebody come past him. That's what I understand the  
3 testimony to be.

4 Now, then he says he takes the cover from over his eyes  
5 and goes, and he sees somebody's running out of the room or  
6 past him or goes past him. One person, he does not say two  
7 people. He does not say that he saw two people with a gun.  
8 He does not say that -- that he -- that it was this  
9 individual that -- that -- that had the gun. He doesn't say  
10 any of that. He doesn't say any of that.

11 And nobody that I've heard thus far says that they  
12 heard two shots. I don't know of anybody who's testified to  
13 that or who's given any information in this investigation  
14 that says that they heard two shots including Mr. Robinson.

15 Now, and -- and so if he only heard a shot being fired  
16 and saw a person run out of the room, or felt the person run  
17 out the room or whatever you want to call it. And -- and I  
18 don't know how he could not see the person if he's saying  
19 that the person -- he saw the fella with standing with a gun  
20 with a dark hoodie on that fired the shot. So he says he saw  
21 that.

22 So now, but then he says he pulled the covers back over  
23 his head and then the person went out. That's what he says.  
24 And -- and -- and -- and I don't think there's any dispute  
25 about him saying that. So is murder a serious crime?

1 Absolutely. Absolutely. That -- that is -- murder is a  
2 serious crime. I can't argue that point. And I don't intend  
3 to.

4 What I -- what I do contest is whether or not there is  
5 any strong evidence that this Defendant did anything, but  
6 have possession of a weapon. I don't think there's -- and  
7 then that's based on what the officer says. He told him he  
8 had a weapon.

9 Nobody says -- he didn't say he fired a shot. And no  
10 other witness, not a single person says that he fired a shot  
11 -- shot. What happened in the house nobody really knows.  
12 Nobody knows. Mr. Robinson is the closest thing to anybody  
13 who might know what happened in that house on that night.  
14 Because he was alive. And he says -- his story is he did --  
15 he can't identify this Defendant as being the -- the shooter  
16 or the person who fired a shot. But what's more important  
17 here is that when they go to this Defendant's house and they  
18 find these two guns, which they think were the murder  
19 weapons, they turn out not to be. They turn out not to be  
20 the murder weapons.

21 And they tried to match the bullets that were found in  
22 his chest to the black gun doesn't match. They tried to  
23 match the -- the -- the bullet to the gun, the gold gun, or  
24 yellow or whatever color it is, it doesn't match.

25 And then the other one says, well, I can't even tell

1     you, if it does, I can't tell you because there's  
2     insufficient information for me to make a decision. So  
3     there's nothing. There is nothing.

4             And -- but -- but even more important, let's talk about  
5     this young man and his struggles. This young man has had  
6     struggles from early on, unlike, or like so many other young  
7     people, the system has failed him. The school failed him,  
8     his mother failed him, society has failed him. He didn't get  
9     any help.

10            To treat -- when -- when a child has ADHD and you don't  
11     get them any help, their behavior is going to continue to get  
12     worse. That's just how it happens. And -- and because their  
13     emotions are out of control, they can't control what's going  
14     on in their lives, then his father dies. And -- and -- and  
15     that's the other thing I think that's important.

16            All of this stuff that we're talking about all started  
17     to happen after his father died. He starts to get into  
18     trouble over and over again at school. He starts to get into  
19     trouble, you know, with the law. He gets arrested for the  
20     burglary.

21            And I'm not saying that that's an excuse, but I'm  
22     trying to help the Court understand that -- that this young  
23     man deserves an opportunity to be a rehabilitated. The  
24     doctor has essentially testified and, you know, that his  
25     cognitive thinking is below average. It's not what mine is

1 or the Court's is, or the solicitor is. He's just not there  
2 in that regard. He's in the one percentile -- one  
3 percentile. That means only 99 percent of the people are  
4 above him. And 99 percent of the people at DJJ are above him  
5 in cognitive thinking.

6 That -- that is -- that is in and of itself enough  
7 reason in my mind to not send him to adult Court. That in  
8 and of itself, because that tells us where he is mentally.  
9 And that is something that I think we can't overlook. And --  
10 and -- and yes. Is it easy to get caught up in the idea that  
11 -- that somebody is dead. And -- and Lord knows, I -- I -- I  
12 -- I understand and I feel the pain of the family. They've  
13 lost somebody they love. I -- I do.

14 I understand that, but that is not a reason alone to  
15 have this young fella go to adult Court where he's facing  
16 life without parole, without ever having the chance to -- to  
17 get the kind of help that he needed. They put him in, you  
18 know, one of the things that I say to, Your Honor, is they  
19 put him, for instance, the solicitor was making a big ado  
20 about the fact that, oh, well he was on burglary and they got  
21 him some services. No, no, that's not what happened. They  
22 gave him community service. That ain't help.

23 They gave him community service and he did everything  
24 that they asked him to do. He complied with everything.  
25 Nobody's denied that. He complied with that. And then they

1     said, well, you know, they -- he had two other charges and  
2     they -- that -- so he was continuing to get in trouble. No,  
3     those charges were levy against him earlier on and -- and  
4     were pending and should have been dismissed. They just  
5     didn't dismiss that last charge until after he was arrested  
6     here.

7             What their reasons were, I don't know. I have no idea.  
8     And -- but my point simply is that when you look at his  
9     psychological profile, based on what the doctor has said and  
10    based on what Ms. Wilson has said, he is certainly  
11    rehabilitative.

12            And -- and I -- and I believe that he deserves an  
13    opportunity to -- to stay in juvenile court and face whatever  
14    charges he's going to face here for whatever his role was in  
15    this incident.

16            Now, the doctor also, and -- and -- and I -- and, Your  
17    Honor, I'm not going to belabor it. Because you -- I know  
18    you've read this report and you know what's in it. And you  
19    also listened to what the -- what the -- what the  
20    psychologist said. And I know that you were paying close  
21    attention to it. I -- I -- I was watching you when she was  
22    talking, so I know that you were paying close attention and I  
23    know that -- that you understand what she's saying and what  
24    her position is.

25            And I understand that -- that the solicitor's office

1     wants him to be transferred. I do understand that. But --  
2     but when I consider the factors in number seven and number  
3     eight and number six and five as well, you know, which is the  
4     level of sophistication and maturity.

5             When you are in the one percentile of functioning, you  
6     don't have any maturity. You are in the one percentile. And  
7     -- and -- and not only that, one of the things is, and -- and  
8     I think the solicitor asked this question, well, is that one  
9     percentile of the people in jail or is that one percentile of  
10    the people out in the community?

11            Well, she says the one percentile, I think she said in  
12    the -- in the prison system. Well, in the juvenile justice  
13    system, well, that's even worse because usually the people in  
14    there are going to be at the bottom of the wrong in the first  
15    place. And -- and he's at the bottom of that room.

16            So when you consider all of those things I -- I just  
17    think that -- that the appropriate thing to do is to allow  
18    him taking the testimony. And -- and then again, Ms. Wilson,  
19    you know, who has no reason to come in here and say anything  
20    that's not true.

21            Neither does the psychiatrist. These people work for  
22    the department for DJJ. They don't work for me. They don't  
23    answer to me. And yeah, I subpoenaed them because I wanted  
24    them to say what they have to say. There -- there is no  
25    reason for them to come in and want to help me. I can't help



1     them in any way whatsoever. I'm just a poor defense lawyer  
2     trying to do the best I can. But -- and I think that they  
3     were both being honest when they talk to this Court and when  
4     they said to this Court essentially that this is a, yeah, he  
5     has done something wrong, but that doesn't make it okay just  
6     to have him get life without parole.

7             And so I ask the Court to -- to consider not granting  
8     the waiver and allowing him to stay in juvenile court and let  
9     us deal with whatever comes here.

10            Thank you, Your Honor.

11            THE COURT: Thank you. All right. It's been a long  
12     day.

13            MR. WILSON: Yeah.

14            THE COURT: I'm going to take it. I -- I hate to make  
15     you all wait any far -- any longer, but I want to give this  
16     careful consideration.

17            MR. WILSON: Sure.

18            THE COURT: So I'm going to take it under advisement  
19     and I will get you my decision probably early next week.

20            MR. WILSON: Thank you, Your Honor.

21            MR. HELMS: Thank you.

22            MS. LIVESAY: Thank you.

23            THE COURT: Thank you very much.

24            (THERE BEING NOTHING FURTHER, THIS HEARING CONCLUDED AT  
25     6:34 P.M.)

**CERTIFICATE OF TRANSCRIBER**

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I, MARY RAGSDALE, a Court-approved transcriber, do hereby certify that the foregoing is a true, accurate and complete Transcript of Record of the proceedings had and evidence introduced in the trial of the captioned case, relative to appeal, in the South Carolina Circuit Court 15 of Horry County, South Carolina, on the 27th Day of January, 2023.

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

August 16, 2024



Mary Ragsdale  
Transcriber

STATE OF SOUTH CAROLINA ) IN THE FAMILY COURT  
COUNTY OF HORRY ) FIFTEENTH JUDICIAL CIRCUIT  
2022-JU26- 246,247

IN THE INTEREST OF: )

MICAH PRESSLEY,  
D/O/B: 11/24/2006, )

WAIVER HEARING ORDER

FILED  
HORRY COUNTY  
2023 FEB -7 P 4: 25  
RENEE M. ELVIS  
CLERK OF COURT  
HORRY COUNTY, SC

DATE OF HEARING: January 27, 2023  
PRESIDING JUDGE: Melissa M. Frazier  
PLAINTIFF'S COUNSEL: Nancy Livesay & Christopher Helms  
DEFENDANT'S COUNSEL: Ralph Wilson, Sr.  
COURT REPORTER: DCRP

On the stated date a pre-adjudicatory transfer (waiver) hearing was held before me at the family court in Horry County. The State was represented by Assistant Solicitor, Nancy Livesay and Christopher Helms and the Juvenile Defendant, Micah Pressley was represented by Ralph Wilson, Sr. The purpose of the hearing was to allow the court to determine if jurisdiction related to the charges of Burglary, 1<sup>st</sup> Degree and Murder should be transferred to the court of general sessions from the family court.

In support of its motion for transfer(waiver), the State presented the testimony of Matthew Dowdell, Principal, West Florence High School; Miracle Griffith, Department of Juvenile Justice; Ginger Pop, an investigator with the Horry County Solicitor's Office; Detective Allen Huggins of the Conway Police Department and SLED Forensic Investigator Greer. The State also introduced the extensive police report from the incident, coroner's report, school records of the juvenile, video and photographs captured at the entrance of the apartment complex where the murder occurred, and photographs of evidence obtained at the juvenile's residence.

*In the interest of Micah Pressley*

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2022-JU26 - 246.247

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Micah Pressley's attorney presented testimony from Michele Akers-Woody, the licensed psychologist who performed the Pre-Adjudicatory Transfer (Waiver) Evaluation; Brenda Wilson, Micah Pressley's assigned counselor at DJJ and Micah Pressley's grandmother. The Juvenile Defendant also introduced the Pre-Adjudicatory Transfer (Waiver) Evaluation.

#### SUMMARY OF ALLEGED FACTS AND OFFENSES

The State alleges and the evidence presented to the court indicates that on May 29, 2022 in the early morning hours, five individuals arrive at the apartment complex where the victim is present. After standing outside the door, Micah Pressley pulls something out of his sock and uses it on the lock. Afterwards, it appears that one of the co-defendants applies force to the door and all five individuals enter the apartment. Shortly after, Micah Pressley is seen opening the door to the apartment and looking both ways down the hallway before closing the door. Three of the co-defendants are seen walking out of the apartment, leaving Micah Pressley and one of his co-defendants in this residence. The victim is shot twice before Micah Pressley and the co-defendant are seen fleeing the scene. Micah Pressley is seen running from the apartment with a pistol in his hand. After issuing a search warrant of the juvenile's home, the Florence County Sheriff Department recover two pistols, a pair of jeans and a hoodie that Micah Pressley were observed wearing on the day of the shooting.

#### ROLE OF THE FAMILY COURT AND APPLICABLE LAW

The Family Court has exclusive jurisdiction over juveniles accused of crimes. S.C. Code Ann. Section 63-3-510(1)(1)(d). However, the Family Court is vested with the authority in certain instances to transfer jurisdiction over a criminal matter to the Court of General Sessions. S.C. Code Ann. Section 63-19-210. These circumstances include where a juvenile defendant of

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any age is charged with Murder. S.C. Code Ann. Section 63-19-1210(6). These circumstances also include where a juvenile defendant is fifteen (15) years old and charged with an offense which would be a Class A Felony if committed by an adult. S.C. Code Section 63-19-1210(5). Burglary, 1<sup>st</sup> degree is a felony exempt from classification, it is a violent offense and a no parole offense.

In considering the State's motion to transfer jurisdiction, the family court must conduct a full investigation and hearing, with full and careful consideration by the court in making its determination to transfer jurisdiction to the Court of General Sessions. *State vs. Avery*, 333 S.C. 284, 509 S.E.2d 476 (S.C. 1998). The Court must determine if probable cause exists regarding the involvement of the juvenile defendant in the commission of the crime. If this is established, the Court must then consider and make findings under the flagship case of *Kent v. United States*, 383 U. S. 541, 86 S.Ct. 1045 (1966). The Family Court must also determine whether waiver is in the best interest of both the child and the community. *State vs. Pittman*, 373 S.C. 627, 558, 647 S.E.2d 144, 160 (S.C. 2007).

The Kent factors are 1) the seriousness of the alleged offense to the community and whether the protection of the community requires waiver; 2) whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner; 3) whether the alleged offense was against persons or property, with greater weight being given to offenses against persons, especially if personal injury is involved; 4) the prosecutorial merit of the complaint, or whether the Grand Jury may be expected to return an indictment; 5) the desirability of trial and disposition of the entire offense in one court; 6) the sophistication and maturity of the juvenile, based on the juvenile's home, environment, emotional attitude and pattern of living; 7) the record

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and previous history of the juvenile, including prior commitments or involvement with the Department of Juvenile Justice or other Law Enforcement and 8) the prospects for adequate protection of the public and likelihood of reasonable rehabilitation of the juvenile (if found to have committed the alleged offense) by the use of procedures, services and facilities currently available to the juvenile court.

This Court has fully and carefully considered all the testimony and evidence presented and considering the applicable law relevant to the State's motion, makes the following findings of fact and conclusions of law.

#### PROBABLE CAUSE

The Court finds that probable cause was established relating to Micah Pressley's involvement in the alleged crimes. This finding is based upon the video placing Micah Pressley at the scene of the crime, his actions during the video, his admission to law enforcement that the image on the video was him and that he had a pistol, as well as the statement of other individuals. The burden of proof for showing probable cause is not high.

#### JUDISDICTION and VENUE

This Court has subject matter jurisdiction and jurisdiction of the juvenile defendant. Venue properly lies in Horry Count, South Carolina.

#### FULL INVESTIGATION

The Court finds that a full investigation was completed as outlined in *Shaw and Sullivan*. Specifically, law enforcement provided, as a result of its investigation, information related to Defendant. The South Carolina Department of Juvenile Justice Pre-Adjudicatory Transfer Evaluation was conducted by Dr. Jennifer Miller-Green and Michele Akers-Woody, Psy. D. and

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provided a very detailed pre-waiver psychological report that required that they obtain information from various sources about Micah Pressley. The report also contained information gathered from the testing of Micah Pressley.

During the hearing, Micah Pressley's attorney moved for a continuance to gather possible mental health records regarding Micah Pressley's ADHD diagnosis and provide the evaluator with Micah Pressley's entire school record prior to the waiver hearing. This Court denied this motion. The evaluator was present for the majority of the hearing and heard additional information regarding possible mental health records and heard the detailed testimony regarding the Micah Pressley's school records and the discipline record. Additionally, the evaluator testified that she had a phone interview with Micah Pressley's mother who gave a summary of his mental health history. The evaluator stated that she did not think that any testimony she heard would change her report.

After considering all of the information offered, to include the pre-waiver evaluation report, the Court is convinced that it has all the information needed from the full investigation to determine if jurisdiction of the alleged offenses should be waived to the Court of General Sessions.

KENT v. UNITED STATES FACTORS

FACTOR ONE: The seriousness of the alleged offense to the community and whether protection of the community requires transfer.

The alleged offenses are of a violent and serious nature resulting in the death of an individual. There was no dispute about this at the hearing. There is also no doubt for the need to protect the community and public from such senseless acts of violence.

If Micah Pressley's charges remain in the Family Court and he is convicted here, he would face an indeterminate sentence not to exceed his 22<sup>nd</sup> birthday. His parole guidelines are 36-54 months. If not released under his guidelines, he would remain detained until his 22<sup>nd</sup> birthday. If he is convicted in the Court of General Sessions for the most serious charge of murder, he would be subject to a sentence of 30 years to life in prison. The Court finds that, if convicted, adequate protection of the public would be problematic if Micah Pressley were released from the Department of Juvenile Justice upon his 22<sup>nd</sup> birthday, or sooner under his guidelines.

FACTOR TWO: Whether the alleged offense was committed in an aggressive, violent, premeditated or willful manner.

The alleged offenses were committed in an aggressive, violent, and willful manner. It is concerning to the Court that Micah Pressley and other individuals drove from Florence to Conway, arriving at the apartment in the early morning hours with a gun. The individuals that were involved gave conflicting statements regarding their motive in making this trip and there is evidence that indicates that there was a plan in place that involved violence.

FACTOR THREE: Whether the alleged offense was against persons or property, greater weight being given to offenses against persons especially if personal injury resulted.

The alleged offenses in this case were committed against a person. The victim suffered two gunshot wounds to the chest, the first of which went through the heart and left lung and the second went through various organs, with the bullet being recovered in the victim's lumbar vertebral column. According to the Forensic Autopsy Report, the victim's death was a result of two gunshot wounds to the chest and the coroner deemed the manner of death as a homicide.

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FACTOR FOUR: *The prosecutive merit of the complaint, i.e., whether there is evidence upon which a grand jury may be expected to return an indictment.*

Law enforcement's investigation of the fatal shooting of the victim resulted in Micah Pressley being identified on video as a participant in the alleged crimes. Micah Pressley admitted to being at the location with a pistol and is seen fleeing from the location after the shooting took place. Two pistols were found at the juvenile defendant's residence, one of which could not be ruled out as the murder weapon. Additionally, one of the pistols malfunctioned and would not eject the spent shell casing. At the scene, one of the shell casings was not recovered. Therefore, it is extremely likely that the grand jury would return an indictment in this matter.

FACTOR FIVE: *The desirability of trial and disposition of the entire offense in one court when the juvenile's associates in the alleged offense are adults.*

While this is not a controlling factor, it is nevertheless a factor worth consideration. The other co-defendant charged with Murder is an adult and is being tried in General Sessions. Additionally, three other co-defendants are charged with Burglary 1<sup>st</sup> and Accessory after the fact to Murder, two of which are adults with charges in General Sessions and the other is a juvenile. Based on the current facts, this juvenile defendant and the adult co-defendant charged with Murder will most likely point to the other as the person who shot the victim. It would be beneficial to have both alleged murder charges heard in the same court.

FACTOR SIX: *The sophistication and maturity of the juvenile as determined by consideration of his home, environment situation, emotional attitude and pattern of living.*

The court reviewed in detail all of Micah Pressley's psychological and intellectual testing results as contained in evaluation.

Defendant's intellectual testing revealed that he is in the very low to low average in most areas. The evaluator suggested that this testing may underestimate his ability due to his ADHD and not taking medication for the ADHD at the time of testing. Micah Pressley had an IEP as well as a behavior modification plan at his school.

Micah Pressley has an extensive school disciplinary summary from 2014 to 2022, with charges including inappropriate behavior, disrupting class, bullying, a weapon violation, sexual harassment, refusal to obey, hit/kick/push, cutting class, disrespect, etc. He was also involved in an incident while housed at DJJ on the current charges in September 2022. According to the behavior report, the offense was an assault and battery and references that he was not calm and he was not cooperative when given directives.

Micah Pressley's psychological testing revealed that he presented himself in an extremely positive light, denying many minor faults and shortcomings. According to the evaluator, this is not uncommon for those undergoing a court ordered evaluation. His overall level of sophistication-maturity fell within the middle range, with typical maturity for his age. Micah Pressley's level of criminal sophistication and dangerousness appeared relatively low and his psychopathic features fell within the middle range. His tendency to act in a violent and aggressive manner was comparable to other youths within the juvenile justice system, while his planned and extensive criminality fell within the low range. The evaluator reported that Micah Pressley was amenable to treatment and his motivation to change fell in the middle range or slightly higher than other adjudicated youth. He exhibits both negative and positive factors regarding the likelihood of reasonable rehabilitation. His prior DJJ experiences did not deter him from poor decision making and engaging in high risk and dangerous behaviors. The evaluator

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reports that he is at risk for further engagement in impulsive and potentially dangerous behaviors. He also associates with negative peers and may continue to gravitate toward negative individuals. The evaluator stated that Micah Pressley reported a willingness to receive mental health treatment and that he has a supportive and loving mother. Unfortunately, his mother committed suicide after the evaluation, but prior to this hearing. Micah Pressley's grandmother did testify that she is supportive of him. His father passed away in 2018 following an accident.

The court also considered all of these facts with regard to factor 8.

FACTOR SEVEN: The record and previous acts of the juvenile.

Micah Pressley's criminal record indicates that he was charged with Burglary 3<sup>rd</sup> Degree on October 17, 2019 when he was only 12 years old and was placed on probation which expired on June 16, 2020. He had another Burglary 3<sup>rd</sup> Degree charge within a month from the first one, but that charge was Nolo Prossed when he pled to the first one. Subsequently, Micah Pressley was charged with Assault & Battery 3<sup>rd</sup> Degree on March 11, 2020 and that charge was still pending at the time of the current crimes, but was subsequently dismissed on June 3, 2022 after Murder and Burglary 1<sup>st</sup> Degree petitions were filed. As previously mentioned, Micah Pressley has an extensive school discipline summary going back to the 2014/15 school year. He also was involved in an assault and battery while confined at DJJ on September 21, 2022, where it was reported that he was not cooperative.

FACTOR EIGHT: The prospects for adequate protection of the public and the likelihood of reasonable rehabilitation of the juvenile.

With regard to adequate protection of the public, as stated in the evaluation, the current offenses are serious and involve the loss of life. If Micah Pressley is found guilty, the charges

indicate a disregard for others and as such, there is a need for caution and concern when considering the protection of the public. If Micah Pressley's charges remain in the Family Court and he is convicted there, he would face an indeterminate sentence not to exceed his 22<sup>nd</sup> birthday. His parole guidelines are 36-54 months. If not released sooner, he would remain detained until his 22<sup>nd</sup> birthday. If he is convicted in the Court of General Sessions for the most serious charge of murder, he would be subject to a sentence of 30 years to life in prison.

Inasmuch as the evaluation provided valuable information about Micah Pressley, the evaluators can only highlight the negative and positive factors related to the waiver issue. In regards to the issue of protection of the public, we must look at his actions up to this point. By his own admission, Micah Pressley continues to involve himself with negative peers. He did not learn from his prior involvement with the juvenile justice system, in fact, his behaviors only became more serious. Therefore, any member of the public could be at risk from harm by the Juvenile Defendant based upon his circumstances and who he chooses to associate himself with at the time.

The Court considered the testimony of Micah Pressley's current counselor and her opinion that he is doing well in his current structured environment. She testified that altercations in the facility are common place due to the close quarters that they share and she was not concerned about the one incident which took place in September 2022. While the evidence presented suggest that Micah Pressley can benefit from further treatment efforts, this Court is concerned that these treatment goals cannot be accomplished prior to his 22<sup>nd</sup> birthday. The possibility of rehabilitation of Defendant does not overcome the other overwhelming evidence which favors transferring the charges to general sessions.

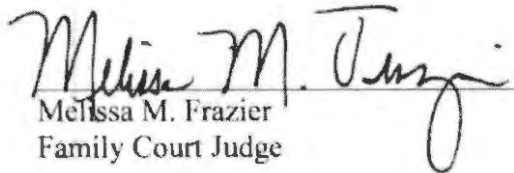
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ORDER OF THE COURT

The Court has considered all of the factors and all of the evidence offered at the waiver hearing. The Court finds that the seriousness of these offenses, the violence and loss of life, the juvenile Defendant's prior record, together with the protection of the public would be of great concern if Family Court retained jurisdiction and the Juvenile Defendant was given an indeterminate sentence not to exceed his 22<sup>nd</sup> birthday. Additionally, the other co-defendant charged with Murder in this case is being tried in General Sessions.

Based upon the foregoing and all of the evidence offered, I find that jurisdiction of this Court is waived and the charges against Micah Pressley referenced herein shall be waived or transferred to the Court of General Sessions immediately. Micah Pressley shall remain detained until further order of the court.

It is so ORDERED this 7<sup>th</sup> of February, 2023 at Conway, South Carolina.

  
Melissa M. Frazier  
Family Court Judge

Conway, South Carolina

STATE OF SOUTH CAROLINA \* GENERAL SESSIONS  
 COUNTY OF HORRY \* TRANSCRIPT OF RECORD

-----X  
 STATE OF SOUTH CAROLINA, \*  
 Plaintiff, \*  
 vs. \* Case No. 2023-GS-26-0414  
 FANOTTI NACIER NEAL, \* 2023-GS-26-0416  
 Defendant. \*

-----X  
 STATE OF SOUTH CAROLINA, \*  
 Plaintiff, \*  
 vs. \* Case No. 2023-GS-26-1656  
 MICAH PRESSLEY, \* 2023-GS-26-1657  
 Defendant. \*

-----X

November 6-9, 2023

B E F O R E:

The Honorable William Seals, Presiding Judge

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

Adam Harrelson, Esq.  
 Nancy Livesay, Esq.  
 Assistant Solicitors for the State

Ralph Wilson, Sr., Esq.  
 Attorney for Defendant Pressley

David Rigney, Esq.  
 Attorney for Defendant Neal

Court Reporter: Bobbi Fisher, RPR  
 SC Official Court Reporter III

I N D E X

| <u>WITNESS/DESCRIPTION</u>                        | <u>PAGE</u> |
|---------------------------------------------------|-------------|
| Motions/Matters of Law                            | 16          |
| Nicholas Contino (Hearing Testimony)              | 37          |
| Direct Examination By Ms. Livesay                 | 38          |
| Cross-Examination By Mr. Rigney                   | 46          |
| Redirect Examination By Ms. Livesay               | 48          |
| Detective Allan Huggins (Hearing Portion)         |             |
| Direct Examination By Ms. Livesay                 | 50          |
| Cross-Examination By Mr. Wilson                   | 60          |
| Redirect Examination By Ms. Livesay               | 71          |
| Recross-Examination By Mr. Wilson                 | 75          |
| Jury Qualifications                               | 84          |
| Jury Selection                                    | 107         |
| Opening Remarks                                   | 124         |
| Opening Statement on Behalf of the State          | 127         |
| Opening Statement on Behalf of Defendant Pressley | 129         |
| Opening Statement on Behalf of Defendant Neal     | 133         |
| Daniel Wright                                     |             |
| Direct Examination By Mr. Harrelson               | 139         |
| Cross-Examination By Mr. Wilson                   | 142         |

|    |                                              |     |
|----|----------------------------------------------|-----|
| 1  | Officer Tyler Quantmeyer                     |     |
| 2  | Direct Examination By Mr. Harrelson          | 143 |
| 3  | Cross-Examination By Mr. Wilson              | 153 |
| 4  | Cross-Examination By Mr. Rigney              | 155 |
| 5  | Juror Issue                                  | 158 |
| 6  | Mark Bobbitt                                 |     |
| 7  | Direct Examination By Mr. Harrelson          | 161 |
| 8  | Cross-Examination By Mr. Wilson              | 172 |
| 9  | Cross-Examination By Mr. Rigney              | 178 |
| 10 | Redirect Examination By Mr. Harrelson        | 182 |
| 11 | Perparim "Pat" Letaj                         |     |
| 12 | Direct Examination By Mr. Harrelson          | 183 |
| 13 | Cross-Examination By Mr. Wilson              | 195 |
| 14 | Cross-Examination By Mr. Rigney              | 198 |
| 15 | Redirect Examination By Mr. Harrelson        | 198 |
| 16 | Shavarea Floyd                               |     |
| 17 | Direct Examination By Ms. Livesay            | 199 |
| 18 | Cross-Examination By Mr. Wilson              | 207 |
| 19 | Cross-Examination By Mr. Rigney              | 214 |
| 20 | Redirect Examination By Ms. Livesay          | 215 |
| 21 | Marion Robinson                              |     |
| 22 | Direct Examination By Ms. Livesay            | 219 |
| 23 | Jury Question                                | 259 |
| 24 | Continuing Direct Examination By Ms. Livesay | 262 |
| 25 | Cross-Examination By Mr. Wilson              | 263 |



|    |                                       |     |
|----|---------------------------------------|-----|
|    |                                       | 4   |
| 1  | Cross-Examination By Mr. Rigney       | 283 |
| 2  | Redirect Examination By Ms. Livesay   | 293 |
| 3  | Motions/Matters of Law                | 305 |
| 4  | Recross-Examination                   | 311 |
| 5  | Detective Allan Huggins               |     |
| 6  | Direct Examination By Ms. Livesay     | 314 |
| 7  | Cross-Examination By Mr. Wilson       | 318 |
| 8  | Cross-Examination By Mr. Rigney       | 322 |
| 9  | Redirect Examination By Ms. Livesay   | 323 |
| 10 | Det. Ginger Pop                       |     |
| 11 | Direct Examination By Ms. Livesay     | 324 |
| 12 | Cross-Examination By Mr. Wilson       | 329 |
| 13 | Captain Darrin Yarborough             |     |
| 14 | Direct Examination By Mr. Harrelson   | 335 |
| 15 | Cross-Examination By Mr. Wilson       | 342 |
| 16 | Cross-Examination By Mr. Rigney       | 343 |
| 17 | Redirect Examination By Mr. Harrelson | 343 |
| 18 | Nyasias Williams                      |     |
| 19 | Direct Examination By Mr. Harrelson   | 345 |
| 20 | Cross-Examination By Mr. Rigney       | 354 |
| 21 | Nicholas Contino                      |     |
| 22 | Direct Examination By Ms. Livesay     | 356 |
| 23 | Cross-Examination By Mr. Rigney       | 378 |
| 24 |                                       |     |
| 25 |                                       |     |

|    |                                       |     |
|----|---------------------------------------|-----|
| 1  | Officer Tommy Joseph "T.J." Carpenter |     |
| 2  | Direct Examination By Mr. Harrelson   | 387 |
| 3  | Cross-Examination By Mr. Wilson       | 402 |
| 4  | Cross-Examination By Mr. Rigney       | 411 |
| 5  | Redirect Examination By Mr. Harrelson | 412 |
| 6  | Nikky Beasley                         |     |
| 7  | Direct Examination By Ms. Livesay     | 414 |
| 8  | Cross-Examination By Mr. Wilson       | 418 |
| 9  | Redirect Examination By Ms. Livesay   | 423 |
| 10 | Amber Lewis                           |     |
| 11 | Direct Examination By Ms. Livesay     | 425 |
| 12 | Cross-Examination By Mr. Wilson       | 431 |
| 13 | Cross-Examination By Mr. Rigney       | 439 |
| 14 | Redirect Examination By Ms. Livesay   | 439 |
| 15 | Bailey Haynes                         |     |
| 16 | Direct Examination By Ms. Livesay     | 442 |
| 17 | Cross-Examination By Mr. Wilson       | 446 |
| 18 | Cross-Examination By Mr. Rigney       | 450 |
| 19 | Madison Willis                        |     |
| 20 | Direct Examination By Ms. Livesay     | 451 |
| 21 | Cross-Examination By Mr. Wilson       | 454 |
| 22 | Christine Dadabo                      |     |
| 23 | Direct Examination By Ms. Livesay     | 457 |
| 24 | Cross-Examination By Mr. Wilson       | 462 |
| 25 |                                       |     |

|    |                                             |     |
|----|---------------------------------------------|-----|
| 1  | Rachel Johnson                              |     |
| 2  | Direct Examination By Ms. Livesay           | 465 |
| 3  | Cross-Examination By Mr. Wilson             | 467 |
| 4  | Motions/Matters of Law                      | 470 |
| 5  | Paul Greer                                  |     |
| 6  | Direct Examination By Ms. Livesay           | 474 |
| 7  | Cross-Examination By Mr. Wilson             | 499 |
| 8  | Cross-Examination By Mr. Rigney             | 512 |
| 9  | Redirect Examination By Ms. Livesay         | 515 |
| 10 | Recross-Examination By Mr. Wilson           | 520 |
| 11 | Anthony Knecht                              | 522 |
| 12 | Direct Examination By Mr. Harrelson         | 523 |
| 13 | Allan Huggins                               |     |
| 14 | Direct Examination By Ms. Livesay           | 526 |
| 15 | Cross-Examination By Mr. Wilson             | 586 |
| 16 | Cross-Examination By Mr. Rigney             | 598 |
| 17 | Redirect Examination By Ms. Livesay         | 606 |
| 18 | Recross-Examination By Mr. Wilson           | 625 |
| 19 | Recross-Examination By Mr. Rigney           | 626 |
| 20 | Further Redirect Examination By Ms. Livesay | 627 |
| 21 | Charrel Floyd                               |     |
| 22 | Direct Examination By Ms. Livesay           | 629 |
| 23 | Cross-Examination By Mr. Wilson             | 653 |
| 24 | Cross-Examination By Mr. Rigney             | 682 |
| 25 | Redirect Examination By Ms. Livesay         | 693 |

|    |                                                  |     |
|----|--------------------------------------------------|-----|
|    |                                                  | 7   |
| 1  | Recross-Examination By Mr. Wilson                | 701 |
| 2  | Recross-Examination By Mr. Rigney                | 701 |
| 3  | Steve Brown                                      |     |
| 4  | Direct Examination By Ms. Livesay .              | 702 |
| 5  | Ellen Riemer                                     |     |
| 6  | Direct Examination By Mr. Harrelson              | 706 |
| 7  | Cross-Examination By Mr. Wilson                  | 718 |
| 8  | Motions/Matters of Law                           | 723 |
| 9  | Defendant Rights                                 | 745 |
| 10 | Motion/Matter of Law                             | 749 |
| 11 | Closing Argument on Behalf of the State          | 754 |
| 12 | Closing Argument on Behalf of Defendant Pressley | 772 |
| 13 | Closing Argument on Behalf of Defendant Neal     | 784 |
| 14 | Jury Charge                                      | 795 |
| 15 | Verdict                                          | 810 |
| 16 | Motion/Matter of Law                             | 811 |
| 17 | Sentencing                                       | 813 |
| 18 | Certificate of Court Reporter                    | 823 |
| 19 |                                                  |     |
| 20 |                                                  |     |
| 21 |                                                  |     |
| 22 |                                                  |     |
| 23 |                                                  |     |
| 24 |                                                  |     |
| 25 |                                                  |     |

E X H I B I T S

(Exhibits on file in Clerk of Court's Office.)

## State's Exhibit

| No. | Description                      | ID. | REC'D |
|-----|----------------------------------|-----|-------|
| 1   | Miranda Warning (Hearing Only)   | 40  | 360   |
| 2   | Photographs (Hearing only)       | 50  | --    |
| 3   | Photograph (Hearing Only)        | 50  | --    |
| 4   | Photograph (Hearing Only)        | 50  | --    |
| 5   | Photograph (Hearing Only)        | 50  | --    |
| 6   | Photograph (Hearing Only)        | 50  | --    |
| 7   | Photograph (Hearing Only)        | 50  | --    |
| 8   | Photograph (Hearing Only)        | 50  | --    |
| 9   | Photograph (Hearing Only)        | 50  | --    |
| 10  | Photograph (Hearing Only)        | 50  | --    |
| 11  | Photograph (Hearing Only)        | 50  | --    |
| 12  | Photograph (Hearing Only)        | 50  | --    |
| 13  | Photograph (Hearing Only)        | 50  | --    |
| 14  | Photograph (Hearing Only)        | 50  | --    |
| 15  | Photograph (Hearing Only)        | 50  | --    |
| 16  | Transcript of Interview (Hearing | 62  | --    |
| 17  | Only)                            |     |       |
| 18  | 911 Call DVD                     | 136 | 141   |
| 19  | Enlarged Map                     | 136 | 145   |
| 20  | Jeans                            | 136 | 371   |
| 21  | Jeans                            | 136 | 395   |
| 22  | Black Hoodie                     | 136 | 394   |
| 23  | White T-Shirt                    | 136 | 371   |
| 24  | Black Mask                       | 136 | 371   |
| 25  | Handgun                          | 136 | 396   |

|    |    |                                    |     |     |
|----|----|------------------------------------|-----|-----|
| 1  | 21 | Handgun                            | 136 | 397 |
| 2  | 22 | Bullets in Bag                     | 136 | 400 |
| 3  | 23 | Cell Phone                         | 137 | 534 |
| 4  | 24 | Bullet Casing                      | 137 | 169 |
| 5  | 25 | Bullet Projectile                  | 137 | 498 |
| 6  | 26 | Bullet Projectile                  | 137 | 498 |
| 7  | 27 | Body Cam DVD                       | 137 | 152 |
| 8  | 28 | Chain of Custody of Seized Items   | 157 | 170 |
| 9  | 29 | PowerPoint of SCI Photos (ID ONLY) | 157 | n/a |
| 10 | 30 | Still Shot of CSI Photos           | 157 | 166 |
| 11 | 31 | Still Shot of CSI Photos           | 157 | 166 |
| 12 | 32 | Still Shot of CSI Photos           | 157 | 166 |
| 13 | 33 | Still Shot of CSI Photos           | 157 | 166 |
| 14 | 34 | Still Shot of CSI Photos           | 157 | 166 |
| 15 | 35 | Still Shot of CSI Photos           | 157 | 166 |
| 16 | 36 | Still Shot of CSI Photos           | 157 | 166 |
| 17 | 37 | Still Shot of CSI Photos           | 157 | 166 |
| 18 | 38 | Still Shot of CSI Photos           | 157 | 166 |
| 19 | 39 | Still Shot of CSI Photos           | 157 | 166 |
| 20 | 40 | Still Shot of CSI Photos           | 157 | 166 |
| 21 | 41 | Still Shot of CSI Photos           | 157 | 166 |
| 22 | 42 | Still Shot of CSI Photos           | 157 | 166 |
| 23 | 43 | Still Shot of CSI Photos           | 157 | 166 |
| 24 | 44 | Still Shot of CSI Photos           | 157 | 166 |
| 25 | 45 | Still Shot of CSI Photos           | 157 | 166 |

|    |    |                                    |         |
|----|----|------------------------------------|---------|
|    |    |                                    | 10      |
| 1  | 46 | Still Shot of CSI Photos           | 157 166 |
| 2  | 47 | Still Shot of CSI Photos           | 157 166 |
| 3  | 48 | Still Shot of CSI Photos           | 157 166 |
| 4  | 49 | Still Shot of CSI Photos           | 157 166 |
| 5  | 50 | Surveillance Video at Apartment    | 157 193 |
| 6  | 51 | Photograph of Defendant            | 157 228 |
| 7  | 52 | Photograph of Defendant            | 157 228 |
| 8  | 53 | Photograph of Defendant            | 157 228 |
| 9  | 54 | Photograph of Defendant            | 157 228 |
| 10 | 55 | Photograph of Defendant            | 157 228 |
| 11 | 56 | Photograph of Defendant            | 157 228 |
| 12 | 57 | Photograph of Surveillance at      | 157 189 |
| 13 |    | Apartment                          |         |
| 14 | 58 | Photograph of Surveillance at      | 157 189 |
| 15 |    | Apartment                          |         |
| 16 | 59 | Photograph of Red Impala           | 158 201 |
| 17 | 60 | Photograph of Red Impala           | 158 201 |
| 18 | 61 | DVD                                | 259 340 |
| 19 | 62 | Affidavit from Conway Police       | 385 n/a |
| 20 |    | Department (REMARKED AS COURT'S 3) |         |
| 21 | 63 | PowerPoint 1804 Battleboro (ID)    | 385 n/a |
| 22 | 64 | Photograph                         | 385 391 |
| 23 | 65 | Photograph                         | 385 391 |
| 24 | 66 | Photograph                         | 385 391 |
| 25 | 67 | Photograph                         | 385 391 |

|    |    |                          |     |     |
|----|----|--------------------------|-----|-----|
|    |    |                          |     | 11  |
| 1  | 68 | Photograph               | 385 | 391 |
| 2  | 69 | Photograph               | 385 | 391 |
| 3  | 70 | Photograph               | 385 | 391 |
| 4  | 71 | Photograph               | 385 | 391 |
| 5  | 72 | Photograph               | 385 | 391 |
| 6  | 73 | Photograph               | 385 | 391 |
| 7  | 74 | Photograph               | 385 | 391 |
| 8  | 75 | Photograph               | 385 | 391 |
| 9  | 76 | Photograph               | 385 | 391 |
| 10 | 77 | Photograph               | 385 | 391 |
| 11 | 78 | Photograph               | 385 | 391 |
| 12 | 79 | Photograph               | 385 | 391 |
| 13 | 80 | Photograph               | 385 | 391 |
| 14 | 81 | Photograph               | 385 | 391 |
| 15 | 82 | Photograph               | 385 | 391 |
| 16 | 83 | Photograph               | 385 | 391 |
| 17 | 84 | Photograph               | 385 | 391 |
| 18 | 85 | Photograph               | 385 | 391 |
| 19 | 86 | Photograph               | 385 | 391 |
| 20 | 87 | Photograph               | 385 | 391 |
| 21 | 88 | Photograph               | 385 | 391 |
| 22 | 89 | Photograph               | 385 | 391 |
| 23 | 90 | Enlarged Map of Florence | 385 | 390 |
| 24 | 91 | Backpack (ID)            | 385 | n/a |
| 25 | 92 | Search Warrant Return    | 400 | 402 |



|    |     |                                    |     |     |
|----|-----|------------------------------------|-----|-----|
|    |     |                                    |     | 12  |
| 1  | 93  | Battleboro Map                     | 400 | 402 |
| 2  | 94  | Verizon Records/Thumb Drive        | 470 | 525 |
| 3  | 95  | Screen Capture from LPR            | 535 | 537 |
| 4  | 96  | City of Conway Police Department's | 535 | 538 |
| 5  |     | Cameras at Racepath and 501        |     |     |
| 6  | 97  | Fanotti Neal's Cellular Report     | 540 | 541 |
| 7  | 98  | Phone Analysis Report              | 540 | 543 |
| 8  | 99  | Photograph of Defendant Pressley   | 629 | 646 |
| 9  | 100 | Trial Transcript Excerpt (ID ONLY) | 735 | n/a |
| 10 | 101 | Trial Transcript Excerpt (ID ONLY) | 735 | n/a |
| 11 |     |                                    |     |     |
| 12 |     |                                    |     |     |
| 13 |     |                                    |     |     |
| 14 |     |                                    |     |     |
| 15 |     |                                    |     |     |
| 16 |     |                                    |     |     |
| 17 |     |                                    |     |     |
| 18 |     |                                    |     |     |
| 19 |     |                                    |     |     |
| 20 |     |                                    |     |     |
| 21 |     |                                    |     |     |
| 22 |     |                                    |     |     |
| 23 |     |                                    |     |     |
| 24 |     |                                    |     |     |
| 25 |     |                                    |     |     |

13

## 1 Defendant's Exhibit

| 2 | No. | Description          | ID. | REC'D |
|---|-----|----------------------|-----|-------|
| 3 | 1   | Photograph (ID ONLY) | 404 | n/a   |
| 4 | 2   | Photograph (ID ONLY) | 404 | n/a   |
| 5 | 3   | Photograph (ID ONLY) | 404 | n/a   |
| 6 | 4   | Photograph (ID ONLY) | 404 | n/a   |
| 7 | 5   | Photograph (ID ONLY) | 404 | n/a   |

8

## 9 Court's Exhibits

| 10 | No. | Description                        | ID. |     |
|----|-----|------------------------------------|-----|-----|
| 11 | 1   | Jury Question/Note                 | 262 | 262 |
| 12 | 2   | Body Cam DVD from Detention Center | 387 | 387 |
| 13 |     | Officer                            |     |     |
| 14 | 3   | Conway P.D. Affidavit from         | 387 | 387 |
| 15 |     | Detention Center                   |     |     |

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

(The following proceedings started at 12:36 p.m.):

THE COURT: Do we have any pretrial motions for the State or the defense?

MR. WILSON: I'm sorry, Your Honor?

THE COURT: Do y'all have any pretrial motions?

MR. WILSON: Yes, sir, we do.

THE COURT: Ready when you are.

Everybody have a seat.

MR. WILSON: Your Honor, may we approach?

(The jury panel enters the courtroom at 12:36 a.m.)

## BENCH CONFERENCE

(The following bench conference occurred at the bench and outside the hearing of the jury and others:)

MR. WILSON: The jury is in here.

THE COURT: The jury is in here?

MR. WILSON: Yes, sir.

THE COURT: I thought y'all were sending --

MR. WILSON: They were supposed to have been excused. Somebody didn't --

MR. HARRELSON: Yeah, we sent somebody to go tell them.

MS. LIVESAY: That was my fault. I didn't deliver the message in a timely manner.

MR. WILSON: Well, you did. You told somebody, but

1 I don't know who it was you told, because I was standing  
2 there when you told them 2:00. Because you said 1:30 and  
3 I said 2:00.

4 MS. LIVESAY: I know but I'm fine with just saying  
5 it was my fault.

6 THE COURT: Oh, I don't care. Did y'all want to  
7 just tell them to go?

8 MS. LIVESAY: Yes, yes.

9 MR. WILSON: Yes, sir. Just have them come back at  
10 2:00?

11 THE COURT: All right. What's that deputy's name?

12 MS. LIVESAY: Chris Strickland is the bailiff or the  
13 sheriff's guy.

14 THE COURT: All right. Strickland? Tell him to  
15 come here, if you don't mind.

16 MR. WILSON: Strickland?

17 THE COURT: Glad I didn't say anything. I was  
18 wondering, are there that many victims out there?

19 We're going to excuse the jury until 2:00.

20 DEPUTY STRICKLAND: Okay.

21 THE COURT: We're going to do pretrial motions right  
22 now and work on stuff. Do you mind just telling them --  
23 escorting them out and tell them to come back at 2:00?  
24 Tell them we're going work until -- while they're having  
25 lunch.

1 DEPUTY STRICKLAND: All right. Say 2:00 be back?

2 THE COURT: Two.

3 (The jury panel entered the courtroom at 12:38 p.m.)

4 DEPUTY STRICKLAND: Listen up, Jury. Be back at  
5 2:00. We're going to handle some stuff. So y'all go  
6 enjoy lunch and be back at 2:00.

7 (The jury exited the courtroom at 12:39 p.m.)

8 MOTIONS/MATTERS OF LAW

9 THE COURT: All right. Any pretrial motions from  
10 the State?

11 MS. LIVESAY: Your Honor, at this time, we're ready  
12 to begin. I believe defense counsel has a motion of  
13 severance. But before we start with that, I do need to  
14 put the indictments on for purposes of the record.

15 We have Micah Pressley present with his attorney,  
16 Ralph Wilson, Sr. Mr. Pressley is charged with burglary  
17 first and murder. If I may, the burglary first on  
18 Mr. Pressley's indictment ends in -- it ran off the top.

19 Do you have the last four of the indictment, Judge?

20 THE COURT: Would it be the CDR code? Is that what  
21 you're talking about?

22 MS. LIVESAY: 0079 is the CDR code for burglary  
23 first.

24 THE COURT: I have the original documents right here  
25 if you'd like to refer to them.

1 MS. LIVESAY: Perfect. Thank you, Judge. Half of  
2 that number got run off on mine.

3 And I have got Mr. Neal's, if this is Mr. Pressley.  
4 Oh, hold on. It appears that the last four on  
5 Mr. Pressley's indictment for burglary first is 01656, and  
6 it appears, for his murder charge, the last four of that  
7 indictment number is going to be 01657.

8 The co-defendant Fanotti Neal is here with his  
9 attorney David Rigney. He's also charged with burglary  
10 first and murder. The last four of the burglary  
11 indictment is 0414. The last four on the murder  
12 indictment is 0416.

13 Mr. Wilson and Mr. Rigney have asked that we start  
14 off with a housekeeping matter. Both co-defendants were  
15 made a plea offer for -- to plead guilty to voluntary  
16 manslaughter and burglary first, and the range that was  
17 ultimately given to both was a recommendation of 25 to 30  
18 years.

19 THE COURT: Mr. Wilson?

20 MR. WILSON: Yes, sir, Your Honor. That is  
21 absolutely correct. And that was conveyed to this  
22 defendant and rejected.

23 But I also want to put some other things on the  
24 record, Your Honor, in regard to this particular  
25 defendant, Micah Pressley. I was retained by his mother a

1 little over a year ago, and his mother later passed.  
2 Actually, last Tuesday would have been one year that she  
3 has passed. I went to see him at DJJ on that particular  
4 day, and I didn't realize that it was the anniversary of  
5 her death and he was in an emotional state at that point.  
6 So we really didn't get an opportunity to talk or address  
7 any of the issues, and I take some responsibility for that  
8 since I wasn't aware that that was the anniversary of his  
9 mother's death.

10 But having said that, I need to go back and let the  
11 Court know the history of this. After his mother passed,  
12 his grandmother and aunts were the contact persons for me  
13 with the family. He was obviously incarcerated at DJJ  
14 during this time, and so he was in Columbia.

15 Back in June, if I make no mistake, they filed a  
16 motion or at least they sent me a letter saying that they  
17 no longer wanted my services and that they were going to  
18 hire another attorney for him. And we appeared later in  
19 front of Judge Culbertson, if I make no mistake, and Judge  
20 Culbertson explained that he was not going to relieve me  
21 from the case until and unless they hired another attorney  
22 and that that attorney was to then contact me and the  
23 solicitor's office and file a notice of appearance and  
24 then I could be relieved. Well, none of that happened.  
25 And no attorney has filed a notice of appearance or

1 appeared, as far as I'm aware.

2 Now, when I went to see this defendant -- well, let  
3 me back up. In September -- that would have been in June.  
4 In September, we had a hearing because we were on the  
5 trial roster, and this case was going to be called but  
6 some other case preempted it and we weren't able to go  
7 forward, even though we did actually -- or I did -- come  
8 over and do jury voir dire and stuff like that -- or jury  
9 qualifications. I apologize.

10 Having said all that, the family at that point,  
11 again, told me, in September -- I think it was the 11th --  
12 that they intended to hire another attorney. I waited for  
13 that. I still never got anything from that. They ceased  
14 all contact with me after that point, so I have not heard  
15 anything from them even though I continued to send them  
16 the discovery that the State provided me with and any  
17 information that we had, including the videos that the  
18 solicitor's office sent me regarding this case, because  
19 the defendant was not in a position to get the  
20 information. The aunts and the grandmother were provided  
21 that information.

22 Fast forward to Tuesday of last week, I went to DJJ  
23 to see him, as I said earlier. We didn't talk because he  
24 was in an emotional state, so we didn't get to talk.

25 I called his grandmother the very next day, I think



1 it was, and explained to her what was happening and that  
2 we were at court and that they had not provided me with  
3 the name of a lawyer. He had -- that is, the defendant --  
4 had told me that he had contacted a lawyer and he told me  
5 that the lawyer's name was that Nathaniel Roberson.

6 So I happen to know Mr. Roberson from many years  
7 back, so I called him and asked him, and he said, well,  
8 yeah, that they had talked to him but that he was not  
9 taking the case and that he was not going to be involved  
10 in the case.

11 And I talked with the solicitor later on, and she  
12 verified that he had called them but that he had never  
13 sent a notice of appearance or anything else. He told me  
14 that he was not involved or was not going to be involved  
15 in this case.

16 And I'm putting all this in the record, Your Honor,  
17 because this young man is 16 years of age and very, very  
18 young. And I am very, very concerned about where we're  
19 headed in this case. And this case carries, I mean, two  
20 life sentences, to be exact, because he's got burglary  
21 first degree and there is a murder charge. So he's facing  
22 two life sentences at the age of 16. And he was barely 15  
23 when this happened. So I just think it's important.

24 Now, today, none of his family is here. Even though  
25 I talked to them and told them -- she told me that she had

1 to work on Monday, and that Tuesday, she had volunteered  
2 to do some election work and so she wasn't going to be  
3 here Monday and she wasn't going to be here Tuesday. I  
4 don't have any control over that. I understand. And  
5 that's their right and their choice if they decide not to  
6 come. It does concern me.

7 And the other problem for me is, they ain't paid me  
8 either. So I'm doing this basically pro bono because they  
9 owe me nearly \$9,000 at this point that they have not  
10 paid. I'm going to do the best job I know how. It's just  
11 that I am concerned about this defendant and I worry that,  
12 when you're 16 or even 17 that you don't fully understand  
13 everything, and his answers and responses concern me,  
14 turning down the offer that I thought was made was a fair  
15 offer at the time. That concerned me, which is when they  
16 decided they didn't want me on the case anymore.

17 My job is to be honest and straightforward with them  
18 and not play games or sugarcoat things. I don't know how  
19 to do that very well, so I just tell it like it is.  
20 Unfortunately, a lot of times, they don't want to hear  
21 that.

22 That's where we are with this. I just think that  
23 this needs to be in the record.

24 I also went back to the solicitor -- I think it was  
25 last week or maybe it was the week before, before I went

1 to see him on the 2nd -- on the 3rd. I went back to the  
2 solicitor and was begging again for some kind of plea  
3 offer. Of course she said she couldn't give us the plea  
4 offer so that she originally offered and so that put us  
5 back to looking at murder or something greater. And I  
6 understand that. And I understand she's been very fair  
7 with us in this process. I'm not complaining in any way  
8 about that because she has.

9 But I just think that, because of his age, I am  
10 really, really concerned. For whatever purposes, I wanted  
11 to put those things in the record before we go forward.  
12 And having said that, I'm ready to proceed.

13 THE COURT: For what it's worth, for the record,  
14 you're one of the best criminal defense attorneys I know.  
15 You were a solicitor for many years, and you did criminal  
16 defense work. You are outstanding, and he's lucky to have  
17 you.

18 MR. WILSON: Thank you, Judge.

19 THE COURT: Thank you.

20 How about you?

21 MR. RIGNEY: Thank you, Your Honor. We were made a  
22 similar offer, and that offer was conveyed to Mr. Neal.  
23 He is a young man also. He's just 20 years old now. And  
24 he had also rejected that offer. And I just wanted to put  
25 that on the record as well.

1 THE COURT: All right. Thank you.

2 Any other motions from either side?

3 MS. LIVESAY: I think the next motion we probably  
4 need to hear is another motion for defense counsel and  
5 that's -- I think my understanding is Mr. Rigney has made  
6 a motion to sever. I didn't get a written motion, and I  
7 don't know about Mr. Wilson, if he's got the same motion  
8 or not, but we probably need to hear that next, Your  
9 Honor.

10 THE COURT: I'm ready when either one of you are.

11 MR. RIGNEY: Your Honor, we have the motion that --  
12 an oral motion to sever the case because of grouping  
13 problems. And the problem that we have is that we have  
14 got two defendants and what they have got is a -- if we  
15 get into certain testimony, it's inescapable that we'll  
16 have a problem with the confrontation clause because we  
17 will not be able to cross-examine the other defendant, as  
18 he will not be testifying.

19 So our contention is that, no matter how we redact  
20 things or how we reduce the amount of testimony that comes  
21 in, there's no way to put up any evidence that the State  
22 is doing without implicating -- if the evidence is put up  
23 against Mr. Pressley, it would implicate my client, and in  
24 the reverse, if my client's evidence is put up, it would  
25 implicate Mr. Pressley.

1           And what I'm basing this on in part is the Supreme  
2 Court case of Gray. And this is 523 US at 196. The cite  
3 is 118 S. Ct. at 1157. And in this case, it says that the  
4 admission of the co-defendant's statement violates Bruton  
5 when the statements, despite reaction, obviously refer  
6 directly to someone, often obviously the defendant, and  
7 which involve inferences that a jury ordinarily could make  
8 immediately.

9           So I think it's impossible in our circumstances to  
10 get through this without Bruton problems because of the  
11 inferences that would necessarily be made with the  
12 evidence that the State is intending to put up.

13           THE COURT: Have you and Mr. Wilson looked at the  
14 statements to see if they could be redacted where there  
15 would be no issue?

16           MR. WILSON: Your Honor, we have looked at those  
17 statements. I don't know if they can be redacted. The  
18 problem is, is that, with either statement, there are only  
19 two individuals in the room, and so the inference is, if  
20 one says, "I didn't do it," then that -- the inference  
21 then is that the other person did. And that's the problem  
22 for the State, because the jury is not -- they're going to  
23 understand -- if there are only two defendants in the  
24 room, because that's who comes running out and that's on  
25 video, and one says, "I didn't do it," then that means

1 that the other person did it. There's no other rationale,  
2 reasonable explanation for the statement other than that.

3 And that's the inference that we are saying is  
4 impermissible under Bruton, because it clearly leaves the  
5 inference for the jury that, okay, he didn't do it, so the  
6 other guy did it. And we would object to that.

7 And as far as severance is concerned, I mean, I  
8 think short of -- outside of the issue with Bruton, I  
9 don't have any objection to having a dual trial, but I do  
10 believe that there are Bruton issues here and that that's  
11 going to unnecessarily complicate this trial.

12 And I agree with counsel; it's also going to hinder  
13 our cross-examination of the non-testifying co-defendant's  
14 testimony from whoever provides it. I assume it's going  
15 to come from an officer.

16 But then to say that they can present that but then  
17 we can't cross-examine them about the rest of the  
18 statement clearly is not the way it's supposed to be.  
19 And, clearly, you know, it denies our right to  
20 confrontation of the witness so we don't get the right to  
21 confront the witness, just hear what the officer says the  
22 witness said, and I think that that's not sufficient.

23 MR. RIGNEY: I don't think there's a redaction that  
24 can cover this one.

25 THE COURT: Let me hear from the State.

1 MS. LIVESAY: Yes, Your Honor. I'd like to say  
2 briefly, but I don't know how brief I will be, I want to  
3 start off by just kind of going through the fact that the  
4 State, under State v. Page, which came out after Langford,  
5 clarified that the State has the right to try  
6 co-defendants together. They still have the right to try  
7 the case in the manner they want to try it in.

8 So these defendants do not have a right to separate  
9 trials. The State has the right to try them together.  
10 Then the issue is, will trying them together create some  
11 sort of infringement that is prejudicial to their rights  
12 so they're not able to receive a fair trial?

13 What these defendants are saying is, because of  
14 Bruton is the reason we cannot get a fair trial, which I  
15 feel like has kind of turned into the dog whistle; every  
16 time I say "Bruton," that it's an automatic severance.  
17 That is not the case.

18 And, in fact, the rule is, as long as the statement  
19 does not on its face incriminate the defendant, it can be  
20 properly admitted. The State can introduce other evidence  
21 at trial that links the co-defendant's statement with the  
22 defendant. That's Richard v. Marsh. That's a Supreme  
23 Court case.

24 However, in a time of State v. Evans, which was  
25 1994, there was a defense attorney who was making the

1 exact same motion and argument that Mr. Wilson and  
2 Mr. Rigney are making. That was a -- either felony DUI or  
3 hit-and-run.

4 One of the co-defendants -- there was only two  
5 people in the car. One of the co-defendants said, "Hey, I  
6 wasn't driving." Of course the State tried them both  
7 together and wanted to introduce the statement of "I  
8 wasn't driving."

9 Defense counsel, just like Mr. Rigney and  
10 Mr. Wilson, made the same exact argument. There was only  
11 two people in the car. The fact that the co-defendant is  
12 saying "I didn't drive" clearly infers that my guy is the  
13 driver.

14 The Supreme Court of South Carolina came back and  
15 said, "No, that is not Bruton. It is not, on its face,  
16 incriminating the other co-defendant."

17 The fact that he made the statement along with the  
18 fact that there was only two people in the car, just like  
19 Richardson v. Marsh states, it links the co-defendant's  
20 statement with the defendant. It's still admissible.

21 So State v. Evans says, the fact that the  
22 co-defendant says "I wasn't driving," that comes in.  
23 That's not, on its face, incriminating to the  
24 co-defendant.

25 Neither one of these defendants said the other one



1 did it. Fanotti Neal never said Micah Pressley did it.  
2 In fact, he says, "I never saw who fired the gun. I heard  
3 the gun fire. I ran out. I don't even know that guy's  
4 name. I don't know him."

5 Micah Pressley gave the statement that "I didn't see  
6 who fired. I don't know who fired. I was in the  
7 apartment. I hear the shots. And I run out."

8 Neither one says the other one fired. So there is  
9 no Bruton because, on its face, it is not incriminating  
10 and Evans has told us, the simple fact that one of them  
11 says "I wasn't driving" or "I'm not guilty" is not enough  
12 to meet Bruton and exclude that co-defendant's statement.  
13 That's part one.

14 Part two, they want a severance over the fact that  
15 I'm assuming the argument is one is saying that guy is the  
16 shooter, the other one is saying, you know, the  
17 co-defendant's the shooter. The courts have been clear  
18 that a mere allegation of antagonistic defenses does not  
19 require severance. The fact that one is saying, "He's the  
20 killer and I'm not" does not require severance under the  
21 Supreme Court.

22 So I understand what they're saying, but the  
23 appellate courts have already decided this issue. The  
24 Supreme Court has already decided this issue. And in this  
25 particular case, this is not Bruton. I'm not saying that;

1 the South Carolina Supreme Court is saying that.

2 In State v. Nelson, it says, which is another  
3 Supreme Court case, "An officer can orally quote a  
4 co-defendant's statement that incriminate that defendant  
5 as long as he does not facially incriminates the  
6 co-defendant."

7 So the Supreme Court has already said, look, it is  
8 fine to call the police officer. That police officer can  
9 testify as to what that defendant told him his part was,  
10 but no, he cannot go in if there's any guilt on the other  
11 one. He cannot go in and say he also said the other guy  
12 is the shooter.

13 We acknowledge that. I have now talked to  
14 Mr. Wilson and Mr. Rigney at length. I have explained to  
15 both of them that we are going to call one investigator.  
16 That investigator is only privy to Micah Pressley's  
17 statement. We have met with him at length. He is crystal  
18 clear that he is only to discuss what Micah Pressley said  
19 as to his role.

20 And I'm going to tell you something: I have already  
21 told Mr. Wilson, nobody is trying to play hide the ball.  
22 In the course of the interview how it rolls out is they  
23 break out the tape and play the tape, the surveillance  
24 footage for the defendant, and they basically ask him, "Is  
25 that you?"

1 He says, "Yes, that's me on the tape."

2 "Is that you doing your arm like this before you go  
3 into the apartment?"

4 "Yeah, that's me."

5 That is the most of the interview, is them showing  
6 him the tape and inquiring on it.

7 Mr. Neal's statement is no more than 45 minutes, and  
8 again, he claims he does not even know Micah Pressley. He  
9 never mentions him. And when the police said, "Who is  
10 he?" he says, "I don't know. I couldn't give you a name.  
11 Give me a lie detector test. I couldn't give you a name."

12 So to say these sort of statements are Bruton is  
13 just disingenuous. They're clearly not --

14 THE COURT: Do you have those cases with you that we  
15 could look at real quick?

16 MS. LIVESAY: Looking for Evans, Judge?

17 THE COURT: The cases that you have.

18 MS. LIVESAY: Do you want this --

19 MR. WILSON: Yeah, you can...

20 THE COURT: Just let me glance at it real quick.

21 (Pause in the proceedings while the Court reviews  
22 documents.)

23 THE COURT: I'm going to deny the motion to sever.  
24 I think the solicitor is correct.

25 Any other motions?

1           MR. WILSON: No, sir. We don't have any other  
2 pretrial motions.

3           THE COURT: All right. We'll be back at 2:00.

4           MR. WILSON: Well, just a point of clarification,  
5 Your Honor. I understand the Court's ruling. Now, it's  
6 my understanding that she will put the officer on the  
7 stand, and the officer will testify that -- in the case of  
8 Micah Pressley -- that Micah Pressley identified Micah  
9 Pressley from the video. Is that the extent of what I'm  
10 hearing or is there more?

11           MS. LIVESAY: I can tell him, Judge. And I talked  
12 to him earlier, but we have had so many conversations. So  
13 I have talked to the officer. He's here -- Schoonmaker --  
14 at length because of this issue. And the questioning is  
15 going to roll out, of course, "Did you interview Micah  
16 Pressley?"

17           "As part of the interview, did you show him the  
18 surveillance footage from the crime scene?"

19           "Yes."

20           And I'm going to bring up the footage. "Is this the  
21 footage you showed?"

22           "Yes."

23           "Did he tell you whether or not he was in this group  
24 of people?"

25           "Yes."

1 "Did he point out which one?"

2 "Yes. He said this guy here. You know, the guy  
3 with the hoodie and the shorts."

4 "Did you talk with him about his actions on the  
5 video?"

6 "Yes."

7 And there's literally three parts. There's him  
8 walking up, and the officer is going to say, yes, he  
9 identified himself as Micah Pressley.

10 Mr. Pressley, while he's outside the room, takes his  
11 arm and makes this motion. So of course I'm going to ask  
12 the officer, "Did you ask him about that?" He's going to  
13 say, "Yes." And I can't remember exactly what Micah  
14 Pressley said but I think it was, "I must have been  
15 rapping or singing a song and I did this kind of in the  
16 moment."

17 Then they ask him -- because he goes down and pulls  
18 something out of his shoe and goes to the door. They ask  
19 him about that. You know, "Is this you on the video?"

20 "Yes."

21 "How did you get in?"

22 He says, "With a key."

23 There's one more part where he comes out of the room  
24 and looks this way, that way. They question him, "What  
25 are you doing there?"

1           Then the last part is him running out of the room  
2 with the gun in his hand, and then they confront him about  
3 that. And that will be the extent of it, that that's him  
4 on the interview and his actions on the interview  
5 explaining, "What are you doing now? What are you doing  
6 now?" And that's really the extent of it.

7           MR. WILSON: All right. That's all of it. I mean,  
8 because there's nothing else. That's the entire  
9 statement. And that is where I have a problem because,  
10 Judge --

11          THE COURT: But he doesn't confess to anything, does  
12 he?

13          MS. LIVESAY: He never says anything about Fanotti  
14 Neal. It's literally pointing out, "This is me on the  
15 video."

16               "Explain why you're doing that."

17               And that's literally it.

18          THE COURT: And he never implicated the co-defendant  
19 in any form or fashion?

20          MR. WILSON: Well, he does. He does in the sense  
21 that they ask him where was he and where was the  
22 co-defendant. He says the co-defendant is in the front  
23 room rolling a joint or I think he used another word for  
24 rolling a joint, whatever it was. But that was the  
25 implication, that he was in the front room, which is where

1 the victim is, which is where the shooting took place;  
2 that he's in there and he's rolling a joint. That's a  
3 part of the statement that this defendant gives to law  
4 enforcement.

5 And my point is, is this, Judge: How in the world  
6 am I going to cross-examine him without eliciting that  
7 testimony?

8 THE COURT: Let's redact that one statement.

9 MS. LIVESAY: I have got a reply for that, Judge.

10 THE COURT: All right.

11 MS. LIVESAY: So what Mr. Wilson is saying, "How can  
12 I cross-examine him and say my guy didn't do it, this guy  
13 did it?" Well, that's third-party guilt. And the only  
14 way Mr. Wilson can get into that is if the facts are a  
15 consistent stream of facts that lead to Fanotti Neal to  
16 the exclusion of Micah Pressley. That is not the facts we  
17 have here. For him to say him and not me is to say  
18 third-party guilt. That is not what we have here.

19 What we have here is "hand of one, hand of all."  
20 They are both equal participants. So the fact that he  
21 wants to say, "Well, wasn't Fanotti Neal there?" that's  
22 irrelevant. The question is whether or not Micah Pressley  
23 did anything, because whether Fanotti Neal is there or not  
24 doesn't exclude Micah Pressley's guilt.

25 THE COURT: Why don't we just redact that one

1 statement that you just mentioned?

2 MR. WILSON: All right. This is -- this is my  
3 concern. If we allow that in -- because there's no  
4 reason, based on her -- on what the solicitor is saying,  
5 there's no reason not to introduce the whole statement.  
6 If she can put all of that in, then what would prevent me  
7 or him on cross-examination from putting in the rest of  
8 the statement?

9 THE COURT: Why don't we just redact each statement  
10 where they mention the other person?

11 MR. WILSON: And, Judge, if there was a -- which is  
12 what I'm saying, we're going to do that, go down this  
13 road, then we need to redact the statement so that we know  
14 exactly what the officer is going to say.

15 But just to put the officer up and trust that he's  
16 not going to get too far one way or the other is a  
17 problem, and then we're going to be jumping up and down  
18 asking for a mistrial the first time he says the wrong  
19 word or just presents it in the wrong fashion.

20 If they want to do it this way, then we need to have  
21 a redacted portion of the statement so that everybody  
22 knows, before we go in, exactly what can be said and what  
23 can't be said, and then we can agree on it or disagree on  
24 it. But right now, we're just kind of blowing in the wind  
25 and saying, well, you know, the officer is going to say



1 this, the officer is going to say that. Well, we don't  
2 know what the officer is going to say until he gets on  
3 that stand and he starts to testify, and then it's too  
4 late.

5 THE COURT: He's here in the courtroom, isn't he?

6 MR. WILSON: Yes, sir, he's here.

7 THE COURT: Why don't we just redact it?

8 MS. LIVESAY: He is here, Judge, and I don't mind --  
9 but here's my problem. First of all, I'm stunned that  
10 Mr. Wilson is in here saying, "We don't know what he's  
11 going to say," when I just told him what he was going to  
12 say.

13 As far as Mr. Wilson wanting to ask all these  
14 questions, it's not admissible. You don't get to  
15 cross-examine on issues of third-party guilt because it  
16 doesn't exclude your client as being guilty. He is trying  
17 to say, "I should be able to cross-examine on whatever I  
18 want," including this idea of third-party guilt. "It  
19 wasn't Micah Pressley, it was Fanotti Neal." That's not  
20 what the rules say. That is not what the rules say.

21 The rules say, the only time you get to do that is  
22 if the evidence is a string of facts that go to Fanotti  
23 Neal at the exclusion of Micah Pressley. That is not what  
24 we have here.

25 MR. WILSON: Your Honor, generally, the rule is, if

1 the State goes into any part of a statement that a witness  
2 gives or a defendant gives, then I'm entitled to present  
3 that entire statement to this Court. And that's always  
4 been the rule. I have never known that not to be the  
5 rule.

6 THE COURT: Well, what I'm going to do is just have  
7 you redact the statement where each defendant says  
8 anything about the co-defendant and vice versa, and then  
9 we don't have an issue.

10 MR. WILSON: All right. That's fine.

11 THE COURT: Wouldn't that solve the problem?

12 MR. WILSON: Yes, sir.

13 THE COURT: If we can do that between now and 2:00.

14 MR. WILSON: Yes, sir.

15 THE COURT: What else do we have?

16 MS. LIVESAY: Your Honor, at this time, we're ready  
17 for Jackson v. Denno.

18 THE COURT: Okay. Ready when you're ready, let's go  
19 ahead and do Fanotti Neal's statement, Judge, if that's  
20 okay with you.

21 MS. LIVESAY: We'll do his statement and then Micah  
22 Pressley's statement for Jackson v. Denno.

23 At this time, the State is going to call Nick  
24 Contino to the stand.

25 NICHOLAS CONTINO (Hearing Testimony)

1           after having been duly sworn, was examined and  
2 testified to as follows:

3           THE CLERK: State your full name for the record and  
4 spell it, please.

5           THE WITNESS: Nicholas Contino. C-o-n-t-i-n-o.

6                                 DIRECT EXAMINATION

7 BY MS. LIVESAY:

8 Q       Mr. Contino, where were you employed back in May of  
9 2022?

10 A       The Conway Police Department.

11 Q       And how long had you been with Conway Police  
12 Department?

13 A       Just short of seven years.

14 Q       And if you don't mind, tell the Court a little bit  
15 about the training you underwent.

16 A       I have been through numerous advanced training  
17 within my position. At that time, I was a detective. I  
18 have been through advanced detective classes to include  
19 homicide investigations, basic detective entry-level  
20 classes, etc.

21 Q       So you have had training in investigations?

22 A       Yes, ma'am.

23 Q       And have you participated in any interviews?

24 A       Yes, ma'am.

25 Q       About how many have you participated in before you

1       talked with Fanotti Neal?

2       A       I wouldn't know a precise number.

3       Q       How many?

4       A       I wouldn't know a precise number.

5       Q       More than one or two?

6       A       Yes, ma'am.

7       Q       And do you remember the day that you talked with  
8       Fanotti Neal?

9       A       Yes, ma'am.

10      Q       And if you don't mind, tell this Court where you  
11      were.

12      A       We were at the Florence County holding facility out  
13      there, their offices in Florence.

14      Q       So a police department in Florence?

15      A       Yes.

16      Q       Okay. And is that where Fanotti Neal was from?

17      A       Yes.

18      Q       So right there at the local police department?

19      A       Yes.

20      Q       And, at the time, who all was in the room when you  
21      talked to him?

22      A       Myself, Detective Huggins, and Mr. Neal.

23      Q       Okay. And when you talked to him, was he  
24      handcuffed?

25      A       Yes.

1 Q And because he was handcuffed, did you read him  
2 Miranda?

3 A Yes, ma'am.

4 (State's Exhibit No. 1, Miranda Warning, was marked  
5 for identification for the pretrial hearing only.)

6 BY MS. LIVESAY:

7 Q So, Mr. Contino, you did Mirandize Mr. Neal?

8 A Yes, ma'am.

9 Q I'm going to show you now what's State's Exhibit No.  
10 1. Do you recognize it?

11 A Yes, ma'am.

12 Q What is it?

13 A It's his Miranda rights with a questionnaire on it  
14 and signatures and addresses.

15 Q And did you read each right or did someone, while  
16 you were present, read each right to Fanotti Neal?

17 A Yes, ma'am.

18 Q And I know it's redundant, but if you don't mind,  
19 for the record, read out exactly what was read to  
20 Mr. Neal.

21 A "You have the right to remain silent. Anything you  
22 say can and will be used against you in a court of law.  
23 You have the right to speak with an attorney and have him  
24 present with you while you're being questioned. If you  
25 cannot afford an attorney, one will be appointed to

1 represent you before any questioning if you wish. You can  
2 decide at any time to exercise these rights and not answer  
3 any questions or make any statements. Do you understand  
4 each of these rights as I have explained them to you?  
5 Having these rights in mind, do you wish to speak with us  
6 now?"

7 Q Now, you said, "Do you understand these rights?"

8 A Yes.

9 Q That was read to him?

10 A Yes.

11 Q And is there something on the page to indicate  
12 whether he said yes or no?

13 A Yes.

14 Q And what did he indicate?

15 A Yes, that he understands.

16 Q And you said you asked him as well did he want to  
17 talk to the police?

18 A Yes.

19 Q And is there a place on the form that indicates yes  
20 or no?

21 A Yes.

22 Q And what did Mr. Neal indicate?

23 A Yes.

24 Q Okay. Now, on the form, is there a place for  
25 Mr. Neal's signature to indicate that he's answered these

1 questions and understood his rights?

2 A Yes.

3 Q And did he sign?

4 A Yes.

5 Q In fact, did he print?

6 A He did print.

7 Q Okay. And did you remember him saying he didn't  
8 know how to write in cursive?

9 A Yes, I do.

10 Q So there was dialog. He was read his rights. He  
11 said he understood him, and he said he wanted to talk to  
12 you?

13 A Yes.

14 Q Did he talk to you?

15 A Yes, he did.

16 Q Okay. Let's talk about that. About how long did he  
17 talk with you and Mr. Huggins?

18 A The interview was approximately 30 to 40 minutes.

19 Q Okay. Was he ever denied going to the bathroom?

20 A No.

21 Q Did he ever ask for a lawyer?

22 A No.

23 Q Did he ever tell you he wished not to speak with  
24 you?

25 A No.

1 Q Okay. And at that time, did he invoke -- during  
2 that 30-minute conversation, did he invoke any of those  
3 rights?

4 A No.

5 Q Did y'all offer him something to drink or eat?

6 A I don't recall at this time. I think we asked him  
7 the last time he had ate, but I don't recall if he stated  
8 he was hungry or thirsty at the time.

9 Q And that's what I was going to ask you: Did you  
10 deny him anything to drink or eat?

11 A No.

12 Q Okay. Now, during the time that you talked to him  
13 for 30 or 45 minutes, did he appear to be in any pain or  
14 discomfort?

15 A No.

16 Q Did he appear to be impaired from any substance?

17 A No.

18 Q And when you spoke with him, did he respond to your  
19 questions?

20 A Yes.

21 Q Okay. And so it wasn't like you would ask him  
22 something and he'd start talking about something else?

23 A No.

24 Q And did the conversation have a natural flow?

25 A Yes.



1 Q Okay. Now, how did the conversation end?

2 A He understood he was going to jail at the end of the  
3 interview.

4 Q But was it because he asked for a lawyer?

5 A No.

6 Q Was it because he asked to remain silent and didn't  
7 want to talk to police?

8 A No.

9 Q Okay. So it just came to a natural conclusion after  
10 y'all talked to him about the incident?

11 A Yes.

12 Q And did you talk with him about the incident?

13 A Yes.

14 Q Okay. And did he answer your questions about the  
15 incident?

16 A Yes.

17 Q And at any time during this 30 or 45 minutes, did he  
18 seem confused?

19 A No.

20 Q Did he ever ask to take a break?

21 A No.

22 Q Okay. And when you finished the interview, did you  
23 have to take him to a doctor's office or a hospital or  
24 anything like that?

25 A No.

1 Q Where did you take him?

2 A J. Reuben Long Detention Center.

3 Q And was there any problem there?

4 A No.

5 Q Okay. And when he was at J. Reuben Long, was there  
6 any kind of problem?

7 A No.

8 Q So he never required any medical care, never asked  
9 for any medical care?

10 A No.

11 Q Never any confusion about his rights?

12 A No.

13 Q Never tried to invoke any of his rights?

14 A No.

15 Q Did anybody, while you were in the room, intimidate  
16 Mr. Neal in an effort for him to talk to you?

17 A No.

18 Q Did you ever promise him anything in exchange for  
19 talking to you?

20 A No.

21 Q Did he ever say anything in the end of the interview  
22 that indicated he expected something after talking to the  
23 police?

24 A No.

25 MS. LIVESAY: No further questions about this

1 matter, Your Honor.

2 THE COURT: Mr. Rigney?

3 MR. RIGNEY: Thank you, Your Honor.

4 CROSS-EXAMINATION

5 BY MR. RIGNEY:

6 Q So you knew at the outset that Mr. Neal was 19 years  
7 old?

8 A Can you repeat that? Sorry.

9 Q Did you know from the beginning that he was 19 years  
10 old?

11 A I did not know his exact age at the time.

12 Q Did you find out that he was not a juvenile or  
13 anything of that nature?

14 A Yes. We had his ID, I believe. Or got his  
15 information. He told us his information.

16 Q And he told you he didn't finish high school?

17 A Yes. I think he indicated on there that he -- I'm  
18 not sure at this time which grade he did, but he did --

19 Q He didn't get a GED?

20 A I guess not, no.

21 Q And he's young enough and he wasn't very  
22 experienced. Did he look like a person who had been  
23 through a lot of police interviews before?

24 A I couldn't answer that.

25 Q Not as many as you have conducted, I'm sure.

1           Okay. Was he allowed to talk to anyone? Did he ask  
2           to talk to his mother?

3           A       I don't recall. I think he asked at one point if he  
4           was under arrest or something about a cell phone or  
5           something, asked if he could call his --

6           Q       So he was kind of there with you and nowhere to go,  
7           it sounds like.

8                   And during the course of the interview, did you tell  
9           him that, "There are certain things that I already know"?

10          A       Be more --

11          Q       Okay. So "I already know that this happened because  
12          other people have been telling me this. I just need to  
13          get your side of the story."

14          A       Okay.

15          Q       Is that something that you would have said to him or  
16          did say to him perhaps?

17          A       I'd have to recall to the transcript to see if that  
18          was accurate.

19          Q       And would you have said to him like, "This is your  
20          only chance to tell your side of the story"?

21          A       We would be -- tell him that it would be an option  
22          for him to give his statement now, yes.

23          Q       And so when you went through the Miranda rights, did  
24          you think you went through them carefully and slowly or  
25          kind of a rush through there?

1     A     I think it was given adequate time.

2     Q     Okay. And he was handcuffed the entire time?

3     A     Yes.

4     Q     So he was certain that there wasn't anywhere he  
5     could go? You knew he was isolated?

6     A     He was under arrest.

7     Q     He was under arrest.

8           He's young, inexperienced, and --

9           MR. RIGNEY: Your Honor, I think the totality of the  
10    circumstances, this was an involuntarily statement on his  
11    part based on the whole --

12           THE COURT: Any more questions for this witness?

13           MR. RIGNEY: Pardon?

14           THE COURT: Any more for questions for him?

15           MR. RIGNEY: No more, Your Honor.

16           THE COURT: All right. Mr. Wilson?

17           MR. WILSON: I have no questions, Your Honor.

18           MS. LIVESAY: Anything further from the State?

19           Just one question, Your Honor.

20                         REDIRECT EXAMINATION

21    BY MS. LIVESAY:

22    Q     Mr. Contino, during that 30 or 45 minutes, do you  
23    have any reason to believe that his statement to the  
24    police was anything other than freely and voluntarily  
25    given?

DET. ALLAN HUGGINS - Direct by Ms. Livesay

49

1       A       It was freely -- yes, it was freely given.

2       MS. LIVESAY: No further questions.

3       THE COURT: All right. Now, would you like to put  
4 anything on the record?

5       MR. RIGNEY: Your Honor, I move to strike this and  
6 suppress it because his statement was, based on the  
7 totality of the circumstances, involuntarily.

8       THE COURT: I'm going to find -- and there's no  
9 question that he was Mirandized. It appears to me that he  
10 freely and voluntarily gave this statement. I didn't see  
11 any coercion or anything of that nature that would lead me  
12 to believe that he didn't make the statement that he  
13 wanted to make. I'm going to allow that statement.

14       Let's move to the next one.

15       MS. LIVESAY: Thank you, Judge. Can he step down,  
16 Your Honor?

17       THE COURT: Sure.

18       MS. LIVESAY: Thank you.

19       You can step down.

20       Your Honor, at this time, the State calls Detective  
21 Huggins.

22       THE CLERK: Please raise your right hand and place  
23 your left hand on the Bible.

24       DETECTIVE ALLAN HUGGINS (Hearing Portion),  
25 after having been duly sworn, was examined and

1 testified to as follows:

2 THE CLERK: State your full name for the record and  
3 spell it.

4 THE WITNESS: First name is Allan, A-l-l-a-n. Last  
5 name Huggins, H-u-g-g-i-n-s.

6 DIRECT EXAMINATION

7 BY MS. LIVESAY:

8 Q And, Mr. Huggins, if you don't mind, tell this Court  
9 where you're currently employed.

10 A I currently work for the City of Conway.

11 Q And where were you employed in May of 2022?

12 A The same.

13 (State's Exhibit No. 2 through 11, Photographs, were  
14 marked for identification for the pretrial hearing only.)

15 COURT REPORTER: State's 2 through 11 marked.

16 BY MS. LIVESAY:

17 Q Mr. Huggins, you were employed at Conway Police  
18 Department in May of 2022?

19 A Yes, ma'am.

20 Q And what were your responsibilities at that time?

21 A I was assigned to the investigative division as a  
22 task force officer -- a federal task force officer with  
23 the Secret Service. My primary responsibility was major  
24 crimes and digital evidence, collection and analysis.

25 Q Okay. And did you have an occasion to work on the

1 case that we're here today for involving Micah Pressley?

2 A Yes, ma'am.

3 Q And part of your assistance, did you talk to  
4 Mr. Pressley?

5 A Yes, ma'am.

6 Q Okay. And where were you when you talked with him?

7 A We were initially -- we discovered him in Florence,  
8 but he was transported back to the City of Conway. And  
9 then the interview was conducted inside of Investigations  
10 at our police department.

11 Q And when you -- so you talked with him at the police  
12 department?

13 A Yes, ma'am.

14 Q Who was all present in the room when you talked to  
15 him?

16 A Myself and Detective Schoonmaker.

17 Q And when you talked with him, was Mr. Pressley  
18 detained? Was he handcuffed?

19 A He was.

20 Q And because he was handcuffed, did you read him his  
21 Miranda rights?

22 A Yes, ma'am.

23 Q Okay. I'm showing you now what's marked as State's  
24 Exhibit No. 2. If you don't mind, tell the Court what  
25 this is.



1     A     It's an interdepartmental form issued by the City of  
2     Conway. It is the advisement of rights form.

3     Q     And I know it's redundant, but if you don't mind,  
4     for purposes of the record, read to the Court what you  
5     read to Mr. Pressley.

6     A     It says, "You have the right to remain silent.  
7     Anything you say can and will be used against you in a  
8     court of law. You have the right to talk to a lawyer and  
9     have him or her present while you're being questioned. If  
10    you cannot afford to hire a lawyer, one will be appointed  
11    to represent you -- you -- before any questioning, if you  
12    wish to have one. And if you make any statements or any  
13    questions, you have the right to stop at any time."

14    Q     Okay. And you read those rights to Mr. Pressley?

15    A     Yes, ma'am.

16    Q     And did he appear to understand those rights?

17    A     Yes, ma'am.

18    Q     And, in fact, is there a spot on the form for him to  
19    sign to indicate that, indeed, he understands his rights?

20    A     Yeah. So there's five standardized questions on the  
21    form, and the first one is, "Do you understand your  
22    rights?"

23    Q     And?

24    A     He indicated yes, by checking yes.

25    Q     And you said there were other questions on the form?

1     A     Yeah. After the first initial question, it says,  
2     "Understanding your rights, do you wish to waive them and  
3     talk to me now?" which is indicated by a yes.

4     Q     Okay. And so he indicated yes, he understood his  
5     rights, and he indicated yes, that he wanted to talk to  
6     the police?

7     A     Yes, ma'am.

8     Q     Okay. Are there any other questions on the form?

9     A     There is "Are you under the influence of any alcohol  
10    or drugs?" which is indicated no.

11           "Can you read and write?" which is indicated by yes.

12           And then part of my practice is the final question  
13    is read, "What is your last completed school grade?" which  
14    I did not ask. I have them read so I understand they know  
15    how to read and write, and they indicate with a response.

16    Q     And could he understand how to read and write?

17    A     Yes, ma'am.

18    Q     And was he able to write his name on the sheet?

19    A     He was.

20    Q     Okay. But, of course, did he write it in print?

21    A     He did.

22    Q     Okay. And did he indicate he didn't know how to  
23    write in cursive?

24    A     I told him to sign his name how he did.

25    Q     Okay. And do you run across that a good bit now

1       that they don't teach cursive?

2       A       I actually found out they're starting to teach it  
3       again with my children, so...

4               It was an art that went away but it's slowly coming  
5       back, I guess.

6       Q       So it's not unusual to see somebody print their name  
7       as their signature?

8       A       Not with young offenders, in my experience.

9       Q       Okay. Now, how old was Mr. Pressley?

10      A       At the time of interview, he was 15.

11      Q       Okay. So he was 15. So he was a young man?

12      A       Yes, ma'am.

13      Q       Okay. And do you know whether or not he had had  
14      interactions with the police before now?

15      A       He did.

16      Q       Okay. So this was not his first interaction with  
17      the police department?

18      A       No.

19      Q       Okay. And so he indicated he understood his rights.  
20      He indicated that he wanted to talk to police.

21              Now, when he was in the room, did you give him  
22      something to eat or drink?

23      A       Yeah. I started out with him with just normal back  
24      and forth, trying to make sure that he was comfortable,  
25      that he felt at ease, he didn't feel overwhelmed, because,

1 as you said, he is a young person, so I wanted to make  
2 sure he wasn't overwhelmed in a moment. We provided him  
3 an array of snacks that he chose from and a drink.

4 Q Okay. And did he eat the snacks?

5 A He did.

6 Q Did he drink the drink?

7 A He did.

8 Q And, in fact, didn't he say at one point when he was  
9 in the room that he was cold?

10 A Yes.

11 Q And did somebody bring him a shirt?

12 A Yes.

13 Q And he used that to kind of put across his arms to  
14 keep him warm?

15 A Yes, ma'am.

16 Q So you did everything you could to make him  
17 comfortable?

18 A That's correct.

19 Q Okay. During that time, did he ever indicate to you  
20 that he was in any real pain?

21 A No.

22 Q You said he was cold but did he say he was in pain?

23 A No.

24 Q Did he appear to be in pain?

25 A No.

1 Q Did he appear to have any trouble answering your  
2 questions?

3 A No.

4 Q And were his answers responsive to your questions?

5 A Yes.

6 Q And about how long did you talk to him?

7 A The entire process was roughly about an hour.

8 Q And who all was in the room?

9 A Just myself and Detective Schoonmaker.

10 Q And during this time, did you or Mr. Schoonmaker  
11 ever do anything aggressive towards Micah Pressley in an  
12 effort to get him to talk to you?

13 A No.

14 Q Did you ever promise him anything to get him to talk  
15 to you?

16 A No.

17 Q Did he ever appear to be afraid of you or  
18 overwhelmed?

19 A No. He was not afraid of us.

20 Q And during the time of the conversation when you  
21 talked to him, at any time, did he invoke his rights?

22 A No.

23 Q At any time, did he ask for a lawyer?

24 A No. He made some remarks that weren't clear. They  
25 were clarified. And once I got clarifying statements, we

1 moved on.

2 Q , Okay. And at any point later on during your  
3 conversation, did he say anything to acknowledge he  
4 understood he had the right to a lawyer?

5 A Yeah, he brought that up himself in the questioning.  
6 I think the words were, "If I had done something, I know I  
7 didn't have to talk to you."

8 Q Okay. So he told you he didn't have to talk to you?

9 A Correct.

10 Q And he told you, "But I chose to talk to you  
11 anyway"?

12 A Correct.

13 Q Okay. And in the course of the conversation, do you  
14 remember him saying, "But it's not like I really told you  
15 anything"? Do you remember that?

16 A Yes.

17 Q So when you were in the room with him during that  
18 time, 30 to 45 minutes, were there times when he was  
19 asking you questions?

20 A There was times where he led the tempo of the  
21 conversation, yes.

22 Q And were there times when he would volunteer  
23 information?

24 A Correct, yep.

25 Q Okay. And during the 45 minutes to an hour, did the

1 conversation flow back and forth?

2 A Yes, ma'am.

3 Q Okay. Now, I took only screen shots from the --  
4 well, I apologize.

5 I'm going to show you State's Exhibit 3 through 11.  
6 Will you look at those and tell me what they are instead  
7 of me telling you what they are.

8 A These would have been screen shots from my body  
9 camera, which was audio and video recording the event of  
10 the interview.

11 Q Okay. So these are screen shots of Micah Pressley  
12 throughout the interview?

13 A Yes, ma'am.

14 Q And does it have the time and date on it?

15 A It does.

16 Q Okay. And does it show his demeanor throughout the  
17 interview?

18 A Yeah. It shows a wide variety of interest, smiling,  
19 concern, covered up with the shirt. Looked like he looked  
20 cold in that one. And then eating.

21 Q And is the shirt the shirt y'all gave him?

22 A Yes, ma'am.

23 Q And the food he's eating is what y'all provided for  
24 him?

25 A What he selected, yes.

1 Q Okay. And, in fact, in one of the photographs, he's  
2 smiling, looking at the surveillance footage right along  
3 with you; is that correct?

4 A Yes, ma'am.

5 Q And those points in time, are those accurate to show  
6 the flow of the interview throughout?

7 A Yes, ma'am. He was a very charismatic young man.  
8 Very responsive to the event.

9 Q Okay. And when you spoke with him, did you have any  
10 concerns about Mr. Pressley's intelligence or ability to  
11 understand what was going on?

12 A No, not at all.

13 Q Okay. And, in fact, didn't he tell you basically,  
14 "I want to know what's going on"?

15 A Yes.

16 Q "I want to know why I'm in here"?

17 A Yes.

18 Q How many interviews had you done prior to this one?

19 A Several hundred.

20 Q And did anything at all happen during the interview  
21 that made you feel like it was not freely and voluntarily?

22 A No.

23 Q Okay. And, in your opinion, was his statement to  
24 the police department freely and voluntarily given?

25 A By his own admission that he said he knew he didn't



1 have to talk to us, and that was provided during the  
2 interview. So that solidified to me that he understood  
3 his rights and that he still wanted to talk.

4 Q Okay. And if he had asked for a lawyer or invoked  
5 any of his rights, would you have continued the  
6 conversation?

7 A No. I actually offered him -- because he had  
8 brought up the conversation with his mother, and I said,  
9 another clarifying statement, you know, "Do you want your  
10 mother present? If you do not want to talk with me  
11 without your mother, we'll stop right now." But he  
12 continued with the conversation.

13 Q And throughout the interview, once it was clear he  
14 wanted to talk, did he look right along on the laptop of  
15 the surveillance footage and converse with what was going  
16 on, on the surveillance footage?

17 A Yes, ma'am.

18 MS. LIVESAY: No further questions.

19 THE COURT: All right. Mr. Wilson?

20 MR. WILSON: Thank you, Your Honor.

21 CROSS-EXAMINATION

22 BY MR. WILSON:

23 Q Let me -- I just have a couple of questions. You  
24 said that there were two statements that were -- I think  
25 your word was you needed to clarify.

1       A       Correct.

2       Q       And one of those, based on your conversation with  
3       the solicitor, I assume, was whether he wanted his mom  
4       present?

5       A       That's correct.

6       Q       Now, who brought that up: him or you?

7       A       He brought that up.

8       Q       Okay. And in what context did he bring up the fact  
9       that he wanted his mother there with him so that you had  
10      to clarify it?

11      A       I think the -- without looking at the transcripts,  
12      the gist of it was, "I don't know if I should talk with  
13      you without my mom present."

14              So I returned with a clarifying statement, "Are you  
15      saying you wish not to talk to us without your mother  
16      present, or do you wish to speak to us now?"

17      Q       Do you recall telling him that you would not stop  
18      the interview just to get his mother? Do you recall that?

19      A       No. I recall saying that we weren't going to  
20      question later, we were questioning now, and that his  
21      mother wasn't present, but if he wished to understand what  
22      we were asking or asking of him, this was the time.

23      Q       Did you specifically deny that you asked him -- told  
24      him that you were not going to stop in the middle of the  
25      interview to get his mother? You deny that?

1     A     I don't recall that, sir.

2     Q     Okay. I'm just asking you.

3     A     I understand.

4     Q     Now, you said that there was a second -- there was a  
5     second time that there needed to be some clarification?

6     A     Yes, sir.

7     Q     Tell us about that.

8     A     He -- I want to be really specific about the  
9     clarifying moment. I would like to use the transcripts  
10    for that portion. Would you allow that?

11    Q     Sure.

12    A     I have them on my backpack, if I could grab them.

13           MS. LIVESAY: Can we mark this since I'm showing  
14    this to him?

15           (State's Exhibit No. 12, Transcript of Interview,  
16    was marked for identification during the hearing portion  
17    only.)

18           COURT REPORTER: State's 12.

19           MS. LIVESAY: Mr. Huggins, if you brought a copy,  
20    would you rather have that one?

21           THE WITNESS: I would, because I made notes.

22           MS. LIVESAY: Okay. Sure.

23           (Ms. Livesay brings him his bookbag.)

24    A     Okay. So the transcript reads -- Mr. Pressley  
25    asked, "Can I get questioned with my lawyer?"

1           And my response to him exactly was, "Can you get  
2           questioned with your lawyer? We could talk later but  
3           we're trying to talk now. Are you wanting to talk to me  
4           now or do you want to talk to me -- or do you not want to  
5           talk to me without your lawyer?"

6           And he says, "Like what? What -- what we talked?"

7           And "Are we talking about the case?"

8           And I said, "Yes. I'm trying to explain to you why  
9           we're here. You can" --

10          And then he said -- replies, "You can just tell me  
11          why I'm here. I'm trying."

12          And I said, "Okay. Do you understand these rights?"  
13          which he indicates yes.

14          BY MR. WILSON:

15          Q       Did he ever tell you, after he made that statement,  
16          that "No, I do not want a lawyer; I want to go ahead and  
17          go forward without this statement" at any point in time?

18          A       No, he did not make that statement nor did he say he  
19          didn't want to talk to me without a lawyer present.

20          Q       Okay. So he tells you on the one hand that he wants  
21          his mom. Then he tells you he wants a lawyer, but you  
22          continue to question him; right?

23          A       I don't think that's the question, sir.

24          Q       Okay. All right.

25          For whatever reason, there's no question that he

1 asked about his mother?

2 A Correct.

3 Q No question that he asked about a lawyer?

4 A Correct.

5 Q And no question that the questioning continued?

6 A Correct.

7 Q All right. Now, at the time you're having this  
8 interview -- are we talking day or night?

9 A Day.

10 Q Daytime. What time of day are we talking about?

11 A I think it was roughly 2:00, somewhere around there,  
12 after lunch.

13 Q And you know he's 15 years of age; right?

14 A Correct. Yes, sir.

15 Q And you know that that means he's a juvenile; right?

16 A Correct.

17 Q You know that, not only is he a juvenile, but that  
18 he's in 8th or 9th grade, because that's what he tells  
19 you; right?

20 A Yeah, I think the form says 9th.

21 Q He told you 9th, but you don't actually know whether  
22 he was actually in 9th?

23 A No, I believe he was in 9th because, the reasoning  
24 why I knew his previous history, his behavior, was the  
25 SROs at the schools.

1 Q Yeah. And, in fact, he had more suspensions than he  
2 had days in school; would you agree with that?

3 A Yes, sir.

4 Q And so, if he was in 9th grade, he didn't do much of  
5 being in 9th grade. What month -- we're talking in May;  
6 right?

7 A May, yes sir.

8 Q Of this year or, sorry, of that year. And looking  
9 at his school records, which I'm sure you did at some  
10 point, right --

11 A Not until prior -- not until prior --

12 Q The disciplinary part of his school records.

13 A I hadn't looked at any records of school prior to  
14 the interview. That was all discovered later.

15 Q Okay. All right. And he couldn't write his name;  
16 right?

17 A No, he couldn't sign his name. He could write it.

18 Q Well, that's what I meant. He couldn't sign his  
19 name by using cursive writing. He had to print it; right?

20 A Yes, sir.

21 Q All right. And when -- let me back up. How did you  
22 get him -- this interview is taking place where?

23 A Inside the interview room at Conway Police  
24 Department.

25 Q Conway Police Department?

1     A     Yes, sir.

2     Q     So how did you get him to the Conway Police  
3     Department?

4     A     He was -- well, we didn't want to -- because it was  
5     a long transport -- we got him in Florence -- he was put  
6     in a belly chain and leg shackles. And then prior to  
7     bringing him to the police department, we stopped at the  
8     local doctor's office because that time was COVID. So we  
9     got him a COVID test to make sure he was medically fit and  
10    then, after which, he was brought to our police  
11    department.

12    Q     Okay. So he was transported from Florence to the  
13    hospital to get the COVID test. Then from the COVID test  
14    to the M.L. Brown building or J. Reuben Long?

15    A     No, no, no. He was -- 1600 9th Avenue.

16    Q     I'm sorry.

17    A     You're fine.

18    Q     I'm sorry. Conway, not the County. I apologize.

19    A     No, you're good.

20    Q     And so then he was taken to the City of Conway,  
21    which is where he had the interview?

22    A     Yes, sir.

23    Q     All right. Were you the transporting officer from  
24    Florence?

25    A     I was, yeah.

1 Q So what time did you pick him up in Florence?

2 A I mean, it's like an hour transport basically.

3 Q And then you went directly to the hospital?

4 A No. So the little doctor's office across the  
5 street. Doctor's Care.

6 Q So you took him there for the COVID test?

7 A Yes, sir.

8 Q Now, is that some kind of requirement that the jail  
9 has?

10 A So DJJ had a requirement at the time. Prior to  
11 coming up there, they had to go through the intake process  
12 where they're, like, behaviorally analyzed (ph). They  
13 look through history and stuff like that, and then they  
14 have to be medically cleared with a COVID test because  
15 they didn't want to introduce, I guess, COVID into their  
16 population.

17 Q Okay. So did you get him from Florence or did you  
18 get him from DJJ?

19 A No, no, we found him in Florence. He wasn't --

20 Q Okay. You found him in Florence. So he had not yet  
21 gone to DJJ?

22 A No, sir.

23 Q All right. So you have this conversation with him.  
24 And how long would you say the conversation lasted in its  
25 entirety?



1     A     From the time, I guess, the interview started to  
2     ending with the buccal swab, probably about an hour.

3     Q     All right. There's a question on the form -- and I  
4     can't remember exactly what it was -- about whether you  
5     can read and write.

6     A     Yes, sir.

7     Q     And -- thank you.

8     A     You're very welcome.

9     Q     Yeah. And I understood you to say that what you do  
10    with that is you don't really ask them; you just have them  
11    read that to see if they can read and write?

12   A     So, generally, I ask like -- it's a clarifying  
13   statement. Like "if these four questions are true, can  
14   you read the fifth question and answer it" kind of deal.  
15   And they normally, like, read the question and answer it  
16   either out loud or they write it.

17   Q     So your belief is that, if they can read that enough  
18   to understand to put yes or no ---

19   A     Right.

20   Q     --- then they must understand everything else that's  
21   on the form?

22   A     I think that's an understatement. It takes a  
23   totality of circumstances, but that's one of my tools to  
24   help me cue in if something's not right.

25   Q     Okay. The other thing you said was, was that this

1 defendant had had some involvement with law enforcement in  
2 the past, which is what made you feel even more  
3 comfortable that he would understand the process? Is that  
4 fair?

5 A Yeah. By his demeanor, he didn't seem stressed or  
6 overwhelmed. He was more jovial, aloof at most times. So  
7 his previous experience -- I could tell that he's had  
8 maybe some interactions with his school resource officer.  
9 Because we get that a lot with our juveniles. If they  
10 have a good relationship with the school resource  
11 officers, they're generally more comfortable with us. I  
12 think that's kind of the purpose of the program.

13 Q Well, speaking of that, didn't you say that, at some  
14 point in your report, that you felt that he might be  
15 overwhelmed so that's why you got him the water and potato  
16 chips or whatever it was that you got him to try to give  
17 him an opportunity to get past his being overwhelmed by  
18 the -- what was going on?

19 A No. If you understood it that way, I'm sorry, but  
20 no, it's more of like a generalized -- I try to walk --  
21 make every juvenile offender -- I try to give more leeway  
22 with them than I do my adults to really -- because they  
23 can be overwhelming for somebody that's never interacted  
24 with us before.

25 So I kind of -- like one of the things I do is make

1     sure the gun's off and put away so I don't come into the  
2     interview room with a big gun. I don't try to overpower  
3     them or overstep them. It's more of -- not a tactic, but  
4     more so so I can make sure they don't feel overwhelmed at  
5     the moment because some of these things can be quite  
6     traumatic if not done correctly.

7     Q     Okay. But that's not my question.

8     A     Okay.

9     Q     My question was, in your report, did you say that  
10    you took certain actions because you didn't want him to be  
11    overwhelmed?

12   A     What report are you referring to, sir?

13   Q     Your written report that you did at the time, I  
14   guess, in trying to put this in writing. You did a  
15   report. I assume that you sent the --

16   A     Officer's narrative, yeah, the detective notes. I  
17   don't recall that statement in saying that he was  
18   overwhelmed, no.

19   Q     No, not saying -- you're saying that he was  
20   overwhelmed, but that you were trying not to overwhelm  
21   him.

22   A     Correct, yeah, that's standard.

23           MR. WILSON: I don't have any other questions,  
24   Judge, but I do have a motion.

25           THE COURT: Any redirect?

1 MS. LIVESAY: Just very briefly.

2 REDIRECT EXAMINATION

3 BY MS. LIVESAY:

4 Q Did you give him something to eat and drink to  
5 persuade him to talk to police?

6 A Oh, no.

7 Q And is that a normal protocol, "Do you want  
8 something to eat or drink?"

9 A We try to offer it more times than not, but like I  
10 said, with juveniles, we try to really make sure that  
11 they're okay.

12 Q And did you take him to the doctor's office before  
13 you brought him to the police department?

14 A Mm-hmm.

15 Q And he tested negative for COVID?

16 A Yes, ma'am.

17 Q And did they say that he needed to go to the ER or  
18 anything like that?

19 A No.

20 Q So he had no issues physically or mentally at the  
21 doctor's office?

22 A That's correct.

23 Q And right after that is when you talked to him?

24 A Correct.

25 Q Okay. And did you -- Mr. Wilson asked you about --

1 his question was, "Did Micah Pressley ask about his mom or  
2 a lawyer?"

3 A Yeah, he asked about them.

4 Q Did he ask about them?

5 A Did he ask for them or about them, because that's --

6 Q He asked for them. I'm sorry.

7 A No, he did not ask for them.

8 Q Okay. What did he ask?

9 A He asked if they could be present. That's why I  
10 asked the clarifying statements, that is, was he invoking  
11 his rights in asking for those entities, or was he asking  
12 for the mere could they be here when he was doing what we  
13 were doing?

14 Q Okay. And once you clarified it, what did he say?

15 A He didn't -- he never invoked those rights after  
16 that point. He just went on to a natural point of  
17 conversation.

18 Q Okay. And did he consistently talk with you after  
19 that?

20 A Yes.

21 Q Did you promise him anything to get him to talk to  
22 you?

23 A No.

24 Q Did you do anything to persuade him or lure him to  
25 talk to you?

1     **A**     No.

2     **Q**     Okay. And was he denied anything in the course of  
3     the room?

4     **A**     No.           .

5     **Q**     And Mr. Wilson was asking you about him being  
6     overwhelmed. Do you remember that?

7     **A**     I was trying to figure out what he was trying to --  
8     I think that's what he was asking me, if he was  
9     overwhelmed.

10    **Q**     Okay. And did he appear to be overwhelmed?

11    **A**     Never.

12    **Q**     And towards the end of the conversation, did he tell  
13    you, "Look, if I did it, I would have asked for my lawyer.  
14    I wouldn't even be talking to you right now"?

15    **A**     He did make that statement.

16    **Q**     Is that what he said?

17    **A**     Mm-hmm. I have it marked. I can read it verbatim  
18    if you'd like.

19    **Q**     And so he acknowledged at that time he knew he  
20    didn't have to talk to you?

21    **A**     Mm-hmm.

22           THE COURT: Is that a yes or a no?

23    **A**     Yes, he did.

24    BY MS. LIVESAY:

25    **Q**     And he decided that he was going to talk to you?

1     **A**     Correct.

2     **Q**     Okay. And his take on it was he told you, "I didn't  
3 really tell you anything"?

4     **A**     That's his statement.

5     **Q**     Is that the statement he made to you?

6     **A**     Yes, ma'am.

7     **Q**     Okay. So his take on it or what he actually told  
8 you was, "Look, if I thought I was in any danger of  
9 telling you something incriminating, I would have just  
10 asked for a lawyer"?

11    **A**     That's the way I gathered it from his statement,  
12 yes.

13    **Q**     "And I wouldn't even be talking to you right now"?

14    **A**     Correct.

15    **Q**     So he clearly knew how to invoke his rights?

16    **A**     Correct.

17    **Q**     And, in fact, at some point, did he talk to you  
18 about "hand of one, hand of all"?

19    **A**     Yes, he did.

20    **Q**     And he knew something about that, didn't he?

21    **A**     Yes.

22    **Q**     So this was somebody that was well versed and able  
23 to converse with you?

24    **A**     Yes, ma'am. I felt like he really understood the  
25 scenarios going on. He was not confused.

1 Q Okay. And let me ask this question. You said, in  
2 particular with juveniles, you try to make them feel  
3 comfortable?

4 A Correct.

5 Q Is that a form of trying to manipulate them or play  
6 on the fact that they're juveniles, to try to get them to  
7 talk to police?

8 A No, it's just me as a human being and a parent,  
9 knowing that, if my child was in that situation, how I  
10 wanted them treated. So I try to go out of my way to make  
11 sure they're comfortable. But everybody makes mistakes;  
12 it doesn't mean you have to treat them bad.

13 Q So that's just you trying to be a decent human  
14 being?

15 A Yes.

16 Q Was his statement freely and voluntarily given to  
17 you?

18 A It was.

19 MS. LIVESAY: No further questions, Your Honor.

20 THE COURT: All right. Mr. Wilson?

21 RECROSS-EXAMINATION

22 BY MR. WILSON:

23 Q Let me show you your report. And this is -- says  
24 Conway Police Department. I was looking for a date. I  
25 don't know that there is a date on here.



1     **A**     If it's investigative notes, it's kind of just  
2     grouped in, like, time frames.

3     **Q**     So you can take a look at it and tell me if that's  
4     your report or someone else's.

5     **A**     No, I believe it's mine, sir.

6     **Q**     Okay. And if you would for me -- can I take this  
7     back for a second?

8     **A**     Yes, sir.

9     **Q**     I'd like for you to read --

10            **MS. LIVESAY:** Can we get a look at what he's showing  
11     him, Judge?

12            **MR. WILSON:** I apologize. This is his report. This  
13     report here.

14            **MS. LIVESAY:** Just these two pages is what you're  
15     showing him?

16            **MR. WILSON:** Well, that's what I'm showing him now,  
17     just for this question, yes. And this paragraph  
18     specifically.

19            **MS. LIVESAY:** Okay. There you go.

20     **BY MR. WILSON:**

21     **Q**     All right. If you would for me, could you read --  
22     this is one, two, three -- paragraph four for me?

23     **A**     Can you just point exactly which paragraph you're  
24     speaking of, sir, so I know?

25     **Q**     No. 4. Paragraph 4.

1     **A**     Okay. "Pressley then asked if he could have his  
2     mother on the phone while we continued. I told him that I  
3     wasn't calling his mother during the interview. If he did  
4     not want to talk to anyone without his mother, we did not  
5     have to. I made it very clear that us talking was his  
6     decision and his alone. He then stated that we were going  
7     to get messed up because I told his lawyer something else  
8     and then the truth, which I advised him that he needed to  
9     be honest with his representation."

10    **Q**     Okay. All right. So you did tell him that you  
11    weren't going to stop the interview to get his mother  
12    there for the interview?

13    **A**     I think the paragraph reads I wasn't going to call  
14    his mother.

15    **Q**     Okay. All right.

16           And even when the lawyer issue was brought up, y'all  
17    talked right past that, too; right?

18    **A**     Once I got clarification that he wasn't invoking his  
19    rights, yes, sir.

20    **Q**     All right. Thank you, sir.

21           THE COURT: All right. Yes, ma'am?

22           MS. LIVESAY: No further questions, Your Honor.

23           THE COURT: All right. Anything you want to put on  
24    the record?

25           MR. WILSON: Yes, sir. Your Honor, first of all,

1 you got a 15-year-old juvenile who is in police custody in  
2 handcuffs, which the officer says, I think, he loosened at  
3 some point. He is, for lack of a better word, being --  
4 and the solicitor, I think, brought that up, saying,  
5 "Well, you weren't trying to intimidate him or be nice to  
6 him to get him to give you a statement, were you, by  
7 giving him some food and giving him some potato chips and  
8 water" and whatever it was that they gave him. But that's  
9 exactly what's happening.

10 In addition to that, he clearly -- clearly asked for  
11 his mother. And I understand the mother doesn't have the  
12 same role as the lawyer. I'm well aware of that, Your  
13 Honor. But he also tells the officer about wanting his  
14 lawyer. The officer talks right -- according to the  
15 lawyer -- I mean, according to the officer, he talks right  
16 past that. They keep on talking in spite of the fact that  
17 the defendant says to him that he needed to get his lawyer  
18 or have his lawyer present. This officer continues to  
19 talk to him. And he says, "Well, yeah, he just wanted to  
20 keep on talking to me."

21 So, no, once the defendant -- and, clearly, a  
22 14-year-old is not a lawyer. He doesn't know the exact  
23 words to say, but once he brought up the fact that he was  
24 interested in having his lawyer present, the conversation  
25 should have stopped. Personally, I think it should have

1 stopped at the point where he's asking for his mom to be  
2 present, when he's 15 years old. But the officer does  
3 neither of those things after both times.

4 And just think about it for a second, not only does  
5 he ask for his mom, then he asks for a lawyer, and he  
6 doesn't get anything. And the conversation continues.

7 Not one time does he say -- this officer say, "I  
8 stopped. Once he says that he wanted his mom, you know,  
9 and I wasn't going to get his mom, I just stopped the  
10 conversation."

11 Not one time did he say, once he talked about his  
12 lawyer, that I stopped the conversation and said, "Think  
13 about it, and if you want your lawyer, we're going to" --  
14 he took advantage of this 15-year-old and proceeded  
15 because he knew that this kid did not fully understand  
16 that, by the officer keep talking, that that meant --

17 THE COURT: What exactly did he say about wanting a  
18 lawyer? Did he say, "I want a lawyer" or "get my lawyer"?  
19 What exactly did he --

20 MR. WILSON: Well, it depends on who you're  
21 listening to. Okay, Your Honor?

22 THE COURT: Well, what does the statement say?

23 MR. WILSON: The statement is just a synopsis of  
24 what the officer says. And I'd have to go back to the  
25 actual transcript, which is on a video that we have, to

1 get the exact wording that he used.

2 THE COURT: Right.

3 MR. WILSON: But my interpretation of it was that he  
4 was asking for a lawyer. Now, that's my interpretation of  
5 it. You know, and I just think that, in this particular  
6 instance -- with the kid -- because the kid is clearly  
7 concerned, which is why he's asking for his mother.

8 Even under the officer's statement, which is just  
9 a -- you know, a narrative of what he says happened -- a  
10 synopsis of what he says happened, he clearly says that  
11 the kid asked for his mother. That is undeniable.

12 And I just think that, when you look at this whole  
13 thing in its totality, that this was not a free and  
14 voluntarily statement. When you add the mother and the  
15 lawyer issue -- and even he -- even the officer says,  
16 "Well, we had to have two periods of clarification where  
17 we had to clarify it." Well, no, you shouldn't have to  
18 clarify it. Either he's entitled to it or he's not.  
19 There's nothing to clarify it.

20 And so my position is, is that he -- this  
21 defendant's statement ought not to be admitted.

22 And I would go back, Your Honor, if the Court -- and  
23 I'll certainly do it before the trial starts and look at  
24 his actual words that he said in the video, because I am  
25 clearly concerned that this statement is not free and not

1 voluntary.

2 THE COURT: All right. Let me hear from the State.

3 MS. LIVESAY: Just very briefly, Your Honor. He was  
4 read his rights. This 15-year-old has already got a prior  
5 record for burglary, assault, some other things. He's not  
6 somebody that this is his first time in police custody or  
7 having contact with police. In fact, Mr. Wilson asked,  
8 "Did you get him from DJJ or did you get him from  
9 Florence?"

10 So this is somebody who has had contact with police.  
11 He's not overwhelmed. The whole reason the State marked  
12 those pictures as exhibits was to show his demeanor  
13 throughout the interview. He's clearly smiling. He's  
14 eating snacks. He's got the shirt on his arm. He clearly  
15 feels comfortable in this exchange.

16 As to him asking -- what he asked -- I'm looking at  
17 the transcript now and what the testimony was. He asked  
18 -- he says, "Can I get questioned with my lawyer?"

19 And what Detective Huggins says is, "You could  
20 later, but I'm trying to talk to you now. Do you want to  
21 talk to me now or do you not want to talk to me now and  
22 wait until your lawyer is present?"

23 And at that time, he says, "Like what -- what we  
24 talk -- are we talking about the case?"

25 And Detective Huggins said, "Yeah, I'm trying to

1 explain to you why we're here."

2 And he, at that time, says, "Yeah, you can tell me  
3 why I'm here."

4 And he says, "Do you understand your rights?"

5 And he says, "Yes."

6 And then the conversation ensues from there.

7 Later on in the conversation, if there was any doubt  
8 that he knew that he had the right to a lawyer and whether  
9 or not he needed to talk to the police, later on -- and I  
10 have got it marked -- later on, Mr. Pressley tells  
11 Mr. Huggins, "Yeah, like, because, I mean, if I would have  
12 did it, I wouldn't even be talking to you right now. I  
13 would have told you I want to waive my lawyer and all of  
14 that."

15 So later on in the conversation, he says, "Yeah,  
16 look, if I didn't want to talk to you, I would have told  
17 you, 'Yeah, I want to wait for my lawyer.'"

18 So he clearly understood, either you're going to  
19 talk us to now without a lawyer or we're going to wait and  
20 you can talk to us with your lawyer. And he clearly  
21 decided at that time that he wanted to talk to Detective  
22 Huggins.

23 The issue right now is preponderance of the  
24 evidence. He was read Miranda. He talked for 30, 45  
25 minutes, looking at the pictures. He's smiling. He's

1 clearly comfortable. And he acknowledges in the interview  
2 that, look, if he thought he was saying something  
3 incriminating or he had to be worried, he would've said,  
4 "No, I'm waiting for my lawyer."

5 So he clearly understood his rights. He knew how to  
6 invoke his rights, and he decided at that time not to.

7 So the State's position is, he was read Miranda, he  
8 waived his rights, and the statement he gave was freely  
9 and voluntarily.

10 THE COURT: Okay. I tell you what, I'm going to  
11 reserve my ruling at this time. Maybe you could give us a  
12 copy of the transcript and we can look at it on a break.

13 MS. LIVESAY: Sure.

14 THE COURT: Anything further before we take a  
15 five-minute lunch break?

16 MR. RIGNEY: No, sir.

17 MR. WILSON: No, sir.

18 THE COURT: Let's take a short lunch break. By the  
19 time the jury gets in here, maybe we can begin.

20 (A recess was taken from 2:08 p.m. to 2:24 p.m.)

21 THE COURT: All right. And, Solicitor, go ahead and  
22 call your case.

23 MS. LIVESAY: Thank you, Your Honor. At this time,  
24 the State calls State v. Micah Pressley and State v.  
25 Fanotti Neal.



1 standing outside or what have you?" Talk about football,  
2 talk about the weather, anything you want, but not this  
3 case until I tell you to.

4 Furthermore, at any point in time if you're  
5 uncomfortable, if you need to stand up, you need to go to  
6 the bathroom, you need something to drink or eat, if  
7 you'll just kind of wave your finger at me. If we're  
8 trucking along, I'll make sure I stop, and I'll make sure  
9 you're taken care of. It's very simple.

10 Right now, I want you to sit back, I want you to  
11 relax, and I recognize the State for your opening  
12 statement.

13 MR. HARRELSON: Thank you, Your Honor. May it  
14 please the Court?

15 THE COURT: Yes, sir.

16 OPENING STATEMENT ON BEHALF OF THE STATE

17 MR. HARRELSON: Good afternoon. So my name is Adam  
18 Harrelson. I'm a prosecutor for both Horry and Georgetown  
19 County, and along with me, my co-counsel, Nancy Livesay.

20 Unfortunately, this week, you're going to learn  
21 about a cold-blooded incident of murder. You're going to  
22 learn how these two defendants, Fanotti Neal and Micah  
23 Pressley, made a decision one night to travel all the way  
24 from Florence, South Carolina, down to Conway for the sole  
25 purpose of murdering the victim in this case, Joshua

1 McPherson.

2           You see, during the weekend of May 29th, 2022,  
3 Joshua, who was a student at South Florence High School,  
4 came down to Conway for the weekend to visit his brother  
5 and celebrate his brother's birthday with him. However  
6 and unfortunately, what Joshua didn't know was that the  
7 two defendants, Mr. Neal and Mr. Pressley, had plans of  
8 their own that weekend.

9           Their plans were to hitch a ride from Florence down  
10 to Conway a little after 4:00 in the morning, break into  
11 the home where they knew Joshua was staying, murder him by  
12 shooting him, and then instantly hitch a ride straight  
13 back to Florence. And due to those decisions -- due to  
14 the decisions that the defendants made that night, they  
15 are on trial this week for both burglary and murder.

16           Now, as the prosecutors, Nancy and I have the burden  
17 to prove to each and every one of you beyond a reasonable  
18 doubt that the defendants are guilty of these two crimes.  
19 And the defense, of course, is going to try and make you  
20 believe that the burden of beyond a reasonable doubt is a  
21 degree of certainty that is impossible to achieve, but  
22 that's really not the case.

23           You see, beyond a reasonable doubt is the degree of  
24 certainty that must be achieved in all criminal courts  
25 throughout our country in order for someone to be

1 convicted of a crime.

2 The judge will go into more detail regarding the  
3 law, but beyond a reasonable doubt simply means that,  
4 based on the evidence, you are firmly convinced of the  
5 defendant's guilt.

6 And as the prosecutors, Nancy and I are prepared to  
7 prove and firmly convince each and every one of you beyond  
8 a reasonable doubt of the defendants' guilt by presenting  
9 evidence to you-all throughout this trial, and that  
10 evidence will come from this witness stand.

11 So, throughout the trial, you'll hear from a variety  
12 of witnesses, including the officers who investigated the  
13 crime from start to finish as well as a variety of other  
14 witnesses who helped resolve this problem or solve this  
15 crime.

16 And then, after hearing all the evidence, I'm  
17 confident that each and every one of you will be as firmly  
18 convinced as I am and find that, beyond a reasonable  
19 doubt, Mr. Neal and Mr. Pressley are both guilty for  
20 burglary and are both guilty for murdering the victim in  
21 this case, Joshua McPherson. Thank you.

22 THE COURT: Mr. Wilson?

23 MR. WILSON: Thank you, Your Honor.

24 OPENING STATEMENT ON BEHALF OF DEFENDANT PRESSLEY

25 MR. WILSON: Mr. Foreman and ladies and gentlemen,

1 first of all, let me say thank you for being here, not  
2 that you had a lot of choice; you had a subpoena so you  
3 had to come. But I'm sure, when you got those subpoenas  
4 in the mail, you could think of a hundred other things  
5 you'd much rather be doing than sitting here this week  
6 listening to a bunch of lawyers argue. But let me show  
7 you and suggest to you that there is a method to this  
8 madness.

9 These defendants are on trial for their very lives,  
10 literally, and their fate is in your hands. But their  
11 fate is based on what the State can or cannot prove beyond  
12 a reasonable doubt.

13 Well, what does that mean? Beyond a reasonable  
14 doubt is not some whimsical or fanciful doubt that you  
15 could have a doubt about that. You can have a doubt  
16 whether the ocean is going to be in Myrtle Beach next  
17 week. Well, that's a whimsical doubt. That's a fanciful  
18 doubt. That is not a real doubt.

19 But it's the same kind of doubt that you would use  
20 in your business affairs. If you find out that some guy  
21 is cheating you, are you going to continue to do business  
22 with him and he's cheating? No. Because you have some  
23 doubt about his believability, about his credibility. And  
24 that's what this is about. Who do you believe? And what  
25 do you believe after you have heard the testimony in this

1 case.

2 And the only evidence -- His Honor has already  
3 instructed you -- the only evidence that's important in  
4 this case is what you hear from the witness stand and  
5 whatever exhibits are introduced in this court. And then  
6 you will judge those items. You will judge the  
7 credibility, which is simply just a big word for  
8 believability. That's all it is.

9 You're the judges. You are 12 -- well, now 14 -- of  
10 you. But you're going to be the 12 judges of the facts in  
11 this case. His Honor is the judge of the law, and he will  
12 tell all of us what the law is and what we're to do.

13 But you -- nobody can tell you what the facts are.  
14 You will decide the facts in this case at the end of this  
15 trial based on the instructions that His Honor gives you  
16 as to the law.

17 Having said all of that, let me say to you one  
18 cardinal principle of law that we all observe in these  
19 United States is that every single defendant who comes  
20 into this courtroom is presumed to be innocent.

21 Now, being presumed to be innocent is not just a  
22 statement that we make. It's a law. It's the law of the  
23 United States of every criminal case that I'm aware of and  
24 in all the 50 states.

25 So when a defendant comes into this courtroom, he

1 has nothing to prove. The defendant doesn't have to  
2 testify. The defendant doesn't have to present witnesses.  
3 The burden is upon the State of South Carolina when they  
4 elect to charge you to come into court and prove what they  
5 say you did and prove it with witnesses which satisfy you  
6 or exhibits which satisfy you beyond a reasonable doubt.

7 Let me also say, ladies and gentlemen, it's  
8 important to the State of South Carolina, this case is,  
9 but it's equally important to this young man who is  
10 sitting there with the mask on, who is Micah Pressley. So  
11 it's important to both parties, to both sides.

12 You have no enemies to punish. You have no friends  
13 to reward. You only have but one job: To find a verdict  
14 that speaks the truth about what happened.

15 And let me say to you one other thing: Mere  
16 presence at the scene where a crime is committed is not a  
17 crime. Simply because you're present doesn't mean that  
18 you have committed a crime.

19 Lastly, I will ask you to do this: Listen to the  
20 evidence as it unfolds during the next few days. Listen  
21 to the witnesses as they testify. See if they contradict  
22 themselves or if they're wavering about what they say or  
23 what they know because those things are important.  
24 Sometimes it's not what you say, it's what you don't say  
25 that's important, or how you say it. And that's where you

1     come in. That's where your judgment comes in.

2             Like your kids, those of you who have kids, you know  
3     when they're telling you the truth and when they're not.  
4     You can just look at them and tell. I have four of them;  
5     I can tell when they're telling you a lie even though now  
6     they're all grown. You just know.

7             And that's the same intuition that you bring into  
8     jury service. You don't leave your good common sense at  
9     home. You bring that with you when you come into this  
10    courtroom, because you're going to be judging these  
11    witnesses who are going to testify. You're going to be  
12    judging the State's case. Have they made it out? And  
13    have they satisfied you beyond a reasonable doubt?

14            I simply ask you, ladies and gentlemen, listen to  
15    the witnesses and the testimony. And if you do that, at  
16    the end of this trial -- at the end of this trial, you're  
17    going to be in position to render a verdict that speaks  
18    the truth, and no one -- not the State of South Carolina,  
19    not these defendants -- have any right to ask anymore or  
20    any less of you than that. Thank you.

21            THE COURT: All right. Mr. Rigney?

22            OPENING STATEMENT ON BEHALF OF DEFENDANT NEAL

23            MR. RIGNEY: I want to thank you again for being  
24    here also. We appreciate your presence and taking the  
25    time to listen to this case and decide the facts as has

1    been described to you as your job and listen to the judge  
2    when it comes to describing the law to you.

3           Now, what I'm going to ask you to do is basically  
4    the same thing as you have been hearing. Listen to the  
5    facts and pay close attention to how they're presented and  
6    what everyone says and how they say it. That's how you  
7    judge the credibility. You watch the witnesses and you  
8    look at the evidence that's presented.

9           Also, I'll ask you to pay attention to the things  
10   that are not presented in evidence, the things that the  
11   State doesn't tell you that would be used to convict these  
12   young men.

13          Now, you know that you have to decide this beyond a  
14   reasonable doubt, and the judge will instruct you very  
15   carefully on that in the trial, but I want you to keep in  
16   mind throughout the testimony those words "reasonable  
17   doubt" and pay attention to spots in the testimony, in the  
18   witnesses, in the evidence that's presented, and in the  
19   things that are not presented as to what might raise a  
20   reasonable doubt in your mind, because these young men are  
21   on trial for their lives. They don't get a second chance.  
22   You're the people who decide their fate.

23          So I'm going to ask you to very carefully and  
24   attentively pay attention to everything that's presented.  
25   And, once again, I will say notice the things that are not



1 presented because that is very important also.

2 Once we get to the end of this case, I believe that  
3 we will be able to ask you to tell us that my client,  
4 Mr. Fanotti Neal, is not guilty of burglary and he's not  
5 guilty of murder.

6 And as you heard moments ago, another thing to keep  
7 in mind: Mere presence at the scene of a crime does not  
8 mean you're guilty. Just because you're there doesn't  
9 make you guilty.

10 Thank you again for being here, thank you for paying  
11 attention to this, and I look forward to working with you  
12 as they present the evidence. And keep in mind the  
13 reasonable doubt. Thank you.

14 THE COURT: Would y'all like to take a short break  
15 before your first witness?

16 MR. HARRELSON: Yes, Your Honor.

17 THE COURT: Members of the jury, please step into  
18 the jury room for about ten minutes, and we'll start this  
19 case.

20 (The jury exited the courtroom at 3:47 p.m.)

21 MOTION/MATTER OF LAW

22 THE COURT: Before we begin, I want to let you know  
23 I'm going to grant your motion to suppress that statement.

24 MR. WILSON: Thank you.

25 THE COURT: I have read the statement. He gets read

1 his Miranda rights, the rights that he has to a lawyer,  
2 etc., etc., and the very next question was, "Can I get  
3 questioned with my lawyer?"

4 MR. WILSON: Thank you, Your Honor.

5 THE COURT: All right. Let's take a short break.

6 (A recess was taken from 3:48 p.m. to 4:04 p.m.)

7 (State's Exhibit No. 13, 911 Call DVD, was marked  
8 for identification.)

9 (State's Exhibit No. 14, Enlarged Map, was marked  
10 for identification.)

11 (State's Exhibit No. 15, Jeans, was marked for  
12 identification.)

13 (State's Exhibit No. 16, Jeans, was marked for  
14 identification.)

15 (State's Exhibit No. 17, Black Hoodie, was marked  
16 for identification.)

17 (State's Exhibit No. 18, White T-shirt, was marked  
18 for identification.)

19 (State's Exhibit No. 19, Black Mask, was marked for  
20 identification.)

21 (State's Exhibit No. 20, Handgun, was marked for  
22 identification.)

23 (State's Exhibit No. 21, Handgun, was marked for  
24 identification.)

25 (State's Exhibit No. 22, Bullets in Bag, was marked

1 for identification.)

2 (State's Exhibit No. 23, Cell Phone, was marked for  
3 identification.)

4 (State's Exhibit No. 24, Bullet Casing, was marked  
5 for identification.)

6 (State's Exhibit No. 25, Bullet Projectile, was  
7 marked for identification.)

8 (State's Exhibit No. 26, Bullet Projectile, was  
9 marked for identification.)

10 (State's Exhibit No. 27, Body Cam DVD, was marked  
11 for identification.)

12 THE COURT: You may bring in the jury.

13 MS. LIVESAY: Your Honor, before we bring the jury  
14 back, we've just got a housekeeping matter.

15 THE COURT: Sure.

16 MS. LIVESAY: After looking at the witness list, we  
17 had put Shavarea Floyd up there, but we had not put her  
18 sister, Charrel Floyd on the witness list. So I ask, if  
19 we can, when the jury comes back out, if we can inquire as  
20 to if any of those folks know her, and that way, if one of  
21 the 12 knows her, we can go ahead and replace with an  
22 alternate.

23 THE COURT: Charrel Floyd?

24 MS. LIVESAY: Charrel. C-h-a-r-r-e-l.

25 THE COURT: Charrel Floyd?

1 MS. LIVESAY: Yes, sir. Thank you.

2 MR. WILSON: Do you have any objection to that?

3 MR. RIGNEY: No.

4 MR. WILSON: We don't have any objections to that,  
5 Your Honor.

6 THE COURT: Okay.

7 (The jury entered the courtroom at 4:07 p.m.)

8 THE COURT: Before we begin, the State has added  
9 another witness that I should have introduced to you  
10 earlier. Her name is Charrel Floyd.

11 In this regard, is any member of the jury panel  
12 related by blood or marriage or has a close personal or  
13 social relationship with Charrel Floyd? If so, raise your  
14 hand.

15 (No response given.)

16 THE COURT: State satisfied?

17 MS. LIVESAY: Thank you, Judge.

18 THE COURT: Defense satisfied?

19 MR. WILSON: Satisfied, Your Honor.

20 MR. RIGNEY: Satisfied, Your Honor.

21 THE COURT: Go ahead and call your first witness.

22 MR. HARRELSON: Thank you, Your Honor. Our first  
23 witness will be Daniel Wright.

24 THE CLERK: Please raise your right hand and place  
25 your left hand on the Bible.

1 DANIEL WRIGHT,  
2 after having been duly sworn, was examined and  
3 testified to as follows:

4 THE CLERK: Please be seated. State your full name  
5 for the record and spell it, please.

6 THE WITNESS: It's Daniel Wright. D-a-n-i-e-l  
7 W-r-i-g-h-t.

8 DIRECT EXAMINATION

9 BY MR. HARRELSON:

10 Q Good afternoon, Mr. Wright. How are you?

11 A Good afternoon. Good. How are you?

12 Q Where do you currently work?

13 A I work at 911 communications.

14 Q And how long have you worked there?

15 A I have been there six years.

16 Q And what are your responsibilities at 911?

17 A I'm the quality assurance specialist, so I listen to  
18 calls and analyze them based on an established set of  
19 protocols, and also, that makes me the custodian of  
20 records.

21 Q Is it fair to say you worked at 911 during May 29th,  
22 2022?

23 A I'm sure I did.

24 Q Okay.

25 A At one point in time.

1 Q During that year --

2 A During that year, yes, sir.

3 Q And what were your responsibilities at that time?

4 A I would have been just in my new position as a  
5 quality assurance specialist.

6 Q So what is the main objective of 911?

7 A 911 is -- and that's why we ask questions, because  
8 we need to know what's going on so we have the right  
9 personnel and the right equipment to whatever scene is  
10 being called upon. So we're there to help any citizen in  
11 need.

12 Q Okay. So if somebody calls 911 in an emergency, are  
13 those phone calls recorded?

14 A They are recorded, yes, sir.

15 Q And how do y'all go about protecting the integrity  
16 of those recordings?

17 A All the recordings are password protected, and they  
18 do show when anybody gets into a call or listens to it.  
19 Everything is password protected and checked.

20 MR. HARRELSON: Court's indulgence.

21 May I approach, Your Honor?

22 THE COURT: Yes, sir.

23 BY MR. HARRELSON:

24 Q I want to show you what's been marked as State's  
25 Exhibit No. 13. Are you familiar with this?

1     **A**     Yes, I am. It has my initials on it and the date  
2     that we reviewed it.

3     **Q**     And what is that?

4     **A**     This would be the 911 call.

5     **Q**     And is this made during or at the time of the  
6     incident?

7     **A**     Yes, sir, it is.

8     **Q**     And is it made in the normal course of the business  
9     of 911?

10    **A**     It is, yes, sir.

11           MR. HARRELSON: At this time, the State would like  
12    to offer No. 13 into evidence.

13           THE COURT: Any objections?

14           MR. WILSON: I don't have any objections, Your  
15    Honor.

16           MR. RIGNEY: No objection, Your Honor.

17           (State's Exhibit No. 13 was received into evidence.)

18           MR. HARRELSON: Your Honor, at this time, the State  
19    would like to publish State's Exhibit 13.

20           THE COURT: State's 13 is in evidence without  
21    objection.

22           (911 call plays/State's Exhibit 13.)

23    BY MR. HARRELSON:

24    **Q**     Mr. Wright, did you have any more involvement in  
25    this case?

1       A       I did not.

2       Q       You did not. Thank you.

3               THE COURT: All right. Cross?

4                               CROSS-EXAMINATION

5       BY MR. WILSON:

6       Q       I just have one thing I wanted to ask you. You  
7       don't have any personal knowledge about this case other  
8       than you're a custodian of the records for 911?

9       A       That is correct, sir.

10       MR. WILSON: Thank you.

11       MR. RIGNEY: No questions, Judge.

12       THE COURT: Do you want to call another witness?

13       MR. HARRELSON: Yes, Your Honor. The State would  
14       call Officer Quantmeyer.

15               And the State would also request that Mr. Wright be  
16       released of his subpoena.

17       MR. WILSON: Without objection.

18       THE COURT: Have a good day.

19       THE CLERK: Please raise your right hand and place  
20       your left hand on the Bible.

21                               OFFICER TYLER QUANTMEYER,

22               after having been duly sworn, was examined and  
23       testified to as follows:

24               THE CLERK: Please be seated and state your full  
25       name for the record and spell it.



1 THE WITNESS: Tyler Thomas Quantmeyer.

2 DIRECT EXAMINATION

3 BY MR. HARRELSON:

4 Q . Officer Quantmeyer, where do you currently work?

5 A I'm currently employed with Horry County Police  
6 Department.

7 Q And how long have you worked with Horry County?

8 A Approximately eight months.

9 Q So were you employed with Horry County during this  
10 incident?

11 A No, I was not. At that time, I was employed by the  
12 City of Conway Police Department.

13 Q . And what were your responsibilities while you were  
14 employed by Conway?

15 A At that time, I was working as a patrol officer as  
16 well as a field training officer.

17 Q And as a patrol officer, what's a normal day look  
18 like for you?

19 A It can be a mixed variety of things. We handle  
20 calls for service for anything ranging from domestic  
21 violence to petit larceny as well as enforcing traffic  
22 violations, interdicting drug movement through the city.  
23 It can be a plethora of different things, it just depends  
24 on the day.

25 Q Were you working on May 29th, 2022?

1     **A**     I was.

2     **Q**     And do you recall an incident occurring that day?

3     **A**     I do.

4     **Q**     And for that incident, did you respond to Coastal  
5     Club Apartments?

6     **A**     I did.

7     **Q**     And where is that located?

8     **A**     That is located on Highway 544 at the junction at  
9     the start of the highway just after you get off of  
10    Highway 501.

11    **Q**     Is that in Horry County?

12    **A**     That is within Horry County, but it's within the  
13    city limits of Conway for Horry County.

14    **Q**     If I showed you a map, do you believe you'd be able  
15    to point it out?

16    **A**     Yes.

17    **Q**     I want to show you what's been marked as State's  
18    Exhibit No. 14. Are you familiar with this?

19    **A**     I am.

20    **Q**     What is this?

21    **A**     That is a map of the apartments that surround  
22    Coastal Clubs as well as Coastal Clubs itself.

23    **Q**     Is that a fair and accurate representation of an  
24    aerial view of that?

25    **A**     It is.

1 MR. HARRELSON: Your Honor, at this time, the State  
2 would like to introduce State's Exhibit 14 into evidence.

3 THE COURT: Any objections?

4 MR. WILSON: I don't have any objection just with an  
5 understanding that it's not to scale.

6 MR. HARRELSON: Yes, correct.

7 THE COURT: Any objections?

8 MR. RIGNEY: No objections.

9 MR. HARRELSON: Your Honor, at this time, the State  
10 would like to publish to the jury.

11 THE COURT: It's in evidence without objection.

12 (State's Exhibit No. 14 was received into evidence.)

13 BY MR. HARRELSON:

14 Q So you're saying this is an aerial view of that  
15 complex?

16 A Correct.

17 Q So whenever you were responding to that area, what  
18 was the call regarding?

19 A The initial call for service was that an individual  
20 had just been shot, so we quickly went to responding to  
21 that call for service.

22 Q And as a patrol officer, when responding to a scene  
23 like this, what are your duties or obligations?

24 A Our initial thoughts are to ensure that the scene is  
25 safe and that the possible suspect is either apprehended

1 or already gone from the scene. Second from that would be  
2 to administer aid to the victim, and then third would be  
3 to secure that scene for the detectives to come and assume  
4 the investigation.

5 Q So what was the first thing that you did once you  
6 arrived on the scene?

7 A The first thing I did when I arrived was I grabbed  
8 my department-issued first aid kit and then I proceeded to  
9 the apartment where the incident had occurred. And then  
10 we knocked, and once the door had opened, we identified  
11 that the suspect was gone, and I went into administering  
12 aid to the victim.

13 Q And what did you -- when you first approached, did  
14 you knock on the door or you just entered?

15 A When I first approached, I did knock on the door and  
16 announced myself.

17 Q And once you first entered the room, how many people  
18 did you see standing around; do you recall?

19 A Approximately five.

20 Q And can you explain, I guess, what you observed when  
21 you walked in?

22 A As I entered into the apartment, I had seen a group  
23 of young individuals. They appeared to be in more of a  
24 state of shock. Our initial gathering from what they  
25 appeared was that they were not a threat to our safety or

1 anybody else who was still in that apartment.

2 As we entered past the hallway or the entrance  
3 hallway, we entered into the common area of that apartment  
4 where there's a kitchen and I guess what you would call a  
5 living room area. At that point, we had looked, and the  
6 victim was up against the backmost wall of the apartment.

7 It, for the most part, did not look to be  
8 drastically disturbed. The coffee table is still in a  
9 center position in the room. There were still items on  
10 that coffee table. I believe there was a glass of water  
11 that hadn't been spilled over or anything like that. Once  
12 we identified where that victim was, then I went into  
13 administering aid.

14 Q When you first walked in, you said you saw a number  
15 of people. Did you detain or arrest any of these people?

16 A No, I did not.

17 Q And why not?

18 A As I stated, upon our entry, we did not believe them  
19 to be a threat based off of their body language and how  
20 they reacted to us. They were not perceived as a threat  
21 to us.

22 So, at that point, once we identified that there was  
23 not an active threat within that apartment, our primary  
24 concern then goes to the victim to administer life-saving  
25 aid.

1 Q So when you first observed the victim, how did  
2 you -- did you help care aid for him?

3 A I did.

4 Q And how did you do so?

5 A Given that the injuries reported were a gunshot  
6 wound, our first objective is to try to locate an entry  
7 and exit wound. So I went into checking for his vital  
8 signs to ensure that he was still alive.

9 After we identified that he did still have a pulse  
10 and shallow breathing, we moved into trying to locate  
11 where the entry wound was. We had removed the victim's  
12 clothing. We identified quickly one entry wound. We put  
13 gauze onto that wound and tried to maintain positive  
14 pressure onto the entry wound. We were still trying to  
15 locate an exit wound, and we had rolled the victim, after  
16 removing his clothing, to try to locate that, but we were  
17 unable to locate an exit wound.

18 Q And while you're caring aid, did EMS ever arrive?

19 A They did.

20 Q And what did you do once EMS arrived to the scene?

21 A As they arrived, we had just begun CPR, so we had  
22 turned over the care of the victim to EMS where they took  
23 over the chest compressions for us, and we had then moved  
24 into more of an investigative role.

25 Q So now that you're in more of an investigative role,

1     what did you -- what was the first thing that you did  
2     after -- once EMS showed up?

3     A     Once they had taken over the care, we identified  
4     that there was a shell casing sitting on the floor in the  
5     kitchen area. I had taken a plastic Tupperware from the  
6     counter and placed it over that shell casing to ensure  
7     that nobody else had -- would kick it, damage it, step on  
8     it, anything like that, to help preserve that evidence for  
9     this trial.

10    Q     And so besides that one casing, did you locate any  
11    more casings within the room or the apartment?

12    A     I had not.

13    Q     And did you observe any bullet holes in the walls or  
14    furniture?

15    A     I did not observe any bullet holes.

16    Q     So how many bullet holes did you observe, I guess  
17    whenever you --

18    A     Within the walls or within the apartment, we did not  
19    identify any; however, we did identify -- it ended up  
20    being two gunshot wounds within the victim.

21    Q     And where the victim was located, did you see blood  
22    on the furniture or the walls?

23    A     There was blood on the couch as well as some blood  
24    had pooled beneath the victim on the carpet as well as the  
25    floor.

1 Q Did you see blood anywhere else in the apartment?

2 A No.

3 Q Did you see -- so you're saying earlier you didn't  
4 see signs of an altercation with the furniture?

5 A Looking at the room, as I stated, the coffee table  
6 was still centered in the room as if it was set up to be  
7 watching TV or anything else. Along the back wall, there  
8 was a sliding-glass door. That door -- the curtain for  
9 that door had not been torn down, nothing like that, and  
10 normally, those are signs common in other calls for  
11 service where some type of fight or confrontation may have  
12 taken place, and I did not observe that within this space.

13 Q And did you interview any witnesses?

14 A I did not.

15 Q And why not?

16 A Once we had turned over the care to the EMS  
17 personnel, we had secured the apartment, and we knew that  
18 the detectives were coming to the scene, and we were just  
19 allowing or waiting for their arrival so they could  
20 conduct their own interviews.

21 Q Did you put any crime scene tape up or anything?

22 A I did. I put crime scene tape up at both ends of  
23 that apartment complex from the furthest of the two ends,  
24 from the centralized hallway that's in between all the  
25 apartment rooms.



1 Q And what's the purpose of putting the crime scene  
2 tape up?

3 A It is to ensure that no one enters or exits the  
4 crime scene that is not supposed to be in the crime scene,  
5 whether that be law enforcement, EMS personnel, etc.

6 Q And did you do anything else to protect the  
7 integrity of that scene?

8 A After putting up the crime scene, I did not.

9 Q And during this incident, were you wearing a body  
10 camera?

11 A I was.

12 Q And with the body camera, does it capture both video  
13 and audio?

14 A It does.

15 MR. HARRELSON: Court's indulgence. Your Honor, if  
16 I may approach --

17 BY MR. HARRELSON:

18 Q I want to show you what's been marked as State's  
19 Exhibit No. 27. Are you familiar with this?

20 A I am.

21 Q And what is this?

22 A That would be a copy of my body-worn camera from the  
23 incident.

24 Q Have you watched this body-worn camera footage?

25 A I have.

1 Q And how do you know this is the same one you  
2 watched?

3 A Because I put my initials and the date in which I  
4 signed that folder on.

5 MR. HARRELSON: Your Honor, at this time, the State  
6 would like to offer State's Exhibit 27 into evidence.

7 THE COURT: Any objection?

8 MR. WILSON: I have no objection.

9 MR. RIGNEY: No objection.

10 THE COURT: Exhibit 27 is in evidence.

11 (State's Exhibit No. 27 was received into evidence.)

12 MR. HARRELSON: Your Honor, at this time, the State  
13 would like to publish State's Evidence 27.

14 (Video plays/State's Exhibit No. 27.)

15 BY MR. HARRELSON:

16 Q Officer Quantmeyer, was anybody on the phone with  
17 911 when you first arrived to the scene?

18 A I don't recall.

19 Q Don't recall?

20 And that casing that we just saw, was that the only  
21 casing that you located?

22 A That was the only casing that I located.

23 MR. HARRELSON: Court's indulgence.

24 BY MR. HARRELSON:

25 Q So when you first laid eyes on the victim, did you

1 see any other gunshot wounds anywhere else besides the  
2 chest area?

3 A The only ones I was able to locate were in the chest  
4 cavity.

5 Q In the chest cavity. Okay.

6 And did you do anything else in this investigation  
7 besides what we just observed?

8 A I had kept security over one of the occupants that  
9 was in the apartment at the time. That person sat in my  
10 patrol car while I sat outside.

11 Q All right. Thank you no further questions.

12 THE COURT: Cross?

13 CROSS-EXAMINATION

14 BY MR. WILSON:

15 Q As I understand it, when you arrived -- well, let me  
16 rephrase that and ask you this way: When you arrived and  
17 you started to check on the victim, how was he lying?

18 A He was lying on his back. His head was partially up  
19 against the outside wall. Some of his body was, I guess  
20 you could say, pinned under the couch.

21 Q Now, did you ask anyone when you arrived whether he  
22 had been moved before you got there?

23 A I had not.

24 Q Okay. Do you know whether he had been moved before  
25 you got there?

1     A     I'm unaware.

2     Q     You said that, when you arrived, there were five  
3     people in the apartment?

4     A     I believe that's the number, correct.

5     Q     Did you happen to get the names of those individuals  
6     who were there?

7     A     I did not. I know another officer on the scene did.

8     Q     All right. And were you present when that officer  
9     spoke with those individuals to get that information?

10    A     I was not.

11    Q     Now, when you -- at some point during the video  
12    there, you're talking about moving the victim or turning  
13    him over ---

14    A     Correct.

15    Q     --- and called for help.

16           Did you find a weapon under him or on his person  
17    when you did that?

18    A     I did not.

19    Q     Did you find a weapon in any of his clothing that  
20    was near his body?

21    A     I did not.

22    Q     Okay. Did any of the people in the apartment tell  
23    you that there was a weapon?

24    A     They did not.

25    Q     When you left the scene on that day, did you have

1 any information that there was a weapon ---

2 A I did not.

3 Q --- owned by the defendant -- I'm sorry -- by the  
4 victim?

5 A I did not.

6 MR. WILSON: No other questions.

7 THE COURT: Mr. Rigney?

8 CROSS-EXAMINATION

9 BY MR. RIGNEY:

10 Q Just a couple of questions about the crime scene.  
11 Were you aware of any changes made to the scene other than  
12 what you did during the time when you were there?

13 A You mean changes prior to my arrival?

14 Q Correct. Did anyone tell you anything had been  
15 changed?

16 A No, they did not tell me if anybody occupying had  
17 moved anything.

18 Q Now, during the course of what you did, how much  
19 changing of the scene did you do as a result of what you  
20 were trying to do?

21 A We had made space in that living room space by  
22 moving the -- I believe there was a chair or stool and the  
23 coffee table.

24 Q Was there anything -- was there a pink curtain  
25 somewhere around?

1     **A**     I don't recall.

2     **Q**     And the blinds on the sliding door, were they up or  
3     down? Do you remember what position they were in?

4     **A**     They were hanging from the curtain rod.

5     **Q**     As if they had not been --

6     **A**     Correct, as if they had not been disturbed.

7     **Q**     And you're not aware of any other changes to  
8     anything in that area before that anyone might have told  
9     you about or during the time you were there?

10    **A**     Correct. No one had told me about any change they  
11    may have made prior to my arrival.

12           MR. WILSON: Thank you. No further questions.

13           THE COURT: All right. Any redirect?

14           MR. HARRELSON: No further questions, Your Honor.

15           THE COURT: You may step down.

16           MR. HARRELSON: Your Honor, the State would just  
17    request that the witness be released.

18           THE COURT: Any objections?

19           MR. WILSON: No, sir.

20           MR. RIGNEY: No, sir.

21           THE COURT: Any more witnesses?

22           MS. LIVESAY: Your Honor, the next one is rather  
23    lengthy, so if it's not offensive, we'd like to start with  
24    the -- thank you; I got thumbs-up.

25           THE COURT: Members of the jury, let's be back at

1 9:30 in the morning. As I told you before, don't talk  
2 about the case among yourselves or with your family.  
3 Don't do any online research. Don't look it up on the  
4 internet or anything. Just clear it out of your mind and  
5 be back at 9:30 in the morning.

6 (The jury exited the courtroom at 4:51 p.m.)

7 THE COURT: All right. We'll see you in the  
8 morning. Y'all have a good evening.

9 MR. WILSON: Yes, sir.

10 (The trial adjourned at 4:52 p.m.)

11 TUESDAY, NOVEMBER 7, 2023

12 (The trial resumed at 9:43 a.m.)

13 (State's Exhibit No. 28, Chain of Custody of Seized  
14 Items, were marked for identification.)

15 (State's Exhibit No. 29, PowerPoint of SCI Photos,  
16 were marked for identification.)

17 (State's Exhibit Nos. 30 to 49, Still Shots of CSI  
18 Photos, were marked for identification.)

19 (State's Exhibit No. 50, Surveillance Video at  
20 Apartment, were marked for identification.)

21 (State's Exhibit No. 51 to 56, Photographs of  
22 Defendant, were marked for identification.)

23 (State's Exhibit Nos. 57 to 58, Photographs of  
24 Surveillance at Apartment, were marked for  
25 identification.)

1 (State's Exhibit Nos. 59 to 60, Photograph of Red  
2 Impala, were marked for identification.)

3 THE COURT: If you'll go ahead and bring out that  
4 one juror, please.

5 MR. WILSON: Your Honor. Just one second. They're  
6 bringing the --

7 JUROR ISSUE

8 THE COURT: Okay. I'm sorry. That's fine. Ma'am,  
9 do you mind coming up?

10 JUROR NO. 140: Hi.

11 THE COURT: I just wanted to talk with you and just  
12 see what the issue is that you had.

13 JUROR NO. 140: I'm Allyson Handy. [Sobbing]

14 THE COURT: I think we need to excuse her and go  
15 ahead and put in an alternate. Do you have any problem  
16 with that, the State? She's obviously very upset.

17 MS. LIVESAY: The only question the State would  
18 have, Your Honor, is if this young lady can be fair and  
19 unbiased throughout the entirety of the trial. That's  
20 kind of the only question we would have.

21 THE COURT: If you were to stay and serve as a  
22 juror, could you be fair to both sides?

23 JUROR NO. 140: I could, yes.

24 THE COURT: Any questions from the defense?

25 MR. WILSON: I don't have any questions, Your Honor.



1 MR. RIGNEY: No, Your Honor.

2 THE COURT: Are you okay in staying?

3 JUROR NO. 140: I would prefer not to. I'm sorry.

4 I lost a child and we have a six-month-old at home, and  
5 I'm just trying to see the best in people. And I feel  
6 like I could be fair, but I just don't know if I want to  
7 have a say-so in these two gentlemen's lives going forward  
8 for this trial.

9 THE COURT: Okay. Let me talk with the lawyers up  
10 here.

11 BENCH CONFERENCE

12 (The following conference was held at the bench and  
13 outside the hearing of others:)

14 THE COURT: I think we ought to excuse her. She's  
15 freaking out.

16 MR. WILSON: I don't disagree.

17 THE COURT: Are you okay with it?

18 MR. WILSON: Yeah, I am.

19 THE COURT: I mean, she's emotionally distraught.

20 MR. WILSON: I think she's a good juror for me  
21 but --

22 MS. LIVESAY: Can we --

23 THE COURT: We have got two alternates.

24 MS. LIVESAY: So is she basically saying, "I can't  
25 be fair to these two people because I've lost a child"?

1 MR. WILSON: I think it's the other way around. I  
2 think she's saying she can't be fair to you guys because  
3 she lost a child.

4 THE COURT: That's the way I'm reading it too.

5 MR. HARRELSON: She says she doesn't think she can  
6 send two people to prison. So I think an alternate would  
7 be...

8 MS. LIVESAY: If she's saying "I can't be fair," I  
9 think we have got to remove her. You know what I mean?

10 THE COURT: Yeah, and she's freaking out.

11 MR. WILSON: I agree. We're all good.

12 THE COURT: All right.

13 [Open court resumes:]

14 THE COURT: Well, ma'am, we'll excuse you. We hope  
15 you have a good week and maybe we'll see you another time.

16 JUROR NO. 140: Thank you.

17 THE COURT: All right. Have a good day.

18 COURT REPORTER: Do we have her juror number?

19 THE COURT: And what is her juror number?

20 THE CLERK: 140.

21 THE COURT: 140. Thank you.

22 (Juror No. 140 was excused from jury service.)

23 THE COURT: All right. If the clerk would pick an  
24 alternate at random.

25 THE CLERK: It would be Janice Small.

1 THE COURT: Who?

2 THE CLERK: Janice Small.

3 THE COURT: Janice Small?

4 THE CLERK: Juror No. 301.

5 THE COURT: Juror 301? All right. No. 301, Janice  
6 Small will be a juror.

7 MR. WILSON: Your Honor, what was the number for the  
8 last juror?

9 THE CLERK: 140.

10 THE COURT: Everybody ready? All right. You can go  
11 ahead and bring out the jury.

12 (The jury entered the courtroom at 9:50 a.m.)

13 THE COURT: All right. State will call your next  
14 witness.

15 MR. HARRELSON: Yes, Your Honor. The State will  
16 call Mark Bobbitt.

17 THE CLERK: Please raise your right hand and place  
18 your left hand on the Bible.

19 MARK BOBBITT,  
20 after having been duly sworn, was examined and  
21 testified to as follows:

22 THE CLERK: Please be seated and state your full  
23 name for the record and spell it, please.

24 DIRECT EXAMINATION  
25

1 BY MR. HARRELSON:

2 Q Good afternoon, Officer Bobbitt. How are you?

3 A I'm doing fine, sir.

4 Q Officer Bobbitt, where do you work currently work?

5 A I'm currently employed with the Conway Police  
6 Department.

7 Q And how long have you worked with the Conway Police  
8 Department?

9 A Approximately 23 years.

10 Q So what's your current position?

11 A I'm currently the training officer for the police  
12 department.

13 Q And what was your position during May 2022?

14 A I was a crime scene investigator.

15 Q So how long did you work as a crime scene  
16 investigator?

17 A Off and on, seven years.

18 Q And in order to become a crime scene investigator,  
19 did you have to learn special training for that?

20 A I did.

21 Q And what type of training did you have to know?

22 A A variety of crime scene-related schools that I  
23 attended over a period of time, over approximately seven  
24 years starting -- when I first was promoted to detective  
25 in 2015, I had also picked up the assignment as a crime

1 scene investigator so I worked cases and worked crime  
2 scenes as well.

3 I went through and had a variety -- probably 20-some  
4 classes maybe for crime scene-related classes, for crime  
5 scene investigation, and things of that nature.

6 Q So as part of your training, did you train on  
7 forensic photography?

8 A I do.

9 Q Can you tell me a little about that?

10 A Yes, sir. So forensic photography is a little  
11 different from regular photography because we have to show  
12 more detail than most people do in regular photography.  
13 And what we do generally is, when we arrive at a scene, we  
14 take an overall or kind of have an overall picture of the  
15 entire scene. Then, as we go into the scene, we kind of  
16 capture each space that we're walking through and looking  
17 at.

18 Then, when we find items of evidence, we take a  
19 mid-range and then a close-up picture, and then we'll take  
20 the same picture, mid-range and close-up, normally with  
21 some type of evidence marker so we can label that as  
22 evidence, if needed.

23 Q So did you assist with an investigation on  
24 May 29th, 2022?

25 A Yes, sir.

1 Q And where was that investigation at; do you recall?

2 A That was located at 640 Highway 544, Apartment 108,  
3 the Coastal Club Apartments.

4 Q And what were your responsibilities with your  
5 assistance?

6 A In this case, I was asked to draft a search warrant  
7 for the apartment and process the crime scene.

8 Q So once you first arrived to the crime scene, can  
9 you tell me what you observed?

10 A Yes, sir. These -- this is a multidwelling  
11 apartment building, located on the first floor. So you  
12 had apartments next to each other and across from one  
13 another.

14 As I approached the Apartment 108, of course I was  
15 able to identify that because the number 108 was on the  
16 outside of the door. There was also crime scene tape that  
17 had been placed to cordon off that area so folks couldn't  
18 walk through the crime scene or into our crime scene.

19 Q When you arrived to the scene, was the victim, was  
20 he still there?

21 A The victim had already been transported.

22 Q Okay.

23 MR. HARRELSON: Court's indulgence.

24 (Pause in the proceedings.)

25 MR. WILSON: I have no objections, Your Honor, to

1 any photographs.

2 THE COURT: Do you mind --

3 MR. RIGNEY: No objection, Your Honor.

4 MR. HARRELSON: Your Honor, if I may approach the  
5 witness.

6 THE COURT: Sure.

7 BY MR. HARRELSON:

8 Q Officer, I want to show you what's been marked  
9 State's Exhibits 30 through 49. Can you tell me, are you  
10 familiar with these photos?

11 A Yes, sir.

12 Q And how are you familiar with these photos?

13 A I took those photographs.

14 Q And are these photos a fair and accurate  
15 representation of what you observed while you were on the  
16 scene?

17 A Yes, sir.

18 Q Have they been manipulated or altered in any way?

19 A No, sir.

20 MR. HARRELSON: Your Honor, at this time, the State  
21 would like to offer State's Exhibits 30 through 49 into  
22 evidence.

23 THE COURT: Any objection?

24 MR. WILSON: Without objection, Your Honor.

25 MR. RIGNEY: No objection, Your Honor.

1 THE COURT: 30 through 49 are in evidence without  
2 objection.

3 (State's Exhibit Nos. 30 through 49 were admitted  
4 into evidence.)

5 MR. HARRELSON: Your Honor, the State would also  
6 like to publish these photos to the jury through a  
7 PowerPoint.

8 Can the witness step down from the stand for a  
9 second?

10 BY MR. HARRELSON:

11 Q So, if you can, tell the jury what are we looking at  
12 here.

13 A This is the parking lot of the outside of the  
14 incident location of Building 640 on 544 Coastal Club  
15 Apartments.

16 MS. LIVESAY: Are we good?

17 THE BAILIFF: I need to get her glasses.

18 (Pause in the proceedings while juror went to  
19 retrieve her glasses from jury room.)

20 BY MR. HARRELSON:

21 Q Can you tell me what are we looking at in this  
22 photo?

23 A This first photograph is a photograph that I took.  
24 It's the parking lot on the outside of the building of the  
25 incident location.



1 Q Okay. And what about this one?

2 A This is the stairwell just prior to entering the  
3 incident location in Building -- or Apartment 108.

4 Q And what are we looking at here?

5 A This is the breezeway approaching Apartment 108.  
6 Another front view of Apartment 108. A close-up of the  
7 number on the door that matches the information I had  
8 previously testified to.

9 This is an indication or this picture depicts the  
10 scene I saw when the door was opened and I first looked  
11 into the apartment itself.

12 This is the same -- I'm stepping into the foyer  
13 area. Took another picture, and I included light in this  
14 picture to better illustrate what I was looking at.

15 As I moved forward, this area is the kitchen area  
16 that was located on the left-hand side as you entered the  
17 apartment.

18 On the kitchen floor, I noticed what appeared to be  
19 a shell casing -- a spent shell casing. This is depicted  
20 by this item here, the spent shell casing.

21 This is another view of going -- traveling to the  
22 rear of the apartment in the common area is what I saw  
23 after coming into the kitchen area.

24 This is another view of the common area, and it  
25 shows a suite on the right side. That is Suite C/Charlie.

1           This is an area depicting the actual scene where I  
2 believe the incident took place so this is the start of  
3 that area -- that coverage area in the common area.

4           This is another kind of a panoramic view of the same  
5 area, catching the couch and the floor of what I saw there  
6 at the scene.

7           Same photograph, same couch, different area.  
8 Starting to show some more detail on the walls.

9           Close-up on the walls. This is spatter, what I  
10 believed was blood but did not know at the time. It  
11 appeared to be the same consistency as blood.

12           Same in this photograph. This photograph had what I  
13 believe was cast-off or some type of substance which I  
14 also believed was blood at the time.

15           This is another view from a different angle of the  
16 common area.

17           Another view -- full view of the couch area in the  
18 common area.

19           This is a view from standing at the rear sliding  
20 door looking towards the front door.

21       Q     All right. You can return to the stand.

22           So while you were on-scene, you were saying you  
23 located a shell casing; is that correct?

24       A     Yes, sir.

25       Q     And where was that shell casing located?

1     **A**     That shell casing was located on the kitchen floor  
2     next to the refrigerator.

3             MR. HARRELSON: Court's indulgence.

4             Your Honor, if I may approach the witness.

5             THE COURT: Yes.

6     BY MR. HARRELSON:

7     **Q**     I want to show you State's Exhibit 24. Are you  
8     familiar with this?

9     **A**     Yes.

10    **Q**     And what is this?

11    **A**     This is the spent shell casing that I saw in the  
12    floor in Apartment 108.

13    **Q**     How do you know it's the same shell casing that you  
14    located on that floor?

15    **A**     Based on the evidence information and it was  
16    annotated on the property report by myself and packaged.

17    **Q**     Has this been manipulated or altered in any form?

18    **A**     No.

19             MR. HARRELSON: Your Honor, at this time, the State  
20    would like to offer Exhibit 24 into evidence.

21             MR. WILSON: Without objection.

22             MR. RIGNEY: No objection.

23             THE COURT: State's 24 is in evidence without  
24    objection.

25             (State's Exhibit No. 24 was received in evidence.)

1 MR. HARRELSON: Your Honor, at this time, the State  
2 would like to publish it to the Jury.

3 THE COURT: Yes.

4 BY MR. HARRELSON:

5 Q After collecting the shell casing, did you create a  
6 chain of custody document?

7 A I did, sir.

8 Q I want to show you what's marked as State's Exhibit  
9 28.

10 MR. WILSON: We're good. We have no objections to  
11 it, Your Honor. Or at least I don't.

12 MR. RIGNEY: No, no objection.

13 (State's Exhibit No. 28 was received into evidence.)

14 BY MR. HARRELSON:

15 Q Are you familiar with this document?

16 A Yes, sir. This is a property report that was  
17 completed by me.

18 Q And according to the report, how many spent shell  
19 casings did you locate?

20 A Just one.

21 Q And where was it located?

22 A The spent shell case was located on the kitchen  
23 floor.

24 Q What about the room number?

25 A In Apartment 108.

1 Q And who did you hand off the shell casing to after  
2 collecting it?

3 A I packaged the shell casing, completed the property  
4 report, and secured it in the evidence lockup at the  
5 Conway Police Department.

6 Q Thank you.

7 And did you locate a second shell casing while you  
8 were on the scene?

9 A I did not.

10 Q And did you see any bullet holes in the apartment?

11 A I did not.

12 Q So did you see any -- did you see any bullet holes,  
13 I guess, in the walls of the apartment?

14 A No, sir.

15 Q And did you locate any firearms?

16 A Two firearms were located in the apartment,  
17 specifically Suite C/Charlie. They were located by  
18 Detective Huggins.

19 Q What did you do with those firearms after locating  
20 them?

21 A Detective Huggins located these firearms in a box  
22 along with some other hair products that were located on  
23 the top shelf of the closet. And this is a suite or a  
24 bedroom. He made motion to me. I came, observed the  
25 items, photographed the items, and then packaged them and

1     secured them, transferred them or added those to the  
2     property report, the search warrant return, and then  
3     secured those as evidence at the Conway Police Department  
4     lockup -- evidence lockup.

5             MR. HARRELSON: Court's indulgence, please.

6     BY MR. HARRELSON:

7     Q     Thank you, Officer Bobbitt. No further questions.

8             THE COURT: Cross?

9             MR. WILSON: Thank you, Your Honor.

10                     CROSS-EXAMINATION

11     BY MR. WILSON:

12     Q     Detective Bobbitt, in regards to the -- to your job  
13     as the detective -- and at the time, as I understand it,  
14     you were working as a crime scene investigator, correct,  
15     at the time of this particular incident?

16     A     Yes, sir.

17     Q     And part of what you want to do is to photograph or  
18     take pictures or collect evidence that might lead to the  
19     arrest and/or conviction of someone who committed the  
20     crime if, in fact, there was a crime committed; right?

21     A     Yes, sir.

22     Q     All right. And you had been doing this for how long  
23     at that time?

24     A     Almost seven years. Nearly seven years.

25     Q     All right. Seven years.

1           And now, when you're taking these pictures or you're  
2           collecting this evidence, is it important or does it have  
3           any bearing on whether or not the evidence or the crime  
4           scene has been changed or altered before you get there?  
5           Does that matter?

6           A       As far as myself as processing the scene, no, sir.

7           Q       All right. So when you come there and you're going  
8           to take pictures that you're going to bring back to this  
9           court for us to make a determination as to what happened,  
10          it doesn't matter to you if the crime scene has been  
11          altered or changed before you got there? That's what  
12          you're saying to us?

13          A       That's something I didn't have any control over.

14          Q       No, that wasn't my question. My question is, Does  
15          it matter? Does it make a difference?

16          A       Sir, I documented the scene as I saw it when I  
17          arrived.

18          Q       That's not my question. My question is -- you said  
19          you have been doing this for seven years as a crime scene  
20          investigator. And what I'm asking you is simply this: If  
21          you get to a crime scene and that crime scene has been  
22          altered before you get there, does it matter? Does it  
23          make a difference?

24          A       It doesn't make a difference as far as how I process  
25          the crime scene, no, sir.

1 Q Okay. So do you recall, in one of the photographs  
2 that you brought -- that the solicitor just showed, that  
3 there was actually a dust mop -- let me show you State's  
4 Exhibit No. 38. Take a look at that. Have you seen that  
5 picture before?

6 A Yes, sir.

7 Q Did you take that picture?

8 A I did.

9 Q All right. And what's in that picture?

10 A Appears to be a shell casing.

11 Q What else is in that picture right next to the shell  
12 casing?

13 A Dirt, debris, hair, fiber.

14 Q Is it not there a broom there ---

15 A There is.

16 Q --- in that photograph?

17 A Yes, sir.

18 Q You didn't see that before?

19 A I did.

20 Q And not only is there a broom there next to the  
21 shell casing, there is a dust pan there next to the shell  
22 casing; is there not?

23 A Correct.

24 Q All right. Now, let me ask you this: You said that  
25 you only found one shell casing; right?



1     **A**     Correct.

2     **Q**     But if somebody had swept up before you got there,  
3     there may not be a second shell casing there; right?

4     **A**     I can't testify to that, sir. I can just tell you  
5     what I saw.

6     **Q**     Okay. All right.

7             Well, let's talk about what you did see. Okay? You  
8     did see two guns in that apartment; did you not?

9     **A**     Yes, sir.

10    **Q**     And the two guns were where?

11    **A**     They were in a box located on the top shelf in the  
12    closet of Suite C/Charlie.

13    **Q**     And did you collect those guns?

14    **A**     I did.

15    **Q**     All right. And what was your purpose in collecting  
16    those guns?

17    **A**     Collecting those as evidence to be tested and  
18    ballistics.

19    **Q**     All right. Because you wanted to know what?

20    **A**     If they were used in the crime.

21    **Q**     If they were used in the crime.

22             Now, as I understand it, when you got there, the  
23    body of the victim, Mr. McPherson, has already been  
24    removed; right?

25    **A**     That's correct.

1 Q So you didn't take a picture of where he was lying  
2 or the position that he was in at the time that you  
3 arrived?

4 A No.

5 Q Because, when you arrived, he was gone.

6 A Yes, sir.

7 Q All right. Did you take a photograph of the place  
8 or places that you were told he had been laid?

9 A Yes, sir.

10 Q All right. And that was based on which officer's  
11 statements to you?

12 A Officer Quantmeyer.

13 Q And did he tell you whether or not his body had been  
14 moved before he got there; that is, Officer Quantmeyer?

15 A He did not.

16 Q All right. Now, being a crime scene investigator,  
17 having done this for seven years prior to this incident,  
18 would you agree with me that, if the crime scene is  
19 disturbed, that is, if it's changed from its original  
20 status to some new status prior to your arrival and prior  
21 to investigators coming, that changes things; does it not?

22 A It doesn't change things for me, sir.

23 Q That wasn't my question. That wasn't my question.  
24 I'm simply trying to ask you, as a crime scene  
25 investigator, are you sitting here telling me that it

1 makes no difference if somebody cleans up the crime scene  
2 before you get there? That doesn't matter?

3 A Oh, that matters.

4 Q Okay. It does. It makes a difference; does it not?

5 A It does, but it's not something within my control.

6 Q For instance, if a gun is removed from the body of  
7 the victim before you get there, you don't know that, do  
8 you?

9 A I do not know that.

10 Q And you have no way of taking a photograph of that  
11 and preserving it for this court; right?

12 A Yes, sir.

13 Q That's right.

14 Now, the solicitor asked you about a second shell  
15 casing, and your testimony is that there was no second  
16 shell casing at the time you arrived; right?

17 A Correct.

18 Q All right. But now, you don't know what happened  
19 prior to your arrival other than what you have been told?

20 A Correct.

21 Q All right. Let me ask you -- we were talking about  
22 the dust pan that's in Photograph No. 38.

23 A Yes, sir.

24 Q Did you check to find out if anybody had used this  
25 dust pan to clean up before you got there? Did you talk

1 to the investigating officer or whoever was present?

2 A That information was not passed on to me.

3 Q How many people -- how many people were in the house  
4 when you arrived to take pictures?

5 A I don't recall.

6 Q Well, did you not take pictures of everybody who's  
7 in the house so that you would know who was there when you  
8 arrived?

9 A When I arrived, sir, there was no one in the house.  
10 There were officers on-scene.

11 Q So when you arrived, there was no one in the house.  
12 And so you don't know who was in the house, how long they  
13 had been in the house, and when they left prior to your  
14 arrival?

15 A That's correct.

16 MR. WILSON: I don't have any other questions.

17 THE COURT: Mr. Rigney?

18 MR. RIGNEY: Thank you, Your Honor.

19 CROSS-EXAMINATION

20 BY MR. RIGNEY:

21 Q Good morning.

22 A Good morning, sir.

23 Q When you arrived at the house, did you find any or  
24 know or come to learn of any evidence of drug use prior to  
25 your arrival?

1     **A**     No, sir.

2     **Q**     Did you smell any marijuana there that had been  
3     used?

4     **A**     I don't recall.

5     **Q**     What about finding some drugs in the apartment? Did  
6     you not do that?

7     **A**     I'd have to refer to my notes and the property  
8     report. I don't recall finding any drugs, sir, but I  
9     would have to refer to my notes to be able to answer that  
10    question.

11    **Q**     When you went in, did you see a hole in the wall on  
12    the right side as you walked into the --

13    **A**     Yes, sir. In the foyer.

14    **Q**     Do you know how that got there?

15    **A**     I inquired about that and I was told that one of the  
16    occupants or a boyfriend of the occupant -- they weren't  
17    really sure who it was -- had struck the wall after the  
18    incident occurred.

19    **Q**     And you told us that there's what you thought to be  
20    blood in various places?

21    **A**     Yes, sir.

22    **Q**     Did you take samples of that to be tested?

23    **A**     I sure did.

24    **Q**     And did you get results on that?

25    **A**     I believe results were obtained by the lead

1 detective or returned to the lead detective. I'm sorry.

2 Q But you don't know about the results?

3 A I haven't seen the results, no, sir.

4 Q And you -- I believe in your report I read that you  
5 had collected DNA evidence.

6 A Yes, sir.

7 Q Okay. And did you submit that to the proper places?

8 A Yes, sir, to SLED.

9 Q Do you know if you got results on that?

10 A There again, that would have been returned to the  
11 lead detective.

12 Q So you don't know if any DNA came back?

13 A No, sir.

14 Q Fingerprints?

15 A Did not -- I dusted for fingerprints. Did not  
16 retrieve any fingerprints from the scene. The ones that  
17 we had that were there were unidentifiable.

18 Q Now, when those guns were found in the closet ---

19 A Yes, sir.

20 Q --- did you make any effort to see who -- determine  
21 whether they had been fired or not?

22 A I did not.

23 Q Is that common practice --

24 A I'm not a firearms expert, sir, or a ballistics  
25 expert.

1 Q Okay. So if the guns that were in the closet had  
2 been fired, you couldn't tell us whether they had or had  
3 not been fired that day?

4 A Definitively? No, sir.

5 Q Okay. As you walked into the apartment and you saw  
6 the various things there -- you said there was no one in  
7 the apartment before you got there; is that correct? As  
8 you were walking in, there was no one inside the  
9 apartment?

10 A As the photographs depict, sir, people that were in  
11 the apartment had come out of the apartment, the officers  
12 that were there.

13 Q And there were no officers in the apartment when you  
14 arrived there either, inside the apartment?

15 A They were coming out when I started to go in to  
16 photograph. We normally would let them know so that's  
17 kind of their cue to come out so I can photograph without  
18 anybody being in the photograph.

19 Q Again, just to make it clear, things were changed  
20 and could have been changed prior to you getting there,  
21 and you would not have known?

22 A I can only tell you what I observed when I got  
23 there, sir.

24 MR. RIGNEY: Thank you, Your Honor. No more  
25 questions.

1 THE COURT: Redirect?

2 MR. HARRELSON: Briefly.

3 REDIRECT EXAMINATION

4 BY MR. HARRELSON:

5 Q So speaking a little bit about the blood that was  
6 splattered, where did you locate the splattered blood?

7 A In relation to -- excuse me. In relation to the  
8 couch in the common area, it would have been on the wall  
9 that would have been behind the couch and then the wall  
10 that was on the armrest end towards the door near the  
11 door, the sliding glass door along with the blinds.

12 Q So did you see any splattered blood anywhere else on  
13 the hallways along the entrance?

14 A I did not.

15 Q Did you see them in any of the other rooms?

16 A I did not.

17 Q Did you see blood in the kitchen area where the  
18 casing was located?

19 A No.

20 Q And with the two firearms, were there any  
21 indications that they were involved in a crime or  
22 anything?

23 A There was no indication that they were involved.

24 Q Okay. And you have been working as a crime scene  
25 investigator for how long?



1     **A**     A total -- total years, probably 2-1/2. And like I  
2     said, that was worked in association while I was working  
3     as a detective.

4     **Q**     And as a crime scene investigator, is it unusual for  
5     a victim's body to be removed by EMT?

6     **A**     Not if they were performing life-saving measures.  
7     And that was my understanding why Mr. McPherson had been  
8     moved prior to my arrival.

9             MR. HARRELSON: No further questions.

10            THE COURT: Anything further?

11            MR. WILSON: Nothing further, Your Honor.

12            MR. RIGNEY: Nothing further.

13            THE COURT: You may step down. Thank you.

14            THE WITNESS: Thank you, Your Honor.

15            THE COURT: You may call your next witness.

16            MR. HARRELSON: Yes, Your Honor. At this time, the  
17     State calls Pat Letaj.

18                    PERPARIM "PAT" LETAJ,

19                    after having been duly sworn, was examined and  
20     testified to as follows:

21            THE CLERK: State your full name and spell it.

22            THE WITNESS: First name is Perparim. It's spelled  
23     P-e-r-p-a-r-i-m. Last name is Letaj. L-e-t-a-j.

24                    DIRECT EXAMINATION

25

1 BY MR. HARRELSON:

2 Q Good morning, Pat. How are you?

3 A Good.

4 Q Is it okay if I call you Pat?

5 A Yes.

6 Q Okay. Pat, where do you currently work?

7 A I work at Pressley (ph) Apartment Complex.

8 Q And how long have you worked there?

9 A About close to a year.

10 Q So were you working there back on May 2022?

11 A I was not.

12 Q Where were you working at that time?

13 A At Coastal Club student housing in Conway.

14 Q And what was your position at that time?

15 A I was the maintenance supervisor.

16 Q And as the maintenance supervisor, what were your  
17 responsibilities?

18 A Basically taking care of anything that breaks. I  
19 also was a little bit in charge of the security cameras.  
20 Just in case somebody needed footage, I would show them to  
21 them. Me, my property manager, so the whole management  
22 team.

23 Q So you're speaking about the surveillance cameras.  
24 So did the complex have surveillance cameras in the  
25 parking area -- in the parking lots?

1       A       Yes.

2       Q       And did it have surveillance cameras in the halls?

3       A       Yes.

4       Q       Okay. If I showed you a map, would you be able to  
5 indicate where they were located?

6       A       Yes.

7       Q       Okay.

8               MR. HARRELSON: Your Honor, if I may approach the  
9 witness.

10              THE COURT: Yes, sir.

11              BY MR. HARRELSON:

12       Q       Let me show you what's been marked as State's  
13 Exhibit 14. Are you familiar with this, Pat?

14       A       Yes. That's the apartment complex.

15       Q       Okay. And would you be able to show me -- so how  
16 many apartments did you have in this complex -- the  
17 apartment building?

18       A       Oh, apartment buildings? It was seven.

19       Q       Okay. And did each apartment complex have a  
20 surveillance camera?

21       A       Yes.

22       Q       Okay. And what about this area right here where  
23 this is? What is this?

24       A       So that's the basketball court parking lot, and  
25 Building 644 is to your left and Building 640 is to the

1 right of it.

2 Q Okay. And was there surveillance near that  
3 basketball court?

4 A Yes.

5 Q Okay. So did you -- were you involved in assisting  
6 police with an incident that occurred at this location?

7 A Yes. So I was called in. They tried to contact the  
8 property manager. She was in North Carolina at that time,  
9 so they contacted me. They wanted access to one of the  
10 buildings, yes.

11 Q And do you recall which building that was?

12 A It was 640.

13 Q Okay. I want to show you what's been marked as  
14 State's Exhibit 34. Are you familiar with this, Pat?

15 A Yes. That's, like, Room 108. It's Building 640.

16 Q And is this the room in which you assisted -- or  
17 where the incident occurred that you assisted police with?

18 A Yes.

19 Q So how did you go about assisting police during this  
20 incident?

21 A I'm sorry; can you repeat that?

22 Q I'm sorry. How did you go about assisting police  
23 with this incident?

24 A So I just came to the property and I had to let them  
25 in. They did not have access to the security room, which

1 it was on a breezeway close to that room. I opened the  
2 door for them and just basically helped them in that way.

3 Q Okay. So with the security system, is there a place  
4 where the security footage was held? I guess like a  
5 motherboard or a system?

6 A It was a drive on, like, a security room that had a  
7 door and everything. Like a closet.

8 Q Okay. And was that -- I guess, that closet, was it  
9 locked?

10 A Yes.

11 Q And who had access to that building?

12 A Managers of the property, including me.

13 Q So you had access to that?

14 A Yes.

15 Q And how did police have access to that building?

16 A They did not have access.

17 Q So you would have to -- would you have to give them  
18 permission to access it?

19 A Yes.

20 Q Okay. And have you seen the surveillance footage  
21 from this case?

22 A Yes.

23 Q And from what you recall, has it been tampered or  
24 manipulated or altered in any way?

25 A No, sir.

1 Q I want to show you what's been marked as State's  
2 Exhibit 57 and 58. What are we looking at here?

3 A So you're looking at Building 640, camera pointing  
4 towards that door, 108.

5 Q Is this a fair and accurate representation?

6 A Yes.

7 Q And has it been manipulated at all?

8 A No.

9 Q Okay. What are we looking at in this exhibit?

10 A So this one is from Building 644 pointing to the  
11 basketball court.

12 MR. HARRELSON: And, for the record, this is State's  
13 58.

14 BY MR. HARRELSON:

15 Q Has this been manipulated or altered in any way?

16 A No, sir.

17 MR. HARRELSON: Your Honor, at this time, the State  
18 would like to offer State's Exhibit 58 and 57 into  
19 evidence.

20 THE COURT: Any objection?

21 MR. WILSON: I don't have any objection to the  
22 photographs, Your Honor.

23 MR. RIGNEY: No objection, Your Honor.

24 THE COURT: 57 and 58 are in evidence without  
25 objection.

1           (State's Exhibit Nos. 57 and 58 are admitted into  
2 evidence.)

3           MR. HARRELSON: Your Honor, at this time, the State  
4 would like to publish to the jury 58 and 57.

5 BY MR. HARRELSON:

6 Q       So, Pat, if you can tell me -- so with Exhibit 58,  
7 what is this surveillance camera facing --

8 A       So this is facing --

9 Q       Can you step down real quick?

10 A       Yep.

11 Q       So what is Exhibit 58? What is this facing?

12 A       So that's facing the basketball court, and right to  
13 the left of it is Building 640..

14 Q       Okay. And, Pat, so what is the time that is on the  
15 screen right here?

16 A       11:24.

17 Q       And what is the time that is on this screen right  
18 here?

19 A       10:24.

20 Q       So why would the time on this screen be different  
21 than this screen?

22 A       So some of the buildings have the times incorrect.  
23 You know, we just never knew how to adjust them to the  
24 right time. But not all of them have the same issue.

25 Q       So, for example, what about this exhibit, 57?

1 What's the time on this screen?

2 A 11:04.

3 Q And what's the time on this?

4 A 11:03.

5 Q So, again, why would this time be the same and this  
6 one be different?

7 A It's two different security systems. This one had,  
8 like, the right time. That one didn't.

9 Q Okay. Thank you. You can return.

10 All right, Pat. So I want to show you what's been  
11 marked as State's Exhibit 50. Looking at State's Exhibit  
12 50, are you familiar with this?

13 A Yes.

14 Q Okay. And how do you know -- how are you familiar  
15 with this?

16 A I seen the footage and you guys came and showed me.

17 THE COURT: Make sure you speak up.

18 A Oh. I said, I seen the footage and you guys came  
19 and showed it again, the same footage.

20 BY MR. HARRELSON:

21 Q In fact, is this your signature indicating that  
22 you ---

23 A Yes.

24 Q And what you viewed, has the -- has it been  
25 manipulated or altered in any way?



1       **A**       No.

2               MR. HARRELSON: Your Honor, at this time, the State  
3 would like to offer State's Exhibit 50 into evidence.

4               THE COURT: Any objection? .

5               MR. WILSON: Yes, sir, I do have an objection. Your  
6 Honor, I'm not hearing that this witness is the one who  
7 downloaded this material to this video. What he is saying  
8 is that someone showed it to him later on and he observed  
9 it. Now, if that's my understanding, then, yes, I have an  
10 objection.

11              THE COURT: You can go ahead and lay a proper  
12 foundation for it.

13              MR. HARRELSON: Yes, Your Honor.

14       BY MR. HARRELSON:

15       **Q**       So, Pat, how were you able to access this footage?

16       **A**       The police officers, when they came to get the  
17 footage, I was there at the cameras.

18       **Q**       So were you with police whenever they downloaded it?

19       **A**       Yes.

20       **Q**       Okay. Did you watch their actions as they  
21 downloaded it?

22       **A**       Not like everything but yes, for the most part.

23       **Q**       So has -- what you watched on this, has it been  
24 manipulated or altered from what you viewed on the  
25 surveillance camera?

1       A       No, sir.

2           MR. WILSON: My objection remains the same. He is  
3 saying now that he didn't see everything that they did but  
4 that he was present when some of it was done or at least  
5 when he saw them do some of it. That is not the proper  
6 way to introduce this particular piece of evidence.

7           The officer who actually downloaded this from the  
8 system is the one who should be testifying as to what he  
9 did and how this came -- this exhibit came into being, not  
10 this person who is saying he only saw it after they  
11 finished the completed product.

12          MR. HARRELSON: Your Honor, the State ---

13          MR. RIGNEY: I would join him in this objection,  
14 Your Honor.

15          MR. HARRELSON: Your Honor, the State is simply  
16 authenticating this. We're authenticating the document in  
17 which he is familiar with the system, he knows how the  
18 system works, and we're not introducing it through a  
19 chain, but this is the individual who is familiar with the  
20 system, he knows how it works, and he was present while it  
21 was being downloading.

22          THE COURT: Are you offering it into evidence?

23          MR. HARRELSON: Yes, Your Honor.

24          THE COURT: Any objection?

25          MR. WILSON: Yes, sir. That's my objection. The

1 foundation is improper. If they want to put it in, it  
2 needs to be the officer who downloaded it from the system.  
3 He's testifying that he let him into the room to do it.  
4 Now, what they need to do is put in the officer who  
5 downloaded it because he didn't download it. That's not  
6 his work product.

7 MR. HARRELSON: Your Honor, Rule 901 authentication  
8 or identification, (a)(b)(1), testimony of a witness with  
9 knowledge, testimony that a matter is what it claims to  
10 be.

11 He has knowledge of what this is, he knows how the  
12 system works, and therefore, he is able to testify that it  
13 is what it is.

14 THE COURT: It's my understanding he's in charge of  
15 it.

16 MR. WILSON: He's in charge --

17 THE COURT: He entered into the room. The police  
18 came to him, wanted to go into the room and get the video.  
19 He let them in. He went in. It sounded to me like he  
20 didn't see every second of everything they did, but he was  
21 there and assisted them in downloading it. So I'm going  
22 to overrule the objection.

23 MR. WILSON: Thank you, Your Honor.

24 MR. HARRELSON: Thank you, Your Honor.

25 (State's Exhibit No. 50 was received into evidence.)

1 (Video plays/State's 50.)

2 MS. LIVESAY: Madam Clerk, can we dampen the light  
3 just a hair? Thank you. I appreciate it.

4 BY MR. HARRELSON:

5 Q Pat, can you tell us where is this surveillance  
6 facing?

7 A Room 108. Building 640, Room 108.

8 Q So is that the room, 108, where the individual just  
9 entered?

10 A Yes.

11 Q Okay.

12 (Video plays/State's 50.)

13 BY MR. HARRELSON:

14 Q So, Pat, after this incident occurred, did you enter  
15 Room 108?

16 A At a later time, yes.

17 Q And why did you do so?

18 A That was a couple of days after, I think, when  
19 everything settled. We had to repair all the damages and  
20 everything there for the next people.

21 Q So, speaking of damages, did you see any bullet  
22 holes in the walls?

23 A No bullet holes. There was a big hole as soon as  
24 you enter. Somebody punched a hole on the wall. But  
25 that's about it.

1 Q Did you see any more damage to the room besides the  
2 punched wall?

3 A It's been a while, but I don't remember.

4 Q Okay. No further questions.

5 CROSS-EXAMINATION

6 BY MR. WILSON:

7 Q I just have a couple of questions. Now, as I  
8 understand it, you were the maintenance supervisor for  
9 this complex and for the security system during this time  
10 frame; is that correct?

11 A From the beginning til towards the end.

12 Q I'm sorry?

13 A Since I started working there, yes, I did show, you  
14 know, the police. I helped them sometimes, you know, how  
15 to download footage and the hard drives. But for this  
16 incident, the police did it themselves. I was just  
17 present.

18 Q All right. So you were just present. You didn't  
19 actually download this from your system onto this disc?

20 A No, sir.

21 Q All right. In normal practice, are you the one who  
22 downloads the material and then give it to the police?  
23 Normally, is that how it's done? When they ask you for  
24 camera footage from a particular incident, that you  
25 download it and then you give it to them?

1     **A**     No, sir.

2     **Q**     So they always come and they always go in the room  
3     and they download it themselves?

4     **A**     I let them in the room and then, yes, they -- we try  
5     to figure it out, how to get it to that disc. But that's  
6     in other situations. This situation, they had, like, so  
7     many cops, so they had the professionals there.

8     **Q**     So they brought their own people to do it this time.

9     **A**     Yep.

10    **Q**     Normally, you would help them do it?

11    **A**     Yes.

12    **Q**     But not on this occasion.

13    **A**     Not on this occasion.

14    **Q**     Let me ask you: Do they give you any particular  
15    reason for why they were doing it differently this time  
16    than the pattern they used in the past, with having you do  
17    it and give it to them?

18    **A**     No.

19    **Q**     How many police officers were in the room when they  
20    were downloading from the security system?

21    **A**     I don't know. I came way after everything happened.

22    **Q**     No, no. Maybe you didn't understand my question.

23            My question was, how many police officers were in  
24    the room where the security equipment was that were  
25    downloading it? How many of them were there?

1     **A**     I don't recall, but I think it was more than, like,  
2     two or three maximum.

3     **Q**     Okay. All right. Now, the solicitor asked you if  
4     you went into the apartment. When you went into the  
5     apartment, had it already been cleaned up, swept?

6     **A**     When I went inside the apartment, there was nobody  
7     in the apartment. I don't know the time frame but there  
8     was no residents there no more. I believe they got  
9     evicted.

10    **Q**     So by the time you went into the apartment, there  
11    was no residents living there anymore?

12    **A**     No, sir.

13    **Q**     So you went to repair it and fix it up so that you  
14    could re-rent it or lease it out to whoever?

15    **A**     Exactly.

16    **Q**     Okay. All right. And you don't recall how long  
17    after this incident that was?

18    **A**     No, sir.

19    **Q**     Did you know any of the people in that video?

20    **A**     No, sir.

21    **Q**     Never seen them before?

22    **A**     No, sir.

23    **Q**     All right. I don't have any other questions. Thank  
24    you, sir.

25            **MR. RIGNEY:** Thank you, Your Honor.

## CROSS-EXAMINATION

BY MR. RIGNEY:

Q I just have one question for you, sir.

A Yes, sir.

Q When you went back in the apartment to get it ready to rent to someone else, did you find anything in there at all that you felt worthy of turning over to the police?

A No, sir.

Q Okay. Thank you.

THE COURT: Any redirect?

MR. HARRELSON: Yes, Your Honor, briefly.

## REDIRECT EXAMINATION

BY MR. HARRELSON:

Q So while the police were watching the video, did you watch the video with them, being present?

A Yes.

Q Sorry; could you say that again?

A Yes.

Q Okay. And the video that you just watched and the jury just watched, is that video any different than the video that you watched with the police?

A No, sir.

Q Thank you.

MR. WILSON: Nothing further, Your Honor.

MR. RIGNEY: No questions, Your Honor.



1 THE COURT: Thank you. You may step down. Have a  
2 good day.

3 THE WITNESS: Thank you.

4 THE COURT: Call your next witness.

5 MS. LIVESAY: Shavarea Floyd. Ms. Shavarea Floyd.  
6 If you're ready, Judge.

7 THE COURT: Yes, ma'am.

8 MR. HARRELSON: Your Honor, the State requests the  
9 witness be released from his subpoena.

10 MR. WILSON: Without objection, Your Honor.

11 THE CLERK: Please raise your right hand and place  
12 your left hand on the Bible.

13 SHAVAREA FLOYD,

14 after having been duly sworn, was examined and  
15 testified to as follows:

16 THE CLERK: State your name for the record and spell  
17 it, please.

18 THE WITNESS: Shavarea Floyd. S-h-a-v-a-r-e-a.

19 DIRECT EXAMINATION

20 BY MS. LIVESAY:

21 Q And, Ms. Floyd, where are you from?

22 A Florence, South Carolina.

23 Q And have you lived there most of your life?

24 A Yes, ma'am.

25 Q And were you living down there in May of 2022?

1     A     Yes, ma'am.

2     Q     Okay. And do you have a sister?

3     A     Yes, ma'am.

4     Q     And what is that young lady's name?

5     A     Charrel Floyd.

6     Q     Okay. And during the time when you lived in  
7     Florence, in May of 2022, were you driving a red Impala?

8     A     Yes, ma'am.

9     Q     And would you recognize it if I showed it to you?

10    A     Yes, ma'am.

11    Q     I'm going to show you now what's been marked as 59  
12    and 60. If you don't mind, tell this Court what you're  
13    looking at.

14    A     My red Impala parked outside my house.

15    Q     Okay. Is that in both pictures?

16    A     Yes, ma'am.

17    Q     Okay. And is that the correct license plate?

18    A     Yes, ma'am.

19    Q     Okay. And was it missing a hub cap like that?

20    A     Yes, ma'am.

21    Q     Okay. And were these photographs taken from your  
22    house?

23    A     Yes, ma'am.

24           MS. LIVESAY: Your Honor, at this time, the State  
25    wishes to publish 59 and 60 -- put it in evidence and

1 publish it.

2 THE COURT: Any objection?

3 MR. WILSON: No, I have no objection, Your Honor.

4 MR. RIGNEY: No objection.

5 THE COURT: 59 and 60 are in evidence.

6 (State's Exhibit Nos. 59 and 60 were received into  
7 evidence.)

8 BY MS. LIVESAY:

9 Q And you would recognize your vehicle if you saw it  
10 on the roadway; is that correct, Ms. Floyd?

11 A Yes, ma'am.

12 Q Just like you recognize in this picture?

13 A Yes, ma'am.

14 Q And, in fact, it's got that distinctive missing hub  
15 cap?

16 A Yes, ma'am.

17 Q Okay. If you don't mind, I'm going to show you a  
18 video.

19 MS. LIVESAY: And the video I'm showing, Judge, has  
20 already been placed into evidence. It's State's Evidence  
21 No. 50.

22 BY MS. LIVESAY:

23 Q Ms. Floyd, can you see from there?

24 A Yes, ma'am.

25 Q Okay.

1 MS. LIVESAY: If you don't mind, holding up just a  
2 little. Hold it right there. Hold it right there.

3 (Video plays/State's 50 continuing.)

4 MS. LIVESAY: Pause.

5 BY MS. LIVESAY:

6 Q Do you recognize that red car?

7 A Yes.

8 Q And is that your car?

9 A Yes. Yes, ma'am.

10 MS. LIVESAY: Are all three of us going to stand  
11 here the entirety of my question?

12 MR. WILSON: Well, she just answered the question,  
13 so if you'd give us time to move.

14 MS. LIVESAY: I understand.

15 BY MS. LIVESAY:

16 Q Ms. Floyd, that red Impala, that's yours?

17 A Yes, ma'am.

18 Q That video is pretty good, huh?

19 A Yes, ma'am.

20 Q Can you see the missing hub cap?

21 A Kind of.

22 MS. LIVESAY: Could you hit it and then press pause  
23 for me? Go back just a hair if you will. Pause.

24 BY MS. LIVESAY:

25 Q See right there?

1       A       Yes, ma'am.

2       Q       Is that the missing hub cap?

3       A       Yes, ma'am.

4       Q       Okay. Let me ask you something, Ms. Floyd: Were

5       you driving that car into this apartment complex ---

6       A       No, ma'am.

7       Q       --- on May 29, 2022, at 5:38 in the morning?

8       A       No, ma'am.

9       Q       You were not driving your car?

10      A       No, ma'am.

11      Q       Were you in this car?

12      A       No, ma'am.

13      Q       Had you given anybody permission to drive this car

14      to Conway at 5:30 in the morning?

15      A       Not that late, no, ma'am.

16      Q       So this car was in Conway without your permission?

17      A       Yes, ma'am.

18      Q       Did you even know it was in Conway?

19      A       No, ma'am.

20           MS. LIVESAY: Can you hit play? And if you don't

21      mind, just fast forward to when the car is leaving. Oh,

22      actually, I apologize. Could you take us to where the car

23      parks and everybody gets out.

24      BY MS. LIVESAY:

25      Q       You say your sister's name is Charrel?

1     A     Yes, ma'am.

2     Q     Y'all have known each other, spent time together for  
3     the entirety of your life?

4     A     Yes, ma'am.

5     Q     So you would recognize her if she was on the video?

6     A     Yes, ma'am.

7             (Video plays/State's 50 continuing.)

8     BY MS. LIVESAY:

9     Q     Do you see anybody you recognize?

10    A     Yes, ma'am.

11    Q     Who do you recognize?

12    A     My sister.

13    Q     And which one is she?

14    A     The one with the limp, in the black.

15    Q     I'm sorry?

16    A     The one with the limp, in the black.

17    Q     Okay. This young lady right here?

18    A     Yes, ma'am.

19    Q     And how about the rest of those folks?

20    A     No, ma'am.

21    Q     Okay. And did you give any of those folks  
22    permission to drive your car to Conway at 5:30 in the  
23    morning?

24    A     No, ma'am.

25             MS. LIVESAY: If you don't mind, play it until these

1 folks are coming out. Should be around 5:48.

2 (Video plays/State's 50 continuing.)

3 BY MS. LIVESAY:

4 Q Do you know that fellow?

5 A No, ma'am.

6 (Video plays/State's 50 continuing.)

7 BY MS. LIVESAY:

8 Q Do you know that young lady?

9 A Yes, ma'am.

10 Q Who is that?

11 A My sister.

12 Q And is she the only one you recognize out of that  
13 entire group?

14 A Yes, ma'am.

15 Q Did anybody in that group, including Charrel, have  
16 permission to take your car to Conway at 5:50 -- it was  
17 there at least 5:50 -- I think it rolled in at 5:30 in the  
18 morning.

19 A No, ma'am, not to go to Conway.

20 Q I'm sorry?

21 A No, ma'am, not to go to Conway.

22 Q Okay. So nobody had permission to drive the car to  
23 Conway in the middle of the night?

24 A No, ma'am.

25 Q And did you even know any of those folks other than

1 your sister?

2 A No, ma'am.

3 (Video plays/State's 50 continuing.)

4 BY MS. LIVESAY:

5 Q Do you know this man?

6 A No, ma'am.

7 Q How about this one running out?

8 A No, ma'am.

9 Q You don't know any of these folks running out?

10 A No, ma'am.

11 MS. LIVESAY: Could you fast forward to when they're  
12 getting in the car?

13 (Video plays/State's 50 continuing.)

14 BY MS. LIVESAY:

15 Q Do you recognize any of those people getting back in  
16 the car?

17 A No, ma'am.

18 Q Is that your red Impala now leaving?

19 A Yes, ma'am.

20 Q And did you have any idea it was up at Conway in the  
21 early morning on Sunday morning?

22 A No, ma'am.

23 Q And you weren't there?

24 A No, ma'am.

25 Q Did you give these folks the key to drive it to



1 Conway?

2 A I gave Charrel the key but not to go to Conway.

3 Q Not to drive it from Florence to Conway in the  
4 middle of the night?

5 A No, ma'am.

6 Q At some point, did she bring the car back?

7 A Yes, ma'am.

8 Q Okay. And did she bring it back to your house?

9 A Yes, ma'am.

10 Q And is that back in Florence?

11 A Yes, ma'am.

12 Q Okay. Let me ask you something: This was Sunday  
13 morning. When you woke up Sunday morning, was the car  
14 back?

15 A I can't remember.

16 Q Okay. But, at some point, it made its way back to  
17 Florence?

18 A Yes, ma'am.

19 MS. LIVESAY: No further questions for this witness,  
20 Your Honor.

21 CROSS-EXAMINATION

22 BY MR. WILSON:

23 Q Ms. Floyd, Charrel is your sister? Is that what  
24 your testimony is?

25 A Yes, sir.

1 Q And do y'all live together or were you -- let me  
2 rephrase that. Were y'all living together back during the  
3 time of this incident?

4 A No, sir.

5 Q Has she ever lived with you or you lived with her?

6 A Yes, sir.

7 Q And do you-all live together now?

8 A No.

9 Q Is there any question that you gave her permission  
10 to have your car on that evening?

11 A No, sir.

12 Q No, sir, you did not give her permission?

13 A Yes, sir, I gave her permission that night.

14 Q You gave her permission to drive the car. You just  
15 didn't know where she was going.

16 A She told me they were going to a party in Florence.

17 Q Had you loaned her your car before?

18 A No, sir.

19 Q So she's never borrowed your car ever until this one  
20 occasion?

21 A No, sir, not without my permission.

22 Q And when she came to borrow your car, did she come  
23 to your house or how did she get access to your car?

24 A She came to the house.

25 Q Did you give her the key?

1     **A**     Yes, sir.

2     **Q**     And she told you that she was going where?

3     **A**     To a party.

4     **Q**     To a party. Okay.

5             And what time of evening was that, that you gave her  
6     the car to go to the party?

7     **A**     It was, like, I want to say between 11 p.m. and  
8     1 a.m.

9     **Q**     Okay. So it was late at night?

10    **A**     Yes, sir.

11    **Q**     All right. And she never said to you that she was  
12    coming to Myrtle Beach or to Conway, but you have no  
13    trouble in giving her the car to go to a party?

14    **A**     No, sir.

15    **Q**     And you said that she never borrowed your car  
16    before?

17    **A**     Not with permission, she hasn't.

18    **Q**     I'm sorry?

19    **A**     Not with permission.

20    **Q**     Not with permission? So she's taken it before  
21    without permission?

22    **A**     Yes, sir.

23    **Q**     But, even after that, you have given her your car  
24    again with permission?

25    **A**     Yes, sir.

1 Q All right. And let me ask you: The hub cap that's  
2 off of the car ---

3 A Mm-hmm.

4 Q --- how did that happen?

5 A I think that was a spare that was on the car at the  
6 time.

7 Q I'm sorry?

8 A I believe that was a spare tire on the car at the  
9 time.

10 Q Okay. Was it one of those donuts?

11 A No, it was one of the full-size spares.

12 Q And so that was why it didn't have a hub cap on it?

13 A Yes, sir.

14 Q Were there any other identifying marks on your car  
15 that you could point to other than the fact it didn't have  
16 a hub cap?

17 A It was like -- I don't want to say a dent, but it  
18 was, like, marks by the back door and the trunk.

19 Q Could you see them on that video?

20 A No, sir.

21 Q So other than the fact it's a red car, same make and  
22 model with a missing hub cab, that's basically the  
23 identification that you're using to say that it's your  
24 car?

25 A Yes, sir.

1 Q All right. Let me ask you, on Sunday morning when  
2 your car was returned to you, did your sister return it  
3 alone?

4 A She was actually gone. The car was in the front  
5 yard, and she was -- I think she already went home.

6 Q I'm sorry. I couldn't make out what you said, that  
7 last part.

8 A The car was in the front yard, and I think she was  
9 already at home.

10 Q Okay. So she drove the car back and left it in your  
11 front yard?

12 A Yes, sir.

13 Q Or somebody drove it back and left it in your front  
14 yard?

15 A Yes, sir.

16 Q Where were the keys?

17 A Where were the keys? I had two sets. In the  
18 kitchen on the microwave.

19 Q In your kitchen?

20 A Yes, sir.

21 Q How did the keys get in your kitchen?

22 A I had two sets of keys at the time, and both keys  
23 had a house key on it.

24 Q Okay. So she would have been able to come in your  
25 house, leave the keys inside the house, and then leave?

1       A       Yes, sir.

2       Q       So, the next morning, you find your keys in your  
3       kitchen and your car back in your driveway.

4               Was the car damaged in any way differently than it  
5       was when you loaned it to her?

6       A       Not that I can remember.

7       Q       Okay. All right. You didn't file a claim with your  
8       insurance company or anything for a wreck or damage or  
9       anything like that?

10      A       No, sir.

11      Q       All right. Did you see your sister the next day?

12      A       Did I see her?

13      Q       Which would have been Sunday. Or the same day.  
14      Later in the day.

15      A       I can't remember if I saw her that day.

16      Q       All right. When she brought it back, did it have  
17      gas in it?

18      A       Yes, sir.

19      Q       Okay. As much as you had when she left or more?

20      A       Less.

21      Q       Less? Okay.

22               And when she -- when you went out to the car, as I  
23      understand it, you're saying that you didn't find any  
24      physical damage that you could complain about; right?

25      A       Not that I can remember.

1 Q All right. And my question then was, the next day,  
2 did you have contact with your sister after she brought  
3 the car back?

4 A Yes, sir.

5 Q And did y'all -- and I'm not asking you to tell me  
6 what y'all discussed, but in talking with her, when you  
7 had your discussion, was there any problems about the car?

8 A I fussed at her about not putting gas in it.

9 Q Okay. And that's it?

10 A Yes, sir.

11 Q All right. You didn't ask her who she had in the  
12 car with her?

13 A No, sir.

14 Q And you weren't concerned about that?

15 A No, sir.

16 Q All right. And do you know all of her friends or  
17 people she associates with and hang out with?

18 A Not really.

19 Q Okay. All right. Now, do you know whether or not  
20 she's been charged in this case?

21 A I don't think she's been charged. I know she's in  
22 holding, but I don't think she was charged.

23 Q You think she's in what?

24 A Holding.

25 Q Holding?

1     **A**     Yes, sir.

2     **Q**     What does that mean?

3     **A**     At J. Reuben Long.

4     **Q**     Okay. So she's in jail?

5     **A**     Yes, sir.

6             MR. WILSON: No other questions.

7             THE COURT: Mr. Rigney?

8                             CROSS-EXAMINATION

9     BY MR. RIGNEY:

10    **Q**     Good morning, Ms. Floyd.

11    **A**     Good morning.

12    **Q**     Just a couple of quick questions. Do you have  
13    personal knowledge of who was in your car the night of  
14    this incident?

15    **A**     No, sir.

16    **Q**     Okay. And you have seen the video?

17    **A**     Yes, sir.

18    **Q**     And you still -- you didn't recognize anyone as  
19    being friends?

20    **A**     No, sir.

21    **Q**     And you wouldn't know who was in your car at all?

22    **A**     No, sir.

23    **Q**     And you never found out who was in your car?

24    **A**     No, sir. I keep getting asked questions about  
25    names, but I don't recognize none of the names.



1 Q Did you report your car as stolen the night of this  
2 incident?

3 A No, sir. On two days -- either the night before or  
4 even the night before that, she did steal the car, but she  
5 brought it back that same night, and I reported it stolen  
6 then. And I tried to reach back out to the officer when  
7 she brought it back, but I couldn't get in contact with  
8 him.

9 Q So at the time this happened, it was still listed as  
10 a stolen car?

11 A I believe so.

12 MR. RIGNEY: No more questions, Your Honor. Thank  
13 you.

14 THE COURT: Redirect?

15 MS. LIVESAY: Yes, sir, Your Honor, real quick.

16 REDIRECT EXAMINATION

17 BY MS. LIVESAY:

18 Q Mr. Wilson asked you about if the car had gas when  
19 you got it back. Do you remember that?

20 A Yes, ma'am.

21 Q About how long does it take to get from your house  
22 to Conway?

23 A Maybe like an hour or less, depending on how you  
24 drive.

25 Q So maybe, like, an hour and change?

1     **A**     Yes, ma'am.

2     **Q**     So to drive here and drive back would be two hours?

3     **A**     Yes, ma'am.

4     **Q**     And did you see the time that your car drove into  
5     Conway apartments?

6     **A**     Yes, ma'am.

7     **Q**     About what time was it?

8     **A**     Like 5:40 something.

9     **Q**     And do you remember about how long it was before the  
10    car drove out?

11    **A**     No, ma'am.

12            MS. LIVESAY:  If we can, can we just put the time on  
13    that?

14    BY MS. LIVESAY:

15    **Q**     So about 5:52.  I'm sorry; we're waiting for it.  I  
16    apologize, Ms. Floyd.

17            That's your car leaving, about 5:52; is that right?

18    **A**     Yes, ma'am.

19    **Q**     So about, what, 10, 15 minutes?

20    **A**     Yes, ma'am.

21    **Q**     So your car was in this apartment complex.  And you  
22    know that to be your car; correct?

23    **A**     Yes, ma'am.

24    **Q**     And it was there about 10, 15 minutes?

25    **A**     Yes, ma'am.

1 Q And it takes an hour from your house to get up here  
2 and an hour back?

3 A Yes.

4 Q . Two hours total?

5 A Yes, ma'am.

6 Q And Mr. Wilson asked you several questions about  
7 permission. Did anybody have permission to drive your car  
8 an hour from Florence to Conway at 4:30, 5:00 in the  
9 morning?

10 A No, ma'am.

11 Q And there's nothing -- there's no parameters about  
12 it. The answer is no. Nobody had permission to take your  
13 car to Conway?

14 A No, ma'am.

15 Q Okay. Now, he asked you some questions about, you  
16 know, identifying marks on your car.

17 A Yes, ma'am.

18 Q How long have you had the car?

19 A At that point, I had it -- it was -- I want to say  
20 it was still kind of new. Maybe less than -- probably six  
21 months.

22 Q About six months?

23 A Yes, ma'am.

24 Q And you drove it almost every day?

25 A Yes, ma'am.

1 Q Know it when you see it?

2 A Yes, ma'am.

3 Q And is that your car on the video?

4 A Yes, ma'am.

5 Q And is that your sister on the video?

6 A Yes, ma'am.

7 Q And you're sure that's her?

8 A Yes, ma'am.

9 MS. LIVESAY: No further questions.

10 MR. WILSON: Nothing further, Your Honor.

11 MR. RIGNEY: Nothing further, Your Honor.

12 THE COURT: You may step down.

13 Call your next witness.

14 MS. LIVESAY: Thank you, Your Honor. At this time,  
15 the State calls Marion Robinson.

16 And is she excused, Your Honor?

17 THE COURT: Any objection?

18 MR. WILSON: No objection, Your Honor.

19 MR. RIGNEY: No objection.

20 MARION ROBINSON,

21 after having been duly sworn, was examined and  
22 testified to as follows:

23 THE CLERK: Please be seated and state your full  
24 name for the record and spell it, please.

25 THE WITNESS: My name is Marion Ralph Robinson, Jr.

1 MS. LIVESAY: You need me to spell his name or  
2 anything?

3 COURT REPORTER: The middle name?

4 THE WITNESS: My middle name? Ralph.

5 COURT REPORTER: Okay. Thank you.

6 DIRECT EXAMINATION

7 BY MS. LIVESAY:

8 Q Mr. Robinson, if you don't mind, tell these folks  
9 where you're from.

10 A Florence, South Carolina.

11 Q And how old are you?

12 A 20.

13 Q And are you working anywhere?

14 A Mm-hmm.

15 Q Where are you working?

16 A I'm working at Zaxby's.

17 Q And did you go to high school?

18 A Go to what school?

19 Q Did you go to high school and graduate?

20 A Oh, yes, ma'am.

21 Q Okay. And the victim in this case, Joshua  
22 McPherson, do you know him?

23 A I do.

24 Q And if you don't mind, tell these folks how you know  
25 him.

1     A     We were good friends. Me, him, his brother. We all  
2     made music together.

3     Q     And how about his brother? Do you know him? How  
4     long had you known him?

5     A     About six, seven years.

6     Q     A long time.

7             And did y'all grow up in Florence together?

8     A     I met them when I was in 7th grade.

9     Q     And the defendants, Fanotti Neal and Micah Pressley,  
10    do you know them?

11    A     Uh-huh.

12    Q     If you don't mind, tell these jurors how you know  
13    those two defendants.

14    A     I knew Fanotti. Me and Fanotti used to work at Blue  
15    Beacon together. And then Micah, I had met him only one  
16    time at the video shoot.

17    Q     Okay. And the video shoot, about when did that  
18    happen relative to this incident to when he got  
19    murdered -- to when Josh got murdered?

20    A     Maybe a month or two before.

21    Q     Okay. So pretty close in time. Okay.

22             I'm going to show you now what's been marked State's  
23    Exhibit 51. Have you seen the video, the music video that  
24    you're talking about?

25    A     Uh-huh.

1 Q And Micah Pressley was in the video?

2 A Uh-huh.

3 Q And could you point him out from the video?

4 A Yeah. .

5 THE COURT: Make sure he answers yes or no.

6 MS. LIVESAY: Yes, sir.

7 BY MS. LIVESAY:

8 Q You have got to say yes or no because she's got to  
9 take it down.

10 A Yes.

11 Q Okay.

12 MR. WILSON: Your Honor, I have a matter that we  
13 probably need to take up outside the presence of the jury.

14 THE COURT: All right. If you would, step into the  
15 jury room for just a moment. Do not discuss the case.

16 (The jury exited the courtroom at 11:23 a.m.)

17 MR. WILSON: Your Honor, I know we have not had any  
18 in-camera hearings on identification in this case, and I  
19 assume that's where we're headed here is that the  
20 solicitor is attempting to elicit identification testimony  
21 from this witness regarding this particular defendant.

22 If that is correct, then, you know, the procedure is  
23 improper for her to do it this way. If she wants to do  
24 it, the proper way to do it, we need to have a hearing to  
25 make a determination as to whether or not this witness is

1 qualified to testify about any identification. Because,  
2 otherwise, this is an in-court identification and the  
3 first that I know about it of getting identification by  
4 this witness.

5 THE COURT: I think if, it's an in-court  
6 identification, it's proper. Any witnesses in the  
7 identification are subject to your cross-examination, is  
8 my understanding.

9 This isn't a lineup, is it? Or is it?

10 MR. WILSON: Well, I don't know. I don't --

11 THE COURT: I don't know either.

12 MR. HARRELSON: No, Your Honor, this isn't a lineup.

13 MS. LIVESAY: So here's the deal. This doesn't  
14 require a Neil v. Biggers because there was no lineup. So  
15 Mr. Wilson would be incorrect on that.

16 As to whether or not he can identify this defendant  
17 off the video, the Court of Appeals and Supreme Court have  
18 ruled that that is admissible. In fact, it says that,  
19 even if he's not an eyewitness, if he can identify the  
20 individual in a photograph or video, then no pretrial  
21 hearing is required.

22 A hearing is required to determine whether or not  
23 the police showed an improper photo lineup or there was  
24 some sort of improper law enforcement coloring on the  
25 identification.



1           Here, there is no law enforcement identification.  
2       He knows the boy, he shot a music video with him two weeks  
3       before, and he can identify him on the video just like the  
4       young lady could identify her sister.

5           This has been done. I have got several Supreme  
6       Court cases here that say that photographs -- both  
7       witnesses and officers can ID defendants and suspects off  
8       of a video system, video recording, and photographs.

9           THE COURT: And in court.

10          I believe she's right.

11          MR. WILSON: Your Honor, my concern here is this:  
12       Is that, apparently, the police had some contact with this  
13       defendant because there's a statement or at least he gave  
14       some kind of statement to the police prior to this.

15          There was never any mention that he could identify  
16       this defendant in any of that material that I saw. And  
17       now we come to court and here, all of a sudden, the  
18       solicitor is handing out pictures saying, "Can you  
19       identify this person from this picture?"

20          We're two years into this now. I think that  
21       that's -- I mean, I just have real problems with that.

22          I understand the Court's position. I accept that.  
23       I will just do it on cross-examination. I'll ask about  
24       it.

25          THE COURT: That's fine. Do y'all want to take a

1 ten-minute restroom break?

2 MR. WILSON: Yes, I'd appreciate it. Thank you.

3 MS. LIVESAY: I'm sorry, Judge? A break.

4 THE COURT: A ten-minute break.

5 MS. LIVESAY: Yeah, sure, sure.

6 THE COURT [to the witness:] You can stay right  
7 where you are and don't talk to anybody. Okay?

8 All right. We'll be back in ten minutes.

9 (A recess was taken from 11:27 a.m. to 11:36 a.m.)

10 THE COURT: Let's go ahead and bring in the jury.

11 MR. WILSON: Your Honor, before we do that, we were  
12 just discussing whether there was a lineup, and this  
13 defendant -- I'm sorry -- this witness did participate in  
14 a lineup regarding this incident. This defendant's  
15 picture was not in that photographic lineup but the other  
16 co-defendant was in that lineup, and he picked somebody  
17 out of that lineup as being the person who was there.

18 THE COURT: So we're not talking about the lineup  
19 right now?

20 MS. LIVESAY: You can have a copy, Judge, but it's  
21 as to Fanotti Neal. It has nothing do with Micah  
22 Pressley. In fact, Mr. Pressley's picture was not in that  
23 lineup.

24 MR. WILSON: Your Honor, the thing here is this:  
25 When the police are doing these lineups, they're doing it

1 to try to determine who the perpetrators of the crime are.  
2 This defendant -- this witness was shown a lineup to try  
3 to help do that. He actually picked out a person that he  
4 says was involved. He was never given a lineup -- at  
5 least if he was, nobody has given to me thus far --  
6 showing whether or not he ever had a lineup of this  
7 defendant.

8 Now, if he knows this defendant, then why wasn't he  
9 given a lineup for a year and a half?

10 THE COURT: I don't know. But a lineup is not in  
11 question right now; is that correct? He's going to  
12 identify him in court from the video, not a lineup.

13 MS. LIVESAY: That's correct, Your Honor.

14 THE COURT: Then why is there an issue about the  
15 lineup at this point? There isn't an issue.

16 MR. WILSON: Because once the cat's out of the bag,  
17 I can't get it back in. Once he sits up there and he  
18 says, "Oh, yeah, I recognize him, I know him from seeing  
19 him in a video," then, you know, I can't undo that with  
20 this jury.

21 THE COURT: But he can do that. He can sit here and  
22 say, "I know him right now. I see him in the courtroom  
23 and I know him." And that's the same thing.

24 MR. WILSON: I understand. I just ask my objection  
25 be noted for the record.

1 THE COURT: I understand.

2 All right. Are you ready?

3 MS. LIVESAY: We're ready, Judge.

4 MR. WILSON: I'm ready, Your Honor.

5 MR. RIGNEY: Ready.

6 (The jury entered the courtroom at 11:40 a.m.)

7 MS. LIVESAY: Thank you, Judge.

8 BY MS. LIVESAY:

9 Q Mr. Robinson, before we had that interruption, you  
10 were telling me whether or not you knew the defendants  
11 Fanotti Neal and Micah Pressley. Do you know them?

12 A Mm-hmm.

13 Q You've got to say yes or no.

14 A Yes.

15 Q Okay. And tell these jurors how you know Fanotti  
16 Neal.

17 A We worked at Blue Beacon, the truck wash in  
18 Florence.

19 Q And how do you know Micah Pressley?

20 A I met him one time at a video shoot.

21 Q And how close in time was the video shoot to the  
22 murder?

23 A Maybe -- maybe a month. A month apart. A month or  
24 two.

25 Q So pretty close in time?

1     A     Yes, ma'am.

2     Q     And could you recognize Micah Pressley if you saw a  
3     picture of him?

4     A     Yes, ma'am.

5     Q     And do you remember the video shoot?

6     A     I wasn't there, but I came there after and everybody  
7     was still there.

8     Q     Okay. Have you seen the video?

9     A     Mm-hmm.

10     THE COURT: Is that a --

11     A     Yes, yes.

12     BY MS. LIVESAY:

13     Q     I'm going to show you pictures, State's Exhibit 51  
14     through 56. Tell me what I'm looking at.

15     A     That's Micah Pressley right there.

16     Q     Flip through all of them and tell me.

17     A     It's the same. All of them still Micah Pressley.

18     Q     51 through 56 are all pictures of Micah Pressley?

19     A     Yes, ma'am.

20     Q     And do you know what the pictures are from?

21     A     The video.

22     Q     And you have seen the video?

23     A     I did.

24     Q     And these pictures are stillshots of him from the  
25     video?

1     **A**     Yes.

2     **Q**     Yes or no?

3     **A**     Yes.

4             **MS. LIVESAY:** Your Honor, at this time, the State  
5 wishes to put 51 through 56 into evidence and publish them  
6 to the jury.

7             **THE COURT:** Any objection?

8             **MR. WILSON:** Prior to my objection -- subject to my  
9 objection.

10            **MR. RIGNEY:** No objection.

11            **THE COURT:** Overruled.

12            51 through 56 are into evidence.

13            (State Exhibit Nos. 51 through 56 were received in  
14 evidence.)

15     **BY MS. LIVESAY:**

16     **Q**     I'm showing the jury now State's Exhibit 51. Tell  
17 me who that is a picture of.

18     **A**     Micah Pressley.

19            **THE COURT:** He needs to speak up, please.

20            **MR. HARRELSON:** Your Honor, if I may approach.

21            [Adjusting microphone.]

22     **BY MS. LIVESAY:**

23     **Q**     State's 52. Who is that a picture of?

24     **A**     Micah Pressley.

25     **Q**     And is this from the video?

1     A     Yes.

2     Q     And was this a month or two prior to the murder?

3     A     Yes.

4           MS. LIVESAY: I'm going to hold onto it and maybe  
5 we'll save some time.

6     BY MS. LIVESAY:

7     Q     And all of these -- I'm going to show one more. Who  
8 is this?

9     A     Micah Pressley.

10    Q     And this is the same video?

11    A     Yes.

12    Q     And what's he wearing? This is State's Evidence 53.

13    A     Black Nike hoodie.

14           COURT REPORTER: I'm sorry; I can't hear. What was  
15 that?

16           THE WITNESS: Black Nike hoodie.

17           COURT REPORTER: Thank you.

18    BY MS. LIVESAY:

19    Q     And this is what he was wearing the day you saw him  
20 at the video shoot; is that right?

21    A     Yes.

22    Q     And, Mr. Robinson, how would you describe the pants  
23 he's wearing? Loose?

24    A     Kind of -- kind of tight.

25    Q     That's the way I would say it too. So some tight

1 jeans and a black Nike hoodie sweatshirt?

2 A Yes.

3 Q And this was a month or two before the murder?

4 A Yes.

5 Q Now, how about Joshua McPherson, the victim in this  
6 case? Was he in the same music video?

7 A Yes.

8 Q And how about his brother, Jalen?

9 A Yeah.

10 Q If you don't mind, have a seat, Mr. Robinson.

11 Now, you said it earlier, and I apologize; I think  
12 you said seven years, but I'm going to ask you to make  
13 sure. How long had you known Jalen McPherson?

14 A Yeah, about seven years.

15 Q I think you said maybe 7th grade?

16 A Uh-huh.

17 Q So since 7th grade?

18 A Yes, ma'am.

19 Q And who is Joshua McPherson, the victim? How is he  
20 related to Jalen?

21 A That's his younger brother.

22 Q Okay. And about how old was Josh when this  
23 happened?

24 A 17.

25 Q And how long had you known Josh?



1     A     For about the same amount of time. I met him when I  
2     was in 7th grade.

3     Q     Okay. So y'all all grew up together?

4     A     Kind of.

5     Q     Okay. And everybody lived in Florence?

6     A     Yes.

7     Q     And Micah Pressley and Fanotti Neal, did they live  
8     in Florence?

9     A     I'm pretty sure.

10    Q     Now, the night that Josh was killed, do you remember  
11    that night?

12    A     I do.

13    Q     And so these jurors know, where was he when he was  
14    killed?

15    A     He was -- he was on the couch.

16    Q     On the couch where?

17    A     What you mean?

18    Q     Was he in his house? Was he --

19    A     Oh, no, he was at the apartment. I forgot the name  
20    of the apartments, but he was at an apartment in Conway.

21    Q     And who all lived in that apartment?

22    A     I think it was just Cameron and Shakira.

23    Q     Were you in the apartment the night he was killed?

24    A     I was.

25    Q     Tell these folks what happened that night. Why were

1 y'all there?

2 A We were down there because his older brother, Jalen,  
3 his birthday was that Monday and so we just came down  
4 there to celebrate. And then after he got back in --  
5 because we was on the strip and everybody just went --  
6 everybody went in their room. And me and Josh, we had  
7 stayed in the living room because we was about to go to  
8 sleep.

9 And then I woke up. It was Fanotti. He had gave me  
10 a fist bump. And then I went back to sleep. And then I  
11 woke up to the sound of, like, two people tussling. And  
12 then when I opened my eyes, somebody in a black hoodie had  
13 shot Josh and they ran out the door.

14 Q You wake up after you hear the tussling?

15 A I do.

16 Q What exactly do you see?

17 A When I -- when I wake up, I see somebody standing in  
18 the corner and Josh in the other corner. He was -- Josh  
19 was still, like, sitting down, like looked like he was  
20 about to get up, but somebody in a black hoodie had shot  
21 him.

22 Q What did the person that shot him look like? What  
23 do you remember seeing him look like? Wearing? Any  
24 description.

25 A It was a black hoodie. He had the hood on, and it

1 was a black gun.

2 Q And you said the person ran out. How do you know  
3 they ran out?

4 A Because, after he shot him, I pulled the cover back  
5 over my face, and then I felt, like, the wind brush past  
6 me after somebody ran. They had ran out the front door,  
7 and I felt the wind brush past me.

8 Q And when you wake up, and you and Josh are in the  
9 living room, is it just the two of y'all in the living  
10 room?

11 A Yeah, it's just the two of us.

12 Q Okay. And were both of y'all asleep, calling it a  
13 night in there?

14 A Mm-hmm.

15 Q Where was everybody else as far as your friends, the  
16 other people that you hung out with? Where were they in  
17 the apartment?

18 A They were in different rooms.

19 Q Okay.

20 A They were just in a separate room.

21 Q So they were in those rooms that we saw to the side?

22 A Yes.

23 Q Okay. And was anybody in the living room when Josh  
24 was shot other than you, as far as your friends?

25 A Oh, no. It was just me.

1 Q So, out of your group, it was only you and Josh?

2 A Yes.

3 Q Okay. After he shot and you feel the person run out  
4 beside you, what do you do?

5 A I pulled the covers back down from my head. I went  
6 to check on Josh. I seen he was bleeding. And then  
7 that's when I started banging on everybody's door to tell  
8 them to come out to the living room.

9 Q And did they come out?

10 A Yeah.

11 Q And what happened when they came out?

12 A We got on the phone with the paramedics, and then  
13 the paramedics was telling us to turn him flat on his back  
14 and try to give him CPR.

15 Q Between the time you woke everybody up and the  
16 police got there, what was going on in the apartment?

17 A We were just -- everybody was just trying to make  
18 sure Josh was -- he was all right.

19 Q Everybody was what?

20 A Trying to make sure Josh was all right.

21 Q And how did Josh appear? After the shooting happens  
22 and you wake everybody up and you look over there, how  
23 does he appear?

24 A He wasn't moving.

25 Q I'm sorry?

1       A       He wasn't moving.

2               MS. LIVESAY: One second, Your Honor. I apologize.

3       Can the witness step down, Your Honor?

4               THE COURT: Yes.

5               MS. LIVESAY: Thank you.

6       BY MS. LIVESAY:

7       Q       Mr. Robinson, I'm showing you State's Evidence No.

8       40. Do you recognize it?

9       A       It's the --

10              MR. WILSON: I can't hear him.

11       A       This is where it happened.

12       BY MS. LIVESAY:

13       Q       So this is where it all happened?

14       A       Yes.

15       Q       And if you don't mind, tell these folks where were  
16       you at.

17       A       I was in this chair right here.

18       Q       And where was Josh?

19       A       He was on the couch on the left side.

20              THE COURT: He's got to speak up.

21       A       He was on the couch on the left side.

22              MR. HARRELSON: He's going to have to speak up.

23       A       On the couch on the left side.

24       BY MS. LIVESAY:

25       Q       Okay. So you were here in this little chair?

1     **A**     Yes.

2     **Q**     And Josh was here?

3     **A**     Yes.

4     **Q**     And everybody else was in a room with the door  
5     closed?

6     **A**     Yes.

7     **Q**     Okay. When you first see Fanotti Neal, where is he  
8     at in the room?

9     **A**     He's on the left side of my chair. He had woke me  
10    up and gave me like a fist bump.

11    **Q**     Okay. Hold on one second.

12            MS. LIVESAY: I'm sorry, Judge.

13    BY MS. LIVESAY:

14    **Q**     So I'm showing you now State's Exhibit 42. Does  
15    that show where Fanotti was standing?

16    **A**     Yes.

17    **Q**     Okay. So State's 42 -- and you correct me if I'm  
18    wrong -- this is the long couch here?

19    **A**     Yes.

20    **Q**     And this is where Josh was laying?

21    **A**     Yes.

22    **Q**     And this little corner right here where the table  
23    is, this little blue thing is your chair where you were  
24    sitting; is that correct?

25    **A**     Yes.

1 Q And you wake up and Fanotti is standing right here  
2 beside your chair; is that correct?

3 A Yes.

4 Q So it's kind of an L-shape. The chair is here; is  
5 that right?

6 A Yeah.

7 Q And the long sofa that Josh was on was right here?

8 A Yeah.

9 Q And Fanotti was kind of in that angle up there?

10 A Yes.

11 Q Now, when you wake up and you see Fanotti, what is  
12 he wearing and what does he look like? Do you remember?

13 A He had, like, on the little -- a beanie on his head.

14 Q Had a what?

15 A A beanie.

16 Q A beanie hat?

17 A Yeah, some type of hat.

18 Q And do you remember anything else he was wearing?

19 A (Witness nodding.)

20 Q No?

21 A No.

22 Q Okay. Now, when you see Fanotti, what runs through  
23 your mind?

24 A I really didn't think too much of it. I just went  
25 back to sleep.

1 Q Had anybody, to your knowledge, invited him there?

2 A No.

3 Q Had anybody, to your knowledge, invited anybody to  
4 come over after y'all went to bed?

5 A No.

6 Q On State's Exhibit No. 40, on this picture, can you  
7 show me where the guy wearing the dark hoodie, with the  
8 hood up, where he was standing?

9 A Yes.

10 Q Show me.

11 A Right in that area right here.

12 Q So he was standing on this side of the room?

13 A Yes.

14 Q Now, he's standing there. And how is he holding the  
15 gun? Show us.

16 A Like that. (Indicating).

17 Q Straight down?

18 A Mm-hmm.

19 Q And what color was the gun?

20 A Black.

21 THE COURT: He needs to answer yes or no.

22 THE WITNESS: Yes.

23 MS. LIVESAY: You have to make sure you speak up.

24 BY MS. LIVESAY:

25 Q You've got to make sure you speak up.



1 THE COURT: And yes and no.

2 BY MS. LIVESAY:

3 Q Okay. What color was the gun?

4 A Black.

5 Q Okay. And he was holding it straight out like that?

6 A Yes.

7 Q And do you remember, was he a great, big tall  
8 fellow? Was he a fat fellow?

9 A No, he wasn't fat.

10 Q Was he tall?

11 A He might have been. I really couldn't tell the  
12 height.

13 Q Okay. And what was Josh doing -- when you say the  
14 guy is holding the gun like this, who is he pointing the  
15 gun at?

16 A Josh.

17 Q And when he's pointing the gun at Josh, what is Josh  
18 doing?

19 A It looks like he's -- Josh was trying to get up.

20 Q Get up off the couch?

21 A Yeah.

22 Q Do you know if he was ever able to get up off the  
23 couch?

24 A No, I don't think so. He wasn't. He wasn't.

25 Q When you undo the covers, where is Josh?